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### **SUSTAINABLE PROCUREMENT, CONTRACTS AND DISPOSAL POLICY AND PROCEDURE**

Adoption Date:

Next Review Date: September 2025

Responsible Officer: Chief Financial Officer

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#### **POLICY STATEMENT**

Walgett Shire Council recognises that the procurement policy and best practice principles through all Planning, Sourcing and Contract Lifecycle stages (including tendering and disposal) will deliver local economic, environmental, and socially responsible value for money outcomes. All procedures are designed to mitigate risk and deliver contracts that can withstand scrutiny.

#### **AIM**

This Policy provides an overview of the Council procurement and contract framework and Principles that must be followed by all Council officers and representatives when purchasing goods and services and managing associated contracts. The procurement framework provides simple guidance to help procure and manage goods, services, or projects based on an assessment of Value and Risk.

#### **OBJECTIVES:**

This Policy focuses on outcomes instead of processes and aims to balance compliance with flexibility that delivers value for money, aligns with business needs, improves service delivery, and supports a competitive local economy. This policy supports delivery of Councils 'Community Strategic Plan' to achieve a sustainable Local Region. Sustainable procurement & contract management takes responsibility for the Economic, Environmental, Social and Governance impacts of any purchase – goods or services. These four factors are referred to as the Quadruple Bottom Line (QBL) and relate to a total lifecycle impact, and not just the upfront price. More broadly, Sustainable Procurement considers:

- The cost and local economic impact of the procured product or service,
- The environmental impact,
- Any social and ethical implications, and
- The application of good governance.

#### **Statutory Requirements**

NSW Local Government Act 1993  
The NSW Modern Slavery Act 2018  
NSW Local Government (General) Regulations 2021  
NSW Local Government Tendering Guide 2009  
Independent Commission Against Corruption Act 2012  
Competition Policy Reform Act 1995  
NSW Model Code of Conduct

#### **Related Policy/Procedure**

Code of Conduct  
Statement of Business Ethics  
Local Preference Purchasing Policy  
Corporate Credit Card  
Environmental

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## Code of Conduct

The Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2021 ("the Regulation"). The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to 1. understand and comply with the standards of conduct that are expected of them 2. enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439) 3. act in a way that enhances public confidence in local government.

## The NSW Modern Slavery Act

Modern slavery is a serious violation of an individual's dignity and human rights. Exploitative practices including human trafficking, slavery, servitude, forced labour, debt bondage and forced marriage are all considered modern slavery and are serious crimes under Australian law. Council officers should consider this Act and the ethical treatment of all contractors and supply chains when purchasing on behalf of Council.

## APPLICATION

The Policy applies to all Council officers and representatives who have delegated authority to purchase goods and services, public construction works and services, and manage the associated contracts on behalf of the Council. It commits every individual involved in procuring and managing contracts for goods, services and works, to actively ensure that all activities are:

- legal,
- accountable and auditable,
- fair and competitive,
- ethically, environmentally, and socially responsible,
- economically effective locally,
- conducive to maintaining the Council's ability to exercise appropriate technological, commercial, and organisational developments as they arise,
- capable of identifying, minimising, and managing risks that may threaten projects, procurements, or contracts, and
- free of any direct or indirect conflict of interest.

This Policy and Guidance describes the key principles against which Council will be audited and non-compliance identified. Non-compliance may result in disciplinary actions.

## SCOPE

The scope of the Policy commences from when Council has identified a need for procurement, continues through to the award, delivery, management and closing of the contract or disposal of the asset.

## PROCUREMENT PRINCIPLES

**Accountability** – Council is committed to ensuring accountability and transparency in its procurement activities. Accountability means that Council officers are responsible for the actions and decisions that they take in relation to procurement and for the resulting outcomes. Council officers must be able to demonstrate the basis of all decisions that can withstand any scrutiny.

**Conflicts of Interest** – A conflict of interest exists when a reasonable person might perceive that a public official's personal interest(s) could be favoured over their public duties. Conflicts of interest do not in themselves usually constitute corrupt conduct. Corrupt conduct can, however, arise when a conflict of interest is concealed, understated, mismanaged, or abused. Staff must declare, record, and save on file all identified conflicts.

**Record Keeping** – The Council records are its corporate memory, provide evidence of actions and decisions and represent a vital asset to support its daily functions and operations. Council officers must ensure appropriate documents and records are maintained in accordance with Council's Records Management Policy and entered Council's Records Management System (TRIM).

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**Confidentiality** – Council officers must maintain the integrity and security of confidential information in their possession, or for which they are responsible. In addition to general obligations relating to the use of council information, Council officers must only access confidential information that they have been authorised to access and only do so for the purposes of exercising official functions and only release confidential information authorised to do so. Refer to the Council's or Model Code of Conduct for further information.

**Risk Analysis and Management** – Risk analysis and management are techniques applied to ensure that procurement processes contracts are successful. By adopting a 'what-if' mind-set it allows procurement to identify and assess the risks and prioritise them by aligning relevant resources to monitor, control and minimise or overcome the impact. Consideration of Risk should be managed in accordance with the Council's Enterprise Risk Management Policy and Procedures.

**Sustainability (QBL)** – Councils top priority is to procure sustainable and with positive Planetary Health outcomes a focus wherever possible (i.e., socially, environmentally, and economically sustainable results delivered through excellent governance and leadership practices). When procuring or managing contracts for Council, officers must demonstrate that opportunities for sustainable outcomes have been adequately assessed and enacted in accordance with Council's current procurement and contract management framework.

**Emergencies** - From time-to-time there may be a need to purchase goods or services due to an emergency whereby the requirements of Legislation and this Policy cannot be applied. An emergency is a situation that poses an immediate risk to health, life, property, or environment. Emergency procurement is only an option where Council must act immediately and take all reasonable and necessary action to mitigate any continuing risk associated with the emergency. This may only be used in cases of genuine emergency and not to remedy poor planning. Authorisation for emergency procurement must only be given under delegation to the General Manager (GM) or elected delegate.

**Spend Thresholds Requirements** – The estimate value of the contract is inclusive of Goods and Services Tax (GST) for all goods and services for the life of the contract, e.g., if you plan for a contract for an initial period of 3 years with a 1-year option to extend, the contract value is based on 4 years of spend. If you are making a once only purchase, the contract value is the total quoted price. The current tender threshold is \$250,000 including GST for the life of the contract. Council officers must not split Purchase Orders or contract value estimates to avoid defined or legislative process.

**Purchase Orders** – Suppliers must not be engaged to supply any Goods or commence any Services without first being issued with a valid Purchase Order. Purchase Orders are required to be in place prior to a Scope of Work being performed, for invoices to be paid, except in exceptional circumstances if approved by a manager with appropriate delegation. Invoices issued by Contracted Suppliers must have a valid Council Purchase Order reference number that is referenced on their invoice, or it may not be paid.

**Purchase Cards** – Council provides a purchasing card facility to enable the secure purchase of goods and services in support of legitimate Council business. Purchasing cards are intended to provide an efficient method of purchasing Ad-hoc travel, accommodation and minor expenses or urgent items where no preferred supplier agreement is in place. Council officers issued with a corporate purchasing card are in a position of trust regarding the use of public funds. Expenditure on a purchasing card must be in accordance with your financial delegation and the fundamental requirements set out in this Policy, considering specific requirements of any associated Policy or Procedure.

## LOCAL ECONOMIC BENEFIT

Council is committed to supporting the local economy and enhancing the capabilities of local business and industry. Where it achieves Council's overall 'value for money' objectives, Council officers must give due consideration to benefits to the local economy when planning procurement. Where local economic benefits are included in the procurement evaluation,



the weighting is to be applied to the overall assessment, considering all other price and non-price criteria. This will ensure the best outcome for both Council and the local economy. This policy gives a price advantage to local suppliers, for the supply of goods, materials and/or services above an amount of \$5,000.

There are several options available to improve opportunities for local content when conducting procurement activities including, but not limited to:

1. Social benefit clauses in contract documentation.
2. Social benefit specifications included in scope of sourcing documentation, including provision of templates for applicants to improve response rate.
3. Local Preference outcomes included in evaluation criteria, these must be clearly articulated for tenderers/applicants and strictly adhered to when conducting assessments. An amount of 5% will be nominally deducted from the local supplier's price for the purpose of price comparison only.

When planning procurement activities Council will consider both direct and indirect impacts on the local economy by assessing the linkages between local business and local industry, to support existing specialisations and promote growth.

"Local Suppliers" are required to complete an application form every twelve months following initial application when submitting their first quote/tender to Council. The onus of proof is on the supplier.

#### **SPEND THRESHOLDS**

The procurement methodology is dependent on the value threshold and/or risk of the purchase as shown below. All amounts 'include' GST. The value threshold to determine the methodology is the total accumulated spend for the procurement including any anticipated variations for the procurement activity. Council has access to a range of Common Use Arrangements (CUA's). CUA's are pre-established panels of providers that should be used for commonly purchased goods and services. These arrangements have been established by either Council (or group of councils), Local Government Procurement, Procurement Australia, NSW Procurement (State Government).

Contract Spend	Method	Description
All Spend Thresholds	Review Common Use Arrangements (CUA) and access where possible	CUA's are in place to reduce red tape and time. These <u>should be accessed</u> wherever possible for any spend level. Consider any opportunity to incorporate QBL initiatives. Common Use arrangements include all NSW State Government (NSW Buy), Local Government Procurement (LGP), Procurement Australia. Regional Procurement Initiatives (OROC) <u>may be used</u> where Walgett Shire Council was part of the Tender request.

Up to \$10,000	Credit / Purchase cards to be utilised where possible Purchase Orders	Credit card reconciliation is the process of ensuring that the transactions made match the transactions, are complete, correct, and valid. Reconciliation is an essential part of the closing process, and it's how we ensure the integrity of our records. Council officers must reconcile credit cards as directed.  A Purchase Order with Standard Terms and Conditions <u>must be issued</u> prior to goods or services being provided.
\$10,000 - \$50,000	3 written quotes or documented evidence how Value for Money (VFM) is to be achieved	It <u>isn't</u> always practical to obtain quotes. If, for any reason you <u>can't</u> obtain the required quotes. A detailed statement as to how VFM is to be <u>achieved</u> must be recorded on file.
\$50,000 - \$250,000	Simple Request for Quote (RFQ) process including a detailed evaluation and award process. Consideration of QBL.	Due to elevated spend and risk, an 'Open Market or Publicly Advertised' RFQ process <u>must be conducted</u> in line with the Council Framework guidance.
Greater than \$250,000	Public RFT including Consideration of QBL	As per Legislative Requirements and the Council Framework guidance.

## TENDERS

For works with a value exceeding that which is specified in Section 55 of the NSW Local Government Act 1993 (currently \$150,000), an open or selective tendering shall be used in accordance with the NSW Local Government (General) Regulation 2021 and include:

- All tenders will be reported to Council for a decision;
- The report to Council will be compiled by the relevant Director, utilising the services of an evaluation panel and using the following recommended selection criteria and weighting table:

### Recommended Selection Criteria and Weighting

CRITERIA	PLANT EQUIPMENT VEHICLES	SUPPLY OF OTHER-MATERIALS CONSUMABLES	PLANT EQUIPMENT HIRE AND OTHER SERVICES	CONSULTANCIES	INFRASTRUCTURE CONSTRUCTION	SALE OF SURPLUS MATERIAL ETC
Capability	70	60	55	55	50	0
Relevant experience	20	15	10	25	20	0
Quality and safety	5	20	30	15	20	0
Urgent service delivery	5	5	5	5	10	0
	100	100	100	100	100	0

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- c) A financial evaluation report be obtained for the preferred tender; and
  - d) The report to Council will be a Confidential Item, to be considered in a Closed Session.

#### QUOTATIONS

For the purpose of effective distribution and maximising opportunity, Council will maintain an up to date register of qualified providers/contractors for the respective trades and industry types. Council will advertise six monthly to invite registration on the 'Provider/Contractors Register', which is managed by the Finance section.

**For works exceeding \$50,000 in value but less than that specified as a Tender, a special quotation process shall be undertaken utilising the following procedure:**

- (a) Each quote will be allocated a tender/quote number (RFT/RFQ) by the Information Services Section. The number will be entered into the tender/quote register and is to be quoted on all documentation relating to that quote.
- (b) The officer initiating the purchase shall prepare a brief specification detailing quantity, quality and timing of the works/services/goods to be supplied, include copies of relevant insurance certificates (i.e. public liability and workers compensation). This document will not be as complex as a tender specification.
- (c) The specification shall be sent directly to:
  - Any person requesting the information
  - By email to all Provider/Contractors on the Register
- (d) A 'Special Quote Meeting' may be arranged where the intended works, goods or services are difficult to define or it is determined that specific clarification will support an enhanced outcome
- (e) Quotes will be received under Tender Box conditions and suppliers are to be advised of the following procedure:
  - A closing date will be specified, normally 21 days but not less than seven days after the supplier would receive the invitation to quote.
  - Quotes are to be sealed in an envelope marked with the tender/quote number and placed in the Tender Box or mailed in time to be placed in the tender box prior to the specified date. Quotes may also be received by email to [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au), whereupon the administration team will seal and place the quote in the Tender Box.
  - As soon as a tender/quote is received at the Council Offices, and recognised as such, it is to be placed in the Tender Box.
  - Where an envelope containing a quote which is not marked as required above, and is therefore opened in the normal process of mail handling, the quote and the envelope are to be sealed into another envelope by the person dealing with the mail, properly endorsed with the tender/quote

number, marked 'Opened in Error', signed and dated and placed immediately in the Tender Box.

- In a case where a quote is submitted email, it is to be sealed in an envelope by the person dealing with the email, endorse with the tender/quote number, marked 'Received by Email', the time and date of receipt, signed and placed in the Tender Box.
  - Any person likely to open mail or attend to the administration email address, at any time, is to be instructed that the contents of any such opened quotes are to remain absolutely confidential and are not to be divulged to any person whatsoever.
  - All quotes received by the closing time shall be opened at or after closing time by the Information Services representative and two (2) witnesses and recorded in the tender/quote register. ***All information regarding the contents of the quotes received will not be publicly disclosed.***
  - The custody of the register and the keys to the Tender Box are to be the responsibility of the Coordinator Information Services and the Tender Box is to be located in the public foyer for ready access.
- (g) A written assessment will be prepared as to which quote is the most advantageous and purchase will be effected by a purchase order. The 'Recommended Selection Guide and Weightings Table' (as shown in Tenders of this Policy) are to be used as a guide.

## DISPOSALS

All assets, surplus stock, and low value scrap to be disposed of by Council shall be publicly advertised for sale as set out in the Summary of Disposal Protocol.

### Summary of Disposal Protocol

ESTIMATED COST OF ITEM	<b>MINIMUM</b> PROCESS	AUTHORITY
Over \$150,000	Tender/Auction	Decision by Council or delegated authority to GM
\$50,000-\$150,000	One Offer	Decision by GM
Up to \$50,000	One Offer	Decision GM or Director

Disposal of goods with a market value of more than \$250,000 should be made through an agent (e.g., real estate agent) by resolution of Council after inviting tenders, expressions of interest or at public auction.



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Council may decide via resolution or delegation to the General Manager to dispose of assets via donation to community organisations where appropriate.

All offers for the purchase of motor vehicles and motorised plant are to be reported to the Plant Superintendent for recommendation to Council.

Any sale of land must be by way of public auction and follow the legislation in *Local Government Act 1993*, sections 55, 713 and 716.

### **Policy/Procedure Review History**

Date	Changes Made	Reviewed By
2017	Developed	
July 2019	Reviewed	Greg Ingham - General Manager
November 2022	Complete Review – <del>Supersedes</del> Procurement & Disposal P&P	Michael Urquhart – General Manager



## PROCUREMENT & DISPOSAL POLICY & PROCEDURE

Approval Date:	30 July 2019
Review Date:	July 2019
Responsible Officer:	Chief Financial Officer

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### Objective

To ensure the system of tendering and quotations encourages integrity and established standards of equity, transparency and value for money.

### Statutory Requirements

[Local Government Act 1993](#)

Competition Policy Reform (NSW) Act 1995

Independent Commission Against Corruption Act 1988

[Local Government \(General\) Regulation 2005](#)

### Application

All Employees

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## Purpose

The purpose of this Procurement and Disposal Policy is to document Council's principles and set out the standard by which Council will conduct these activities. All activities will be carried out in accordance with the associated legislation, Council Policies, processes and Office of Local Government (OLG) Guidelines and Circulars.

## Scope

This Policy and procedure applies in full to all employees and details procedures to be used in all purchasing by Council employees. It is intended to ensure that competition exists in all purchasing activities and that they are carried out in an open and transparent manner in accordance with this policy and legislative requirements.

The Procurement and Tendering Policy applies to anyone who undertakes or is involved in procurement and tendering activities. This includes Councillors, staff, contractors and delegates.

## Policy Statement

Council procurement practices will comply with the Local Government Act 1993, the Local Government (General) Regulation 2005, Competition Policy Reform (NSW) Act 1995, as well as other acts, regulations, codes, policies, practice notes or other documents published by either State or Federal Government Authorities relating to tenders or quotes (e.g. Competition Policy).

Any conflict of interest and pecuniary interests are to be disclosed immediately. Any person with a conflict of interest will not take part in the processes of tender specification preparation or evaluation.

Tenders and quotes will be prepared in an endeavour to maximise:

- Competition;
- Participation by local and other suppliers
- Value for money, quality goods and services to residents and ratepayers
- Accountability and cost efficiency to Council and respondents.



## Policy Principles

### General

All values quoted in this policy are excluding Goods and Services Tax (GST).

The exact procurement method to be used will depend on value of goods and services to be purchased.

Contracts should be affected only with incorporated companies. Tenders or quotes which are to result in a contract must show the companies ABN, ACN and date of incorporation or make a clear statement of intention to incorporate prior to signing a contract. It is preferred that this rule be applied to all procurement. However, purchase orders, but not contracts, may be placed on unincorporated organisations provided:

- The supplier has an ABN, unless extraordinary circumstances prevail (i.e. hobby);
- The supplier is registered for GST, unless extraordinary circumstances prevail (i.e. hobby);
- The total value is less than \$50,000;
- It is a lump sum purchase or project;
- The service to be provided is not primarily labour hire;
- The particular supplier is used intermittently.

An urgent delivery component is included as part of the selection criteria and weighting table which is utilised as a guide in the tender selection process. This component includes distance to suppliers and service providers.

### Tenders

For works with a value exceeding that specified in Section 55 of the Local Government Act (currently \$250,000) an open or selective tendering shall be used in accordance with Local Government (General) Regulation 2005 and including:

- (a) All tenders will be reported to Council for a decision.
- (b) The report to Council will be compiled by the relevant Director utilising the services of an evaluation panel and utilising Table 1 Recommended Selection Criteria and Weighting.
- (c) A financial evaluation report must be obtained from the preferred tender.
- (d) The report to Council will be a confidential item to be considered in closed session.

#### 4.3. Quotations

For the purpose of effective distribution and maximising opportunity, Council will maintain an up to date register of qualified suppliers/contractors for the respective trades and industry types. Council will advertise yearly to invite registration on the Preferred Supplier/Contractor Register (Pro-forma attached).

**4.3.1 For works exceeding \$50,000 in value but less than that specified as a Tender (\$150,000) \$250,000**, a special quotation process shall be undertaken utilising the procurement and disposal procedure:

- (a) Each quote will be allocated a tender/quote number (RFT/RFQ) by the Information Services Section. The number will be entered into the tender/quote register and is to be quoted on all documentation relating to that quote.
- (b) A minimum of two quotes shall be obtained unless circumstances do not allow (E.g. only one supplier manufactures the product)
- (c) The officer initiating the purchase shall prepare a brief specification detailing quantity, quality and timing of the works/services/goods to be supplied, include copies of relevant insurance certificates (i.e. public liability and workers compensation). This document will not be as complex as a tender specification.
- (d) The specification shall be sent directly to:
  - Any person requesting the information;
  - By email to all relevant Suppliers/Contractors on the Register;
- (e) A pre special quote meeting may be arranged where the intended works, goods or services are difficult to define or it is determined that specific clarification will support an enhanced outcome.

(f) Quotes will be received under tender box conditions and suppliers are to be advised of the following relevant procedures;

- A closing date will be specified, normally 21 days but not less than seven days after the supplier would receive the invitation to quote
- Quotes are to be sealed in an envelope marked with the tender/quote number and placed in the tender box or mailed in time to be placed in the tender box prior to the specified date. Quotes may also be received by fax.
- Where an envelope containing a quote which is not marked as required above, and is therefore opened in the normal process of mail handling, the quote and the envelope are to be sealed into another envelope by the person dealing with the mail properly endorsed with the tender/quote number, marked 'Opened in Error' signed and dated and placed immediately in the tender box.
- In a case where a quote is submitted by fax or email, it is to be sealed in an envelope by the person dealing with the fax or email, endorse with the tender/quote number, marked 'Received by Fax/email' marked with the time and date of receipt, signed and placed in the tender box.
- Any person likely to open mail or attend to the faxes at any time is to be instructed that the contents of any such opened quotes are to remain absolutely confidential and are not to be divulged to any person whatsoever.
- All quotes received by the closing time shall be opened at or after closing time by the Information Services representative and two (2) witnesses and recorded in the tender/quote register.
- Prices will not be publicly disclosed.
- The custody of the register and the keys to the tender box are to be the responsibility of the Coordinator Information Services and the tender box is located in the public foyer for ready access.

(g) Quotes via internet

For the purposes of this procedure it is acceptable to obtain quotes via the internet. This includes using email provided:

- A copy of each quote is retained in Council's records management system
- Each quote contains at least the following information:
  - Name of Supplier
  - Internet address of supplier
  - Specification of equipment to be supplied
  - Make and model of each item of equipment
  - Price

(h) A written assessment will be prepared as to which quote is the most advantageous and purchase will be effected by a purchase order. The 'Recommended Selection Guide' and their respective weightings shown below are to be used as a guide.

- (i) All records will be retained and entered into Council's Records Management System (TRIM) and available for scrutiny but will not be available to the public as they will contain confidential information.
- (j) Suppliers shall be required to provide evidence of relevant insurances including a minimum \$20m Public Liability and Workers Compensation/Personal Accident.
- (k) As soon as practicable after selecting a supplier and placing an order the ordering officer shall also advise all unsuccessful quoter's of the decision in writing on Council Letterhead.
- (l) The following information may be disclosed:
  - The successful quoter's name,
  - Description of selected goods if applicable
  - Reasons for selection
- (m) Under no circumstances should any commercial in confidence information be disclosed.

**4.3.2. Where the value of goods is less than \$50,000 but exceeds \$15,000**

- (a) A minimum of two quotes shall be obtained and recorded in Council's Records Management System, unless circumstances do not allow (e.g. only one supplier manufactures the product)
- (b) Where two quotes cannot be obtained, the Department Director shall seek approval of exemption by the General Manager.
- (c) For services provided, quotes shall be obtained firstly from Councils Supplier/Contractor Register
- (d) For goods purchased, Local Government Procurement Schemes shall be utilised where possible.
- (e) The quote deemed to provide best value for money shall be awarded.

**4.3.3. Where the value of goods is less than \$15,000** best judgement shall be used by the purchasing officer to ensure best value for money is achieved. A competitive process is not required, although at least one written quote is obtained. The use of "Purchase Cards" by authorised Council staff for minor, low risk purchases may be considered within this limit range.

**4.3.4 Petty Cash shall be kept to reimburse incidental purchases up to \$100 and recorded in the petty cash register.** All purchases must be provided to the Finance Officer – Accounts Payable with receipts and an attached petty cash form approved by a supervisor. Records are to be kept in Council's Records Management System



NOTE: In the interest of maintaining efficiency in the purchasing process there are some instances where the procedures outlined in this policy can be bypassed. Exceptions to the required process include:

- telephone accounts
- electricity accounts
- subscriptions
- credit and fuel card purchases
- monthly rentals
- insurance purchases
- legal costs
- payments to contractors
- donations/contributions
- statutory levies, fees and taxes
- payroll deduction remittances

4.3.5 Variations:

- The General Manager has authority to approve variations to contracts during progress of works in accordance within the delegated authority to the General Manager. Any variation exceeding the delegated limit shall be presented to Council for consideration.
- If a variation is made to the works after the order has been placed, an additional order shall be completed and a record of the reasons kept.

4.3.6. In all cases, goods or services purchased under a procurement scheme approved for Local Government in NSW up to \$150,000 shall be deemed to comply with these requirements (i.e. State Government contracts, Regional Procurement Initiative, OROC).

4.3.7. In no case shall procurement of works/goods/services be artificially split into smaller purchases in order to reduce procedure requirements specified above.

4.3.8. In cases of emergency the General Manager may approve purchases which are not in accordance with the above providing records are written up as soon as practicable explaining the circumstances and the action taken.

4.3.9. The lower limits specified should be considered as guidelines and where appropriate more rigorous standards may be applied. For example, if there is potential benefit in public tendering for works with less than \$150,000 in value, then this document does not preclude that action.

4.3.10. Table 2 summarises the protocol to be followed in all purchasing decisions based on the value of the purchase.

4.3.11 All purchases must to be made by completing a Purchase Order. Every order must contain the following information:

- Name and address of supplier
- Description of goods and services
- Costing job number
- Price quotes
- Signed and dated by Authorising Officer

#### 4.4. Workplace Health & Safety

##### **Workplace Practices**

Service providers and their employees must comply with occupational health and safety, workers compensation, compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

##### **Workplace Health & Safety Management and Workplace Injury Management**

Walgett Shire Council attaches a high priority to the continuous improvement of occupational health and safety management and workplace injury management in procurement for all construction and other industry participants.

Service providers shall have a demonstrated commitment to, acceptable performance with, and systematic approach to, occupational health and safety management and workplace injury management.

##### **Workplace Health and Safety Compliance**

Service providers and their employees must comply with their occupational health and safety obligations under the *NSW Workplace Health and Safety Act (2011)*, the *Workplace Injury Management and Workers Compensation Act (NSW)* and Regulations, workers compensation insurance premium requirements, relevant WHS industry codes of practice, and safety and dispute settlement procedures in applicable industrial awards and approved agreements.

### Accountability, roles and responsibilities

The General Manager, Directors and Managers are to ensure policy compliance.

#### 5.1. Responsible Officer

- Chief Financial Officer
- Finance Officer Stores

#### Responsibility

- All employees

#### Breaches of this Policy

- Any occasion where a Council staff member is not complying with this policy, the breach should be immediately reported to the General Manager in writing.
- Where the report relates to the conduct of a Councillor, the General Manager shall immediately report the matter to the Mayor and, if considered necessary, to the next Council meeting.
- Where the report relates to the conduct of Council staff, the General Manager shall deal with the matter according to the terms of employment of the Council staff member and in accordance with the Local Government (State) Award 2014.
- Where a Councillor believes that the General Manager has failed to comply with this policy, the Councillor should immediately report to the Mayor who will then discuss the matter with the General Manager and, if considered necessary, will report the matter to Council.
- Before a report is presented to Council by the General Manager (or the Mayor), the General Manager (or Mayor) should undertake preliminary inquiries to establish the facts. The preliminary investigations may take any form the Mayor or General Manager considers appropriate, but must involve discussions with the Council staff member or Councillor involved. Natural justice principles need to be satisfied in dealing with an alleged breach and the evidence must be reviewed objectively.

#### Disposals

##### Disposals

- a) All assets, surplus stock and low value scrap to be disposed of by Walgett Shire Council shall be publicly advertised for sale by:
  - A set price
  - Tender
  - Auction
- b) Any disposal of goods with a market value of more than \$150,000 should be made through an agent (e.g. real estate agent) by resolution of Council after inviting tenders, expressions of interest or at public auction.
- c) Council may decide via resolution or delegation to the General Manager to dispose of assets via donation to community organisations where appropriate.
- d) All offers for the purchase of motor vehicles and motorised plant are to be reported to the Plant Superintendent for recommendation to Council.
- e) Any sale of land must be by way of public auction and follow the legislation in *Local Government Act 1993*, sections 55, 713 and 716.

#### **Delegation**

Department Directors shall be responsible for the cost benefit evaluation and disposal of selected items using the following methods:

- Trade-in where supplier offers fair value for item.
- Relocation to another project or job (redistribution of cost required).
- Relocation to another department within the organisation.
- Use as spare parts (where practical).
- Recycling (Commercially or in-house).
- Dumping (where items have no economic value or are environmentally undesirable)
- Invitation of public quotations or public auction (Registering and securing as surplus item)

#### **Sale Process**

- To ensure maximum net return of materials the Director will arrange for the valuation of surplus items, by either independent assessment or estimation by experienced persons.
- To ensure probity a third party shall be used to perform auction sales.

#### **Ethical Behaviour and Fair Treatment**

##### **Ethical Behaviour and Fair Treatment**

Council officers engaged in procurement and tendering activities will at all times undertake their duties in an ethical and impartial manner.

Council officers must ensure that policy principles are reflected throughout the procurement and tendering process including activities such as buying without prejudice, effective communication and provision of information to all suppliers, declaring any conflicts of interest and adhering to the Code of Conduct.

Canvassing of Councillors and staff during a formal tendering quotation process will automatically disqualify that supplier.



**Table 1 – Recommended Selection Criteria and Weighting**

CRITERIA	PLANT EQUIPMENT VEHICLES	SUPPLY OF OTHER- MATERIALS CONSUMABLES	PLANT EQUIPMENT HIRE AND OTHER SERVICES	CONSULT- ANCIES	INFRASTRUCTURE CONSTRUCTION	SALE OF SURPLUS MATERIAL ETC
Capability (technical and financial)	15	20	15	15	15	0
Relevant experience	10	5	10	10	10	0
Quality, safety and environmental management systems	10	5	10	10	10	0
Urgent service delivery	5	10	5	5	5	0
Price	60	60	60	60	60	0
Total	100	100	100	100	100	0

Note: Scores for Price shall be calculated as (Lowest Price/Quoted Price x 60)

Table 2 – Summary of Purchasing Protocol

ESTIMATED COST OF ITEM/PROJECT	MINIMUM PROCESS	AUTHORITY	COMMENTS
Over \$250,000	Tender	Decision by Council	Public advertising for quotations is essential. The relevant Director is responsible for the following; Advertising: Tenders must be advertised through TENDERLINK, Tuesdays Sydney Morning Herald, Walgett Spectator, Daily Liberal, Council's Webpage, Council's Facebook page with links to Facebook pages in Lightning Ridge, Carinda, Collarenebri and Grawin, and radio station 2WEB See Information Services for Tender Registration Number
\$100,000-\$250,000	Two Quotes	Decision by Director/ if within budget	Public advertising for quotations is essential. The relevant Director is responsible for the following advertising: Walgett Spectator Council's Webpage, Council's Facebook page with links to Facebook pages in Lightning Ridge, Carinda Collarenebri and Grawin and Emailed to all relevant Suppliers/Contractors on Council's register See Information Services for Registration Number
\$15,000 - \$100,000	Two Quotes	Decision by Purchasing Officer with delegated authority if within budget	Quotes sought from Supplier/Contractor Register
Under \$15,000	Value for money. A competitive process is not required, although at least one verbal or written quote is obtained. The use of "Purchase Cards" by authorised Council staff for minor, low risk purchases may be considered within this limit range.		Ensure value for money

**Table 3 Summary of Disposal Protocol**

*After the above procedures in section 6 for disposal of items have been used, please follow the minimum guideline set out in the following table.*

ESTIMATED COST OF ITEM	<u>MINIMUM</u> PROCESS	AUTHORITY
Over \$150,000	Tender/Auction	Decision by Council or delegated authority to GM
\$50,000-\$150,000	One Offer	Decision by GM
Up to \$50,000	One Offer	Decision GM or Director

NOTE: Public advertising for quotations is essential. The responsible Director will assess the coverage of such public advertising.

## Definitions

**Tenders** – works exceeding the specified amount in Section 55 of the Local Government Act (currently \$250,000).

**Quotations** – work exceeding \$15,000 in value but less than that specified as a tender

**Request for Quote Documents** – invitation to tender and guidelines, specification, recommendation selection criteria, any other relevant information.

**GST** – Goods and Services Tax.

**Council** – Walgett Shire Council.

**RFT** – Request for Tender.

**RFQ** – Request for Quotation.

## Acknowledgements

The following acknowledgements are made recognising organisations or documents that have provided a basis, instructive comment or templates that have been used to develop Council's Policy:

- (a) Procurement and Tendering Policy – Gunnedah Shire Council
- (b) Procurement of Goods and Services Policy – Liverpool Plains Shire Council
- (c) Procurement and Disposal Policy – Lachlan Shire Council
- (d) Tendering Guidelines for NSW Local Government, NSW Department of Premier and Cabinet Division of Local Government, October 2009

**Version control and change history**

Date	Version	Approved by & resolution No	Amendment
2017	1	Council meeting Minutes No.	Council meeting for consideration and adoption
2017	2	Council meeting Minute No.	Council meeting for review and adoption





# MANUAL HANDLING POLICY AND PROCEDURE

Approval Date:

Review Date: November 2011

Responsible Officer: Corporate & Community WHS Officer

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### Policy Statement needs to be developed

Walgett Shire Council has a duty of care to protect its employees, contractors and the community from real or potential hazards in accordance with section 8, part 2, division 1 of the Work Health and Safety Act 2011

### Objective

To recognise Councils obligation to provide a framework compliant with the Work Health and Safety Act ~~2000~~ 2011 and the Work Health and Safety Regulation ~~2001~~ 2017 in regards to manual handling.

### Council Policy Reference

Work Health and Safety

### Statutory Requirements

Local Government Act 1993

Work Health and Safety Act ~~2000~~ 2011

Work Health and Safety Regulation ~~2001~~ 2017

### Related Policy/Procedure

Work Health and Safety

Risk Assessment and Insurance

Work Health and Safety Manual

### Government References

~~Workcover~~ NSW Code of Practice for Manual Handling

National Standard for Manual Tasks (2007)

National Code of Practice for the Prevention of Musculoskeletal Disorders from Performing Manual Tasks at Work (2007)

### Definition

Manual handling covers a wide range of activities including lifting, pushing, pulling, holding, throwing, and carrying. It includes repetitive tasks such as packing, typing, assembling, cleaning and sorting, using hand tools and operating machinery, plant and equipment.

Hazardous manual tasks can include:

- repetitive or sustained awkward posture;
- sustained movement or application of force;
- the application of high force (such as hitting something with a hammer);
- exposure to sustained vibration (such as using a drill for an extended period);
- working with people or animals;
- handling unstable or unbalanced loads;
- handling loads which are difficult to grasp or hold.

Manual handling injuries may include:

- muscle sprains and strains;
- injury to muscles, ligaments and intervertebral discs;
- soft tissue injury;
- abdominal pain;
- chronic pain.

### Identification, Assessment and Control Process

- a) Identify all positions in each department which involve manual handling.
- b) Undertake a task analysis of each position identified and by examination of the postures, movements and forces involved in the task, the duration and frequency of the task and environment factors and assess if the task is hazardous and likely to cause a musculoskeletal injury.
- c) Implement control measures to eliminate or reduce the risk of musculoskeletal injury through:
  - Altering the workplace or the environmental conditions where manual handling tasks are carried out
  - Change the objects used to carry out the manual handling task
  - Alter the systems of work used to carry out the manual handling task
  - Use of mechanical aids.

Note: If none of the above controls are practicable, information, training or instruction in manual handling techniques may be used to control the risk.

- d) Where the risk assessment indicates a risk of MSD, records of the method used to assess the risk and the results of the assessment must be kept by the OH&S and Risk Assessment Officer.

### Information Instruction and Training

Employees should have an understanding of the nature of hazardous manual handling, the risks associated with tasks involving hazardous manual handling and the reasons why risk controls have been set in place and how to use them.

Manual handling information, instruction and training must be given to employees who:

- Carry out manual handling tasks as well as managers, supervisors and health and safety representatives;
- Select and purchase tools and equipment to be used in manual handling tasks;
- Design manual handling tasks or systems of work, or the layout of a workplace where manual handling is carried out;
- Are involved in identifying hazardous manual handling and the assessment and control of musculoskeletal risks.

The WH&S [and Risk Management](#) Officer is able to assist in the assessment process and the HR Officer will assist in the provision of manual handling training. Any training provided for employees who are required to perform manual handling tasks should also be provided to their supervisors.

### **Consultation**

Council will consult with members of the [OH&SWHS](#) Committee when undertaking hazard identification, risk assessment and risk control processes.

## **Risk Management**

### *Risk Identification*

Identification of risks associated with manual handling should be undertaken by:

- Reviewing the duties in the position description to identify manual handling risks;
- Consultation with staff and supervisors;
- Direct observation of work practices;
- Inspection of the task or work area so that they can be examined and assessed;
- Audit of manual handling control measures;
- Examining workplace injury records, if possible, to identify where, and in what jobs, manual handling injuries have occurred.

*Risk assessment* should occur:

- Before introducing or modifying a manual handling procedure or practice,
- After the risk identification process,
- After a manual handling injury, and should take into account the following risk factors:
  - Actions and movements required to perform the task
  - Workplace and work station layout
  - Working posture and position
  - Duration and frequency of manual handling
  - Location of loads and distances moved
  - Weights and forces of objects to be handled
  - Characteristics of loads and equipment
  - Work organisation
  - Work environment
  - Skill and experience
  - Personal characteristics such as stature, height, strength of the individual
  - Clothing which might be restrictive for the task
  - Any other relevant factor

### *Risk Control Measures*

Risk control is the process of eliminating or reducing identified and assessed risk factors and can be best accomplished by a combination of:

- Job redesign
- Mechanical handling equipment
- Provision of training
- Administrative controls

Care should be taken to ensure that further risks to health and safety are not created by the application of control methods aimed at the reduction of manual handling risks.

Control options should include (in order of preference):

- Remove the need for manual handling
- Modify the object, e.g. reduce the packaging size
- Modify the workplace layout
- Rearrange the materials flow
- Use mechanical handling equipment
- Use special tools or other devices
- Use team lifting arrangements to modify actions, movements and forces required
- Use particular training or instruction

The degree of urgency for the implementation of the risk controls is determined by:

- The risk involved – in terms of potential severity together with the likely consequences
- The frequency that the task is performed
- Simplicity of implementation of the risk controls
- Effectiveness of the risk controls implemented
- The cost of implementing the risk controls
- Job redesign, e.g. modification of work practices, plant, equipment, containers taking into account people dimensions
- Mechanical handling equipment including staff trials and training in the use of the equipment
- Training in manual handling techniques
- Administrative controls

#### *Review*

Ongoing monitoring and review is an integral part of risk management. After applying controls to eliminate or reduce identified hazards, it is important to assess their effectiveness. Some controls might create other, ~~unforeseen~~unforeseen hazards. The controls implemented where manual handling is an ongoing component of tasks performed must be regularly reviewed by the Manager or Supervisor in consultation with the ~~OH&S and Risk Management~~OH&S Officer.

#### **Recommendations Regarding Purchase and Use of Lifting Equipment**

- All departments purchasing manual handling equipment should contact the WH&S ~~and Risk Assessment~~and Risk Assessment Officer for advice prior to purchase and should ensure that it complies with Australian Standards.
- Managers and Supervisors should also ensure that load capacities are clearly marked on all lifting equipment and that the lifting equipment is ~~used~~used only for the load capacity and purpose intended.
- Managers and Supervisors should ensure that staff ~~are trained~~are trained in the safe use of manual handling equipment.
- The WH&S ~~and Risk Assessment~~and Risk Assessment Officer should ensure that risk assessments ~~are conducted~~are conducted prior to using manual handling equipment.



# MANUAL HANDLING

## SAFETY CHECKLIST

Manual handling is a component of most work tasks. It may involve repetitive movements, lifting and carrying loads, and sedentary work such as using a computer. Manual handling is a major factor in workplace injuries. This checklist will help you address the manual handling issues in your workplace and reduce the risk of injuries due to manual handling. You should involve your employees in filling out the checklist.

**Note:** If you mark a NO box on the checklist you need to take action to make your workplace safer.

Date checklist completed: ____/____/____	
Date checklist to be reviewed (annually or when there is a change to the workplace): ____/____/____	
Name(s) of person(s) who completed checklist:	Initial:
Position title:	Company:
<b>Work Tasks</b>	
Can all materials and equipment be lifted and carried easily?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are mechanical aids such as trolleys, trolley jacks or hoists used?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are workers trained in manual handling techniques and the use of mechanical aids?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Work Equipment</b>	
Are work benches at a comfortable height?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are chair backs and seat heights adjustable?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is office equipment (such as computers screens, desk lamps) adjusted to avoid strain?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are storage shelves organised to minimise bending and stretching?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Work Organisation</b>	
Is rotation of tasks used to avoid repetitive work?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is work planned to reduce periods of high and low demand?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there sufficient rest breaks?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Work Area</b>	
Is workspace adequate to enable ease of movement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are work items that are regularly used within easy reach?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there sufficient area around machines or equipment to enable access for maintenance and repair?	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Note:** In addressing manual handling issues you need to consider *redesigning* the work processes, work environment or objects to be handled to *eliminate* manual handling risks. If it is not possible to eliminate the risks, you need to provide *mechanical aids and training* to ensure work is carried out in a safe manner.

For more information or assistance, go to the WorkCover website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or contact the WorkCover Assistance Service on 13 10 50.

#### Appendix B

### Manual Handling and Safe Lifting

Manual handling is cause an injury at work and includes lifting, carry, pushing and pulling loads. The most serious manual handling injuries are back injuries, often caused by poor lifting techniques.

#### Safe Lifting

If manual lifting is required:

**Do not** lift it if mechanical assistance is available, or where possible use team lifting.

**Avoid unnecessary bending** – do not place objects on the floor or ground if they must be picked up later.

**Avoid unnecessary twisting** – turn your feet, not your hips or shoulders, especially when bending.

**Keep the load close to the body** – handle heavy objects close to the body. Avoid a long reach out to pick up an object.

**Lift gradually** – lift slowly, smoothly and without jerking.

**Keep in good physical shape** – get proper exercise and maintain a good diet.

#### Can I really lift it?

Before picking up a load, ask yourself these questions:

- Do I really need to lift this?
- Can the object be moved by mechanical means?
- Is this too heavy for me to lift and carry alone?
- How high do I have to lift it?
- How far do I have to carry it?
- Will this lifting be a regular part of my job?
- Am I trying to impress anyone by lifting this?

#### Lift it right.

Follow these recommended steps for lifting:

- Position your feet correctly – as close as possible to the load.
- One foot goes next to the load and one goes behind it.
- Check your footing is secure.
- Squat down keeping your head erect and your back straight.
- Obtain a good grip firm grip of the load, hands diagonally opposite with the load in the palm of your hands – fingers alone are too weak.
- Maintain a straight back keeping the upper part of your body erect and a straight as possible.
- **Do not stoop** over or bend your back forward.
- Keep your head erect.
- Raise the load by straightening your legs, keeping your back straight.
- Keep your arms in and the load close to the body.
- If you must turn, don't twist your body.
- Point your foot in the direction you are turning.

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**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<a href="#">Nov 2022</a>	<a href="#">Complete document review</a>	<a href="#">Michael Urquhart</a> <a href="#">General Manager</a>



## Entering Council Depots

WSC - [Procedure Policy](#) – Entering Council Depots

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# ENTERING COUNCIL DEPOTS

## PROCEDURE POLICY

Approval Date:

Review Date: November ~~2011~~2022

Responsible Officer: Director ~~Corporate & Community Services~~[Engineering](#)

[/ Technical Services](#)

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### **Policy Statement needs to be developed**

[Walgett Shire Council has a duty of care to protect its employees, contractors and the community from real or potential hazards in accordance with section 8, part 2, division 1 of the Work Health and Safety Act 2011](#)

### **Objective**

To ensure that all persons (including Council staff) entering Council depots do so in a safe manner.

### **Council Policy Reference**

Work Health and Safety Policy

### **Statutory Requirements**

Local Government Act 1993

Work Health and Safety Act ~~2000~~2011

Work Health and Safety Regulation ~~2000~~2017

### **Related Policy/Procedure**

Work Health and Safety Manual

### Entering Council Depots

The guidelines below have been developed to ensure that visitors to the WSC depot do so in a safe manner. Any person who does not work at the depot is considered to be a visitor.

- Visitors must report directly to the Stores Office on arrival. Visitors are not permitted to wander into the yard.
- The visitor must notify the Stores Officer of the reason for being at the depot and the person they may need to meet with. The Stores Officer will contact the person required. If this is not possible the staff member will be directed to the location of the person.
- **Put on a high visibility vest.** These are available for visitors from the Stores Officer.
- The Stores Officer may direct staff members to wear glasses, ear muffs or a hard hat.
- Proper enclosed footwear must be worn.
- The Council depots are non smoking areas.
- Any vehicles entering the depot area must proceed at 10 km per hour.

Failure to comply with these guidelines will result in disciplinary action.



## Appendix A





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**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<a href="#">Nov 2022</a>	<a href="#">Policy review</a>	<a href="#">Michael Urquhart</a> <a href="#">General Manager</a>

# Emergency Building Workplace Emergency Response

WSC - Procedure – Building Workplace Emergency Response



## COUNCIL BUILDING WORKPLACE EMERGENCY RESPONSE PROCEDURE

Approval Date:

Review Date: November ~~2011~~2023

Responsible Officer: WH&S ~~and Risk Management~~ Officer

### **POLICY STATEMENT**

Walgett Shire Council has a duty of care to protect its employees, contractors and the community from real or potential hazards in accordance with section 8, part 2, division 1 of the Work Health and Safety Act ~~2000~~2011

### **OBJECTIVES:**

- To ensure the health and safety of employees, contractors and members of the community present in Walgett Shire Council buildings during an emergency situation.
- To comply with current legislation and regulations.
- To ensure response guidelines are in place for staff.
- To minimize the impact of emergency incidents on staff safety.

### **Objective**

To protect the health and safety of employees, contractors and members of the community from real or potential hazards present in Council buildings during an emergency situation.

### **Council Policy Reference**

Building Workplace Emergency Response Policy

### **Statutory Requirements**

Local Government Act 1993  
Work Health and Safety Act ~~2000~~2011  
Work Health and Safety Regulations ~~2001~~2017

### **Related Policy/Procedure**

Work Health and Safety [Manual](#)  
~~Staff Training~~



**Actions**

1. Emergency Planning – the OHWH&S and Risk Management Officer will develop, document and issue a set of *Emergency Instructions* for each building, area or activity (See Appendix A). These instructions will be developed in consultation with the Assets Officers and Manager/Supervisor of the relevant area. Emergency instructions must:
  - Address the risks of fire and serious injury
  - Identify any other emergency situations relevant to the particular area or building
  - List the steps to be followed in each case, including the method to be used to initiate an evacuation of the building. This may include verbally instructing people to evacuate, operating an evacuation siren etc
  - Making special provision for people with disabilities
2. Emergency Control Personnel – a Fire Warden will be appointed to each area or building by the OHWH&S and Risk Management Officer. Each Fire Warden will identify suitable designated assembly points for evacuations in consultation with the OHWH&S and Risk Management Officer. Each Fire Warden will be selected based on personal characteristics and availability rather than by considerations related to organizational or reporting structure.
3. Emergency Floor Plans – A minimum of one (1) Emergency Floor Plan must be prominently displayed on each floor of each building/area. The Council administration building must display a minimum of five (5) floor plans on each floor. Each floor plan must clearly illustrate:
  - The name of the building and the floor level;
  - The location of the plan itself ("You Are Here") on the floor;
  - The emergency exists for that floor
  - The location of fire fighting equipment;
  - The location of any break glass alarm; and
  - The location of the First Aid kit.

Immediately next to the floor plan, a one page summary of the Emergency Instructions must be displayed.

### Emergency Instructions

1. General Emergency Instructions – If you are the first person at the scene of an emergency – **Assess, Alert and Assist** by doing the following:
  1. Assess the situation for immediate dangers to your own safety and take the appropriate steps
  2. Alert persons around you, the relevant emergency services (000) and the Fire Warden where possible
  3. Assist any persons around you if it is safe to do so
  4. Contain or combat the emergency only if ~~it is safe to do so~~ you have been trained to.
  5. Evacuate to ~~a safe location~~ the designated assembly area
  6. Notify the immediate supervisor or relevant director of the incident. They should be notified of any incidents that are likely to cause distress to the persons involved

2. Building Evacuation Instructions

**All staff, contractors, consultants and visitors must do the following if instructed to evacuate a building or area by means of an automatic or manual alarm, or at the direction of a Fire Warden:**

- ~~Make all equipment safe~~ Gather your personal possessions only (wallet, purse, phone etc)
- Evacuate promptly from the building, closing doors behind you if practicable
- Assemble at the designated assembly point for that building or area
- Report to the Fire Warden assigned to that area and await further instructions
- Do not leave the area
- Do not smoke
- Follow instructions from Fire Warden or emergency services personnel

All Fire Wardens must:

- a) Initiate an immediate evacuation if there is an automatic evacuation alarm or instruction to evacuate by emergency services personnel
- b) Investigate an emergency and decide if an evacuation is necessary if there has been a report of an emergency by others or there is an indication of an incident or problem
- c) In the case of an evacuation the Fire Warden must:
  1. Follow the Emergency Instructions to initiate evacuation
  2. Ensure that the appropriate emergency services have been contacted by phone (000 for emergency)

3. Put on the Fire Warden hat
4. Conduct a thorough search of the area advising people to evacuate to the assembly point
5. Proceed to the assembly point
6. Determine whether the assembly point is safe and take appropriate action if not
7. Determine if anyone may be missing
8. Report to the Emergency Services personnel and advise the result of the area search and the head count
9. Take steps to prevent unauthorized persons from entering the building if necessary

### 3. Bomb Threats

- a) Written Threat – any Councilor or employee receiving a written bomb threat must:
  - Avoid unnecessary handling of the letter, envelope, parcel etc;
  - Preserve the evidence by placing it into an envelope or sleeve (preferably clear); and
  - Immediately report the matter to the Manager/Supervisor who must contact emergency services (call 000) and the Fire Warden.
- b) Telephone Threat – The Manager/Supervisor must contact emergency services (call 000) and the Fire Warden.
- c) Suspect Object or Mail Item – any Councilor or employee who discovers a suspect object or receives a suspect item of mail must:
  - Avoid handling the object or item;
  - Alert nearby people and retreat from the immediate area;
  - Immediately report the matter to the Manager/ Supervisor who must contact emergency services (call 000) and the Fire Warden.

### 4. Reporting

All emergencies must be reported to the General Manager and the WH&S ~~and Risk Management~~ Officer. An Incident report must be completed and investigated.

## Appendix A

### Walgett Shire Council Emergency Instructions

<b>Name of Area:</b> (Specific area/building)	<b>Phone Number:</b>
<b>Location:</b> (Walgett, Lightning Ridge)	<b>Phone Number:</b>
<b>Fire Warden:</b>	<b>Phone Number:</b>

<b>Designated Assembly Point:</b> (Give exact location of assembly point and attach a map if possible)
-----------------------------------------------------------------------------------------------------------

<b>General Emergency Instructions</b> (Remember Assess, Alert and Assist, Evacuate and notify your Supervisor)
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<b>Building Evacuation Instructions:</b> (In case you are required to evacuate a building or area by means of automatic alarm or verbal order)
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Appendix B – Staff Emergency Booklet (inserts)

## STANDARD FIRE ORDERS

IF YOU SEE FIRE OR SMOKE DO NOT PANIC OR SHOUT

REMAIN CALM – REMEMBER R.A.C.E

<b>RESCUE PEOPLE:</b>	-	From Immediate Danger (If safe to do so)
<b>ALARM:</b>	-	Call Fire Brigade – Dial 000 Provide Name-, Address, Nearest Cross Street, Nature of Incident
<b>CONTAIN FIRE &amp; SMOKE:</b>	-	If practical, close all doors and windows (If safe to do so)
<b>EXTINGUISH:</b>	-	Only attempt to extinguish the Fire using the appropriate fire Fighting equipment (If trained and safe to do so)

Prepare to evacuate if necessary.

Leave lights on.

Save records if possible.

The order in which these actions are performed will depend upon the particular fire situation.

## **BOMB THREAT**

### **IF YOU RECEIVE A BOMB THREAT**

- REMAIN CALM:** Treat call as genuine, record exact information, prolong the conversation and do not hang up.
- ATTRACT THE ATTENTION OF A SECOND PERSON:** **Do not alert caller to your actions!**  
Get a second person to **call 000** – Police and report the call.
- BE ATTENTIVE:** Note distinguishing background noises, music, traffic etc. Note voice characteristics. Does the caller know the building?
- RECORD:** **Details Immediately**  
(Refer to Bomb Threat Checklist)
- NOTIFY:** Supervisor or Director
- PREPARE:** To follow instructions of Supervisor or Director. Evacuate if necessary. Assist in search if required.
- IF OBJECT FOUND:** **Do not Touch**  
Report Find. Open doors and windows where possible and evacuate area.



## **BOMB THREAT CHECKLIST**

**Exact wording of threat:** \_\_\_\_\_

\_\_\_\_\_

### **Questions to ask:**

When is the bomb going to explode? \_\_\_\_\_

Where did you put the bomb? \_\_\_\_\_

When did you put it there? \_\_\_\_\_

What does the bomb look like? \_\_\_\_\_

What kind of bomb is it? \_\_\_\_\_

What will make the bomb explode? \_\_\_\_\_

Why did you place the bomb? \_\_\_\_\_

What is your name? \_\_\_\_\_

### **Callers Voice**

Sex of caller: Male / Female

Callers voice: Asian American English Australian European Other \_\_\_\_\_

Voice: Loud / Soft Other \_\_\_\_\_ Speech: Loud / Soft Other \_\_\_\_\_

Impediment: Lisp Stutter Other \_\_\_\_\_ Manner: Calm Emotional Other \_\_\_\_\_

Did you recognize the voice? Yes / No

Was the caller familiar with the area? Yes / No

### **Threat Language**

Well spoken Yes / No Incoherent Yes / No Taped Yes / No

Message read by caller Yes / No Abusive Yes / No

Other \_\_\_\_\_

### **Background Noises:**

Local call \_\_\_\_\_ STD \_\_\_\_\_ Music \_\_\_\_\_

Voices \_\_\_\_\_ Street noise \_\_\_\_\_ Aircraft \_\_\_\_\_

House noise \_\_\_\_\_ Machinery \_\_\_\_\_ Other \_\_\_\_\_

### **Call Taken:**

Time \_\_\_\_\_ Date \_\_\_\_\_

Duration of call \_\_\_\_\_

### **Additional Information:**

Number called \_\_\_\_\_

Call taken by \_\_\_\_\_

Signature \_\_\_\_\_

## **PERSONAL THREAT**

**PERSONAL THREATS INCLUDE ASSAULTS, CONFRONTATIONS WITH ARMED AND UNARMED PERSONS, ARMED HOLD UPS, HOSTAGE AND KIDNAP SITUATIONS AND ROBBERY.**

<b>REMAIN CALM:</b>	Do not panic or shout, avoid eye contact, do not make any sudden movements.
<b>DO NOT TAKE RISKS:</b>	Hand over whatever is requested. Do not do anything which may antagonise the assailant.
<b>DO ONLY WHAT YOU ARE TOLD:</b>	Do not volunteer other information.
<b>OBSERVE OFFENDER'S CHARACTER:</b>	Face, height, voice, clothing, tattoos, jewellery, items touched <u>Also Note:</u> Type of vehicle used for escape, registration number if possible and direction of escape
<b>ALERT:</b>	Other staff members if safe to do so
<b>TELEPHONE:</b>	Police, Dial "000" from the nearest extension. Give your location, name and request urgent assistance
<b>RECORD:</b>	Immediately assailant has departed, write down all details which may be relevant

## **MEDICAL EMERGENCY**

### **IN THE EVENT OF A CARDIAC ARREST OR THE NEED FOR URGENT MEDICAL ASSISTANCE.**

<b>REMAIN CALM:</b>	Do not panic
<b>ASSESS PATIENT:</b>	Danger Response Airway Breathing Circulation
<b>RAISE ALARM:</b>	Call for Help Do not leave the patient Call an ambulance "000" Provide Name, address, nearest cross street, nature of the incident
<b>COMMENCE:</b>	CPR (Cardiopulmonary Resuscitation) or First Aid as required, if trained

### **FIRST AID KIT LOCATED:**

On wall in the kitchen

## **EMERGENCY TELEPHONE NUMBERS**

<b>Fire Brigade</b>	<b>000</b>
<b>Police</b>	<b>000</b>
<b>Ambulance</b>	<b>000</b>
<b>R.F.S</b>	<b>000</b>
<b>S.E.S.</b>	<b>132 500</b>
<b>Walgett Hospital</b>	<b>6828 6000</b>
<b>Lightning Ridge Hospital</b>	<b>6829 1022</b>
<b>Collarenebri Hospital</b>	<b>6756 4888</b>
<b>Aboriginal Medical Service</b>	<b>6828 1611</b>
<b>Country Energy</b>	<b>132356 or 132080</b>
<b>Council On-Call</b>	<b>0428 420 588</b>

**When giving an address to an Emergency Services Operator state the following:**

<b>Name of Business</b>	<b>Walgett Shire Council</b>
<b>Street Address</b>	<b>77 Fox Street</b>
<b>Town</b>	<b>Walgett</b>
<b>Nearest Cross Street</b>	<b>Euroka Street</b>
<b>Nature of Incident</b>	<b>Fire, Medical etc</b>
<b>Number of Persons</b>	<b>Trapped or injured etc</b>

## **EVACUATION**

**EVACUATION IS THE RAPID REMOVAL OF PEOPLE FROM IMMEDIATE OR THREATENED DANGER IN A SAFE AND ORDERLY MANNER.**

**REMAIN CALM:** Do not ~~Panic~~

TRAINED FIRE WARDENS WILL GUIDE YOU OUTSIDE

**ALERT:** Fellow Employees  
Ensure Emergency Services has been alerted

**ASSEMBLY:** ~~If evacuated from the FRONT OF BUILDING,~~  
~~Assembly area is on LAWN AT LIBRARY~~  
~~If evacuated from the REAR OF BUILDING,~~  
~~Assembly area is at GRAY PARK~~  
The assembly area for all staff is on the grass area in Gray Park.

TRAINED FIRE WARDENS WILL BEGIN THE FOLLOWING

**EVACUATE:**

1. People in immediate danger
2. People out of immediate danger
3. Out of Section of Building
4. Total Evacuation of Building

**CHECK:** All rooms, especially toilets and storage areas, behind doors, upstairs, all offices ~~etc~~

**RECORDS:** ~~If safe to do so, save as many records as possible~~  
Do not stop to gather anything apart from your own personal possessions, wallet, phone, handbag etc

**HEAD COUNT:** Wardens will conduct a head count  
**DO NOT** leave the assembly area until told to do so by the Warden  
**DO NOT** ~~re enter~~ the building until cleared and told by the Fire Brigade

**REPORT:** To the Chief Warden

Notify Emergency Service of any persons  
unaccounted for



## **EXTERNAL EMERGENCY**

**AN EXTERNAL EMERGENCY COULD BE CAUSED BY NATURAL DISASTERS, BUSHFIRE, EARTHQUAKE, FLOODING, MAJOR ROAD ACCIDENTS, AIRCRAFT CRASH, CIVIL DISTURBANCES ETC.**

- CONTACT:** The person receiving notification of a disaster should contact the relevant emergency service if assistance is required.
- PREPARE FOR:** Evacuation if considered necessary.  
~~Isolate services such as electricity, gas and water.~~
- ADVISE:** Fellow workers of the situation.  
Calmly explain the situation and how it will affect them.
- RECOVERY:** Plan how you will recover from the disaster.  
Have continuity plans.

**DO NOT USE TELEPHONES – WAIT TO BE CALLED.**

## **INTERNAL EMERGENCY**

OTHER THAN FIRE / SMOKE, AN INTERNAL EMERGENCY COULD BE CAUSED BY EXPLOSION, ELECTRICAL POWER FAILURE, WATER SUPPLY FAILURE, SPILLAGE OR LEAK OF HAZARDOUS SUBSTANCES, ILLEGAL OCCUPANCY

- REMAIN CALM:** Do Not Panic!
- ALERT:** Call “000” (If appropriate)  
State exact location and nature of the emergency.  
Give your name.
- RESTRICT ACCESS:** To affected Area.

### **DO NOT ATTEMPT ANY ACTION WHICH PUTS YOUR LIFE IN DANGER.**

Follow instructions of the warden.

Prepare to evacuate if necessary.

### **ESSENTIAL SERVICES FAULTS:**

Essential Services faults include faults in electricity water, gas, telephones, plumbing, security services or computers.

### **PROCEDURE:**

- When an essential service is faulty or fails, the warden is to be notified.
- After assessment of failure, a decision is made on the urgency of the matter.
- If the situation or the likely consequences are considered urgent, appropriate action should be taken immediately.
- If the situation is non-urgent, appropriate action should be taken as soon as possible.

**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<a href="#">Nov 2022</a>	<a href="#">Policy review</a>	<a href="#">Michael Urquhart</a> General Manager



# Closed Circuit Television (CCTV) Workplace Surveillance

WSC – Policy/Procedure – Closed Circuit Television (CCTV)



## CLOSED CIRCUIT TELEVISION (CCTV) WORKPLACE SURVEILLANCE POLICY & PROCEDURE

Approval Date: Add > \_\_\_\_\_

Review Date: Add > ??? Every 12 months

Responsible Officer: GM

### POLICY STATEMENT

Walgett Shire Council supports the implementation and operation of a CCTV network in and around Council Premises to enhance the safety and security of employees, visitors and property while protecting the individuals' rights to privacy.

CCTV consists of dedicated high-resolution cameras providing continuous real time surveillance of Council property and public places. The primary use of CCTV is to discourage the occurrence of unlawful activity and enhance the chances of apprehending offenders. The policy also includes motor vehicle and "Lone Worker" tracking.

### OBJECTIVES:

The Objectives of the Walgett Shire Council CCTV and tracking system are: -----

- To act as a deterrent for the prevention of vandalism, graffiti and damage to property.
- To permit the controlled provision of information by Council to authorised security and agencies such as Police and the courts to enable the development of effective response to recorded and or observed incidents. -----
- To use as a tool to support the Police in verifying incidents and suspect activities and prosecuting offences.
- To assist compliance with work, health and safety requirements; legislative obligations; and ensure appropriate standards of performance and operations by council staff. -----

The CCTV site includes all public places, Council land and buildings, including those areas occupied by public facilities such as Administration Centres, swimming pools, libraries, work depots, water and sewer treatment facilities.

Surveillance also includes tracking of motor vehicles for lone worker protection, asset management, ----- recording of plant hire use for diesel fuel rebates and general maintenance of plant.

~~Add > Statutory Requirements as (heading to be consistent with format of policies)~~

Add > Workplace Surveillance Act 2005

Add > Workplace Surveillance Regulation 2005

Add > Workplace Surveillance Devices Act 2007

Add > WHS Act 2011 & WHS Regulation 2017

Protection of Environment Operations Act 1997

**Commonwealth Privacy Act 1988**

~~Add ➤ Related Policies (as a heading)~~  
~~Add ➤ Use of Internet & Email Policy~~  
~~Add ➤ Code of Conduct Policy~~  
~~Add ➤ Relevant WHS Policies~~  
~~Add ➤ Workplace Surveillance Policy~~  
~~Add ➤ Employee Grievance Disputes Discipline Policy~~  
~~Add ➤ Relevant Local Government State Award~~  
~~Add ➤ Code of Ethics - Australian Security Industry Association Ltd~~  
~~Add ➤ Customer Services & Complaints Handling Policy~~

**DEFINITIONS:**

**Camera:** includes an electronic device capable of monitoring or recording visual images of activities on premises or in any other place

**Employee:** a person working for Walgett Shire Council, including contractors and volunteers

**Law enforcement agency** means any of the following:

- a) NSW Police,
- b) A police force or police service of another state or territory,
- c) The Australian Federal Police,
- d) The Police Integrity Commission,
- e) The Independent Commission against Corruption,
- f) The New South Wales Crime Commission,
- g) The Australian Crime Commission,
- h) The Department of Corrective Services,
- i) The Department of Juvenile Justice,
- j) Any other authority or person responsible for the enforcement of the criminal laws of the commonwealth or of the state,
- ~~k) A person or body prescribed for the purposes of this definition by the regulations.~~

**Surveillance:** means surveillance of a workplace by means of a camera that monitors or records visual images of activities on premises or in any other place, also includes motor vehicle tracking.

**Unlawful activity** means an act or omission that constitutes an offence against a law of this state or commonwealth,

**Council facility** means premises, or any Council property, which is visited by members of the general public, where employees work, or any part of such premises or property.

**PURPOSE:**

The purposes of the Walgett Shire CCTV and tracking System are:

- To operate according to recognized standards such as the NSW Government CCTV guidelines and privacy provisions, such as the operations will not provide for private individuals requesting copies of vision.
- To operate with efficiency, impartiality and integrity
- To operate with regard to the public requirements for due care, confidentiality and respect.

Council conducts workplace surveillance in a number of different ways and for a variety of purposes. This is considered necessary and appropriate to ensure:

- the health, safety and welfare of individuals so far as is reasonably practicable
- the integrity and security of Council's systems, networks and assets
- the continuous attainment of appropriate standards of performance and operations

- by Council, and
- compliance with Council's legal obligations.
- The use of workplace surveillance has a range of benefits to Council and the people with which it interacts (including Employees) as it has the potential to:
  - deter vandalism, theft or acts of violence
  - reduce the risks associated with security incidents
  - assist in identifying those responsible for criminal or inappropriate conduct,
  - provide additional support and assistance to Employees in certain situations or scenarios.
- Council will not monitor Employees' activities or whereabouts unless:
  - there is a potential or immediate threat to an employee's health or safety or
  - it is suspected/alleged that there has been a serious breach of Council's policies and procedures or
  - previous attempts at performance improvement procedures have not been successful and the employee has been sufficiently warned that monitoring may occur.
- Any grievance or issue associated with the application of this Policy shall be dealt with in accordance with Council's Grievance Handling Policy, Disciplinary Policy and/or the Award.
- Council will adopt a consistent and ethical approach to the implementation and conduct of workplace surveillance.

#### **PROCEDURES:**

The procedure for assessing the need and implementation of CCTV and tracking is as follows:

- a) Demonstrate Need for CCTV
  - Documented evidence of high risk of unlawful incidents occurring or reoccurring or prima facie evidence of serious misconduct.
- b) Develop and Record Implementation Strategy
  - Record a proposal for installation, including:
    - The specific purpose of CCTV monitoring;
    - The physical area to be placed under CCTV monitoring.
    - Motor Vehicle tracking
- c) Approval for Implementation
  - Approval to be obtained from the General Manager
- d) Implement CCTV Facility, including staff training
  - CCTV register will be maintained by the CFO/Director Corporate Services
  - All viewing to be recorded into CCTV register, identifying the need to view the recording, who was present and date
  - Appropriate signage will be installed and recorded in the CCTV register
  - Unlawful activity captured and identified in recordings will be investigated and reported to the Law Enforcement Agency as considered necessary or to Council's General Manager and / or Human Resources in the matter relating to a council employee
- e) Monitor
  - Monitoring will be on 'as needed' basis, including a review of the CCTV registers and motor vehicle tracking program

#### **SUPPORTING INFORMATION:**

Other procedural information on the use of CCTV and tracking is as follows:



- All data collected using this system, including images, will be managed in accordance with the provisions of the Commonwealth Privacy Act 1988, Workplace Surveillance Act and Regulation 2005, and the relevant Council policy relating to the control of private information.
- All persons involved in the operation of the system are to exercise care to prevent improper disclosure of material.
- Cameras will not be hidden and as far as possible will be placed in public view except for operational requirements.
- Signs that CCTV cameras are operating will be displayed at key locations. The signs will make people entering Council workplaces aware that CCTV systems operate within the Council.
- The Policy will be available in Council's Policy Register. The introduction of the system (or any subsequent changes) will be publicized through the use of the Council notice boards for a period of two weeks.
- The system will operate in a manner that is sensitive to the privacy of people working in the area.
- Persons authorized to access the operations of the cameras will receive training in the varying degrees of privacy afforded by Council, public, semi public and private premises within a mixed Council workplace and public access domain such as swimming pools and recreational parks.
- There may be circumstances where the Law Enforcement Agency may wish to conduct a pre-planned operation at Council workplaces. The General Manager or nominated Director may authorize the use of this system to support these operations; provided it is done within the provisions of this Policy and a representative of the Law Enforcement Agency is present in the room for recording for the full duration of the operation.
- A written record will be maintained of any use of the system at the request of the Law Enforcement Agency. This record will include details of the Law Enforcement Agency Officer making the request, details of the time and date of the request and reasons for the request.
- The level of Law Enforcement Agency response to incidents will be determined the Law Enforcement Agency and will be subject to the various priorities at the time the incident is reported. The Council has no control over the priority allocated by the Law Enforcement Agency.
- All incidents requiring attendance by the Law Enforcement Agency or other emergency services will be reported to the General Manager, as soon as possible.
- Any use of this system or materials produced which is frivolous, or for private purposes, or is otherwise inconsistent with the objectives and procedures outlined within this Policy will be considered gross misconduct. Any Council employee involved in incidents of this type will face appropriate disciplinary action in accordance with the relevant Council policies, awards, agreements, and Workplace Surveillance Act and Regulations 2005. A 24-hour record is kept of event activity in the recorder of the CCTV units.
- As council employee confidence in the system is essential, all cameras will be operational. An appropriate maintenance program will be established and under no circumstances will "dummy" cameras be ~~used~~.
- Council may use surveillance information for measuring, assessing and improving the productivity of Council as a whole.
  - Data gathered from Council's surveillance information will not be used as a primary resource in performance management action relating to a specific employee or a group of employees. Where an issue arises in relation to an employee's conduct or work performance, the data may be used to highlight areas for improvement during a discussion between Council, the employee and the employee's representative to determine appropriate improvement strategies e.g. training.

- o Except in instances of alleged serious misconduct, surveillance information will only be used during an investigation or as part of a disciplinary process after all other attempts to correct poor conduct or work performance have failed and the employee has been sufficiently warned of the consequences of continued poor performance.

#### **Introduction**

This document details the management of closed circuit television system (CCTV) and tracking devices. The system is implemented by Council to assist in the protection of employees and visitors to the Council facilities or workplaces as well as providing enhanced security for Council assets and if necessary improving the productivity of Council.

The CCTV and tracking system will be managed in accordance with all relevant external regulations such as Workplace Surveillance Act 2005 and Council policies. The conditions applied to the use of the system, including the storage, disposal and access to images and the storage of information, are detailed within this Policy.

Where appropriate, a Law Enforcement Agency may be asked to investigate any matter recorded by the CCTV system which is deemed to be of a criminal nature.

This policy will detail instances of activity by the Council that are covered by the surveillance provisions: camera surveillance; and tracking surveillance.

#### **Policy**

##### **CCTV surveillance**

Walgett Shire Council will use CCTV to enhance the safety and security of employee's visitors and property, while protecting individuals' rights to privacy.

CCTV consists of dedicated high-resolution cameras providing continuous real time surveillance of Council property. The primary use of CCTV is to discourage the occurrence of unlawful activity and enhance the chances of apprehending offenders.

##### **Tracking surveillance**

Tracking devices come in many forms and can be fixed (i.e. to a vehicle) body or handheld. The devices can be used by Council to provide operational and/or safety information related to the exercise of a function of Council and matters relating to serious misconduct by a council employee.

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##### **Requirements for tracking surveillance**

Council will install visible signs in all vehicles fitted with tracking devices to inform all vehicle users that surveillance tracking is being carried out.

#### **Definitions**

**camera** includes an electronic device capable of monitoring or recording visual images of activities on premises or in any other place.

**employee** a person working for Walgett Shire Council, including contractors and volunteers

**law enforcement agency** means any of the following:

- a. NSW Police,
- b. a police force or police service of another State or a Territory,
- c. the Australian Federal Police,
- d. the Police Integrity Commission,
- e. the Independent Commission Against Corruption,
- f. the New South Wales Crime Commission,
- g. the Australian Crime Commission,
- h. the Department of Corrective Services,
- i. the Department of Juvenile Justice,
- j. any other authority or person responsible for the enforcement of the criminal laws of the Commonwealth or of the State,
- k. a person or body prescribed for the purposes of this definition by the regulations.

<b>Surveillance</b>	means surveillance of a facility or workplace by means of a camera that monitors or records visual images of activities on premises or in any other place,
<b>unlawful activity</b>	means an act or omission that constitutes an offence against a law of this State or the Commonwealth.
<b>Council facility</b>	means premises, or any Council property, which is visited by members of the general public, where employees work, or any part of such premises or property.

**Tracking surveillance** - is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as Global Positioning System tracking device) for a motor vehicle or employee.

#### The Act – The Workplace Surveillance Act 2005

##### Responsibility

Amendments or extensions to the Policy will only take place after appropriate consultation and approval of Council. Where specific arrangements are established for surveillance of an area, a written record of the agreed procedures will be made.

The General Manager may approve minor changes to the system that do not have a significant impact on the intent of the Policy or the procedures established to monitor adherence with its provisions.

The CFO/Director Corporate Services or his delegate is responsible for the CCTV and employee tracking:

- managing compliance with this Policy, including compliance by employees and visitors engaged to work on the system.
- the day-to-day management of the system and associated processes. In particular, responsible for Law Enforcement Agency liaison, compliance with the Policy and Operational Manual by employees or any other authorised person, employee training, the preparation of reports and the evaluation of the system performance.

The Director Works or his delegate is responsible for plant and fleet vehicle tracking:

managing compliance with this Policy, including compliance by employees and visitors engaged to work on the system.

- the day-to-day management of the system and associated processes. In particular, responsible for Law Enforcement Agency liaison, compliance with the Policy and Operational Manual by employees or any other authorised person, employee training, the preparation of reports and the evaluation of the system performance.

The Information Technology Coordinator is responsible for:

- Managing the cameras and recording, ensuring that only authorised personnel are given access. A record will be kept of all personnel accessing the CCTV recorders.

~~Related Documentation Delete this section (it has been moved to Statutory Requirements p1)~~

##### NOTICE OF SURVEILLANCE

Section 10 (4) of the Act requires organisations to meet the following five elements relating to the provision of prior notice in writing to employees. They are as follows:

##### **The kind of surveillance to be carried out**

Camera and tracking surveillance will be carried out by Council.

##### **How the surveillance will be carried out**

Council will use overt cameras, tracking devices and any other similar surveillance methods permitted by the Act that Council deems appropriate from time to time.

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**When surveillance under this policy will commence**

Surveillance under the Act and reflected in the policy is effective 14 days after the day this policy is distributed to affected employees.

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**If the surveillance is continuous or intermittent**

The surveillance will be a combination of both continuous and intermittent, dependent upon the means of surveillance being used.

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**If the surveillance is to be for a specified limited period or ongoing**

The various means of surveillance covered by this policy will be ongoing

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**NOTIFICATION TO EMPLOYEES**

Notification to employees of this policy will be in writing or by email which constitutes notice in writing for the purpose of complying with the Act. Existing employees of Council shall be notified of the installation and intent of surveillance measures through the dissemination of this policy.

Workers yet to commence with Council shall be given notification of this Surveillance Policy as part of their offer of employment. By accepting employment with Council the employee will be consenting to the conduct of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.

There is an exception to official notification in circumstances where employees have agreed to the carrying out of surveillance for purposes other than the surveillance of employees. This situation would cover, for example, security cameras that are placed in public places, such as the library, lobbies, corridors, courtyards, car parks or lifts, for the safety of residents/ratepayers.

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**Procedure**

The procedure for assessing the need and implementation of CCTV or tracking is as follows:

1. Demonstrate Need for CCTV or Tracking
  - Documented evidence of high risk of unlawful incidents occurring or re-occurring.
2. Develop and Record Implementation Strategy
  - Record a proposal for installation, including:
    - The specific purpose of CCTV or Tracking;
    - The physical area to be placed under CCTV or Tracking monitoring
3. Implement CCTV or Tracking System, Including Staff Training
  - CCTV register will be maintained by the Information Technology Coordinator
  - All viewing to be recorded into CCTV register, identifying the need to view the recording, who was present and date
  - Appropriate signage will be installed and recorded in the CCTV register.
  - Unlawful activity captured and identified in recordings will be investigated and reported to the Law Enforcement Agency as considered necessary
4. Monitor
  - CCTV monitoring will be on a monthly basis, including a review of the CCTV registers.
  - Plant and Fleet Tracking will be on an as needs basis.
5. Review
  - The policy is to be reviewed every two years.

Other procedural information on the use of CCTV or Tracking Systems is as follows:



- All data collected using this system, including images, will be managed in accordance with the provisions of the Commonwealth Privacy Act 1988, Workplace Surveillance Act and Regulation 2005 and the relevant Council policy relating to the control of private information.
- All persons involved in the operation of the system are to exercise care to prevent improper disclosure of material.
- Cameras will not be hidden and as far as possible will be placed in public view.
- Signs will be displayed at entry points to the CCTV camera monitoring area. The signs will allow people entering Council facilities and workplaces to be made aware that CCTV systems operate within the facility.
- Introduction of the system (or any subsequent changes) will be publicised in the local newspaper for a period of 14 days.
- The system will operate in a manner that is sensitive to the privacy of people working or visiting the area or facility.
- Persons authorised to access the operations of the cameras will receive training in the varying degrees of privacy afforded by Council, public, semi public and private premises within a mixed Council workplace and public access domain such as swimming pools, libraries and recreational parks and gardens.
- There may be circumstances where the Law Enforcement Agency may wish to conduct a pre-planned operation at Council facilities or workplaces. The General Manager or CFO/Director Corporate Services may authorise the use of this system to support these operations, provided it is done within the provisions of this Policy and a representative of the Law Enforcement Agency is present in the room for recording for the full duration of the operation.
- A written record will be maintained of any use of the system at the request of the Law Enforcement Agency. This record will include details of the Law Enforcement Agency Officer making the request, details of the time and date of the request and reasons for the request.
- The level of Law Enforcement Agency response to incidents will be determined by the Law Enforcement Agency and will be subject to the various priorities at the time the incident is reported. The Council has no control over the priority allocated by the Law Enforcement Agency.
- All incidents requiring attendance by the Law Enforcement Agency or other emergency services will be reported to the General Manager, as soon as possible.
- Any use of this system or materials produced which is frivolous, or for private purposes, or is otherwise inconsistent with the objectives and procedures outlined within this Policy will be considered gross misconduct. Any Council employee involved in incidents of this type will face appropriate disciplinary action in accordance with the relevant Council policies, awards, agreements, and Workplace Surveillance Act and Regulations 2005. A 24-hour record is kept of event activity in the recorder of the CCTV units.

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#### **Use and disclosure of surveillance information**

Surveillance information means information obtained, recorded, monitored or observed as a consequence of surveillance in a workplace. Surveillance information will only be used/disclosed for legitimate employment/business purpose or in connection with suspected corruption, illegal activity, maladministration, misuse of Council resources and imminent threat of serious violence to persons or substantial damage to property, in accordance with Section 18 of the Act.

Whilst information obtained from surveillance devices will not be used for this sole purpose, it may be used by Council as part of investigations for disciplinary purposes and as evidence during any disciplinary interviews in compliance with the disciplinary procedures within the relevant industrial award. Other than identified responsible Managers as outlined in this policy, surveillance records will not generally be made available to Managers, Directors unless a valid request (as outlined above) for access and use of surveillance records is submitted. Such a request must be submitted to the General Manager for approval.

#### **Training**

Code of Conduct  
System operation

[Code of Ethics](#)

[Email & Internet Access](#)

[Workplace Surveillance](#)

[Add > Relevant Policies & Legislation – WHS, Surveillance, Email & Internet Access,](#)

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## Reporting

Breaches of this Policy and of security must be subject to proper investigation by the CFO/Director Corporate Services. The CFO/Director Corporate Services shall be responsible for making recommendations to the General Manager to remedy any breach which is proved or evidenced. Council reserves the right to apply disciplinary sanctions for breaches, up to and including referring the breach to the Law Enforcement Agency. Complaints regarding the CCTV or Tracking system and its operation must be made in writing in accordance with Council's Customer Services & Complaints Handling or Employee Grievance Disputes Policies.

~~References Delete this section which has been moved to p2~~

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~~Add Policy Review History as the title and details in table below~~

Date of Review	Changes Made	Approved By
August 2019	Formally Adopted	GM Greg Ingram
February 2022	Formally Adopted	Council/GM



# Records Management for Councillors

WSC - Procedure – Records Management for Councillors



## RECORDS MANAGEMENT FOR COUNCILLORS **POLICY & PROCEDURE**

Approval Date:   
Review Date: November 2011  
Responsible Officer: Director Corporate and Community Services

### POLICY STATEMENT

WSC is committed to providing Councillors with appropriate access to records created by Council and to ensure that records created or received by Councillors are managed in accordance with legislative requirements.

### OBJECTIVES:

- To ensure that at all times WSC complies with the NSW Local Government Act 1993, NSW State Records Act 1998, NSW State Records Regulation 2010, Freedom of Information Act 1989 and the Privacy and Personal Information Act 1998 in relation to the provision of Records Management.
- To ensure records created or received by Councillors are managed throughout their lifecycle in a manner that ensures continuing access to information for all relevant stakeholders.
- To ensure that WSC Councillors have appropriate, authorised and timely access to information.
- To clearly define best practice procedures for the guidance of Councillors and to meet the highest level of public accountability.

### **Objective**

WSC is committed to providing Councillors with appropriate access to records created by Council and to ensure that records created or received by Councillors are managed in accordance with legislative requirements.

### **Council Policy Reference**

[Records Management Policy for Councillors](#)

### **Statutory Requirements**

Local Government Act 1993  
State Records Act 1998  
State records Regulation 2005  
Government Information (Public Access) Act 2009  
Privacy and Protection of Personal Information Act 1998  
Evidence Act (NSW) 1995  
Public Sector Employment and Management Act 2002  
Public Finance and Audit Act, 1983  
Commonwealth Copyright Act 1968  
Australian and International Standard AS ISO 15489 - 2002, Records  
Limitations Act 1969 (NSW)  
General Disposal Authority (GDA 10), 2000  
Privacy and Data Protection Bill, 1994

Public Finance and Audit Act, 1983 and Treasury Directions  
Electronic Transaction Act, 2000

**Related Policy/Procedure**

Code of Conduct

Records Management

Access to Information

[Privacy and Personal Information Protection](#)

## **1 State Records**

### **1.1 Some Councillors' records are State records**

Public offices are bound by the *State Records Act 1998* which establishes rules for best practice for recordkeeping in NSW Government, encouraging transparency and accountability. Councils are identified as public offices under the Act (section 3(1)). When discharging functions of Council, Councillors are subject to the State Records Act when they create or receive 'State records'.

A State record is 'any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office' (section 3(1)).

### **1.2 Examples of State records**

Examples of State records include (but are not limited to):

- correspondence, including emails, regarding building and development matters;
- a petition received from a community group;
- declarations concerning a Councillor's pecuniary interests;
- speech notes made for addresses given at official Council events; and
- complaints, suggestions or enquiries by rate payers about Council services.

### **1.3 Examples of records that are not State records**

Conversely, records which are created, sent or received by Councillors when they are not discharging functions of Council are not considered to be State records for the purposes of the *State Records Act 1998*.

Examples of records that are not State records include (but are not limited to):

- records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances;
- communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Councillors or Council;
- records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council;
- personal records of councillors such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc that are not related to Council business.

## **2 Creation and Capture of Records**

### **2.1 What records to create and capture**

Councillors should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- providing advice, instructions or recommendations,
- drafts of documents for Council containing significant annotations or submitted for comment or approval by others,

- correspondence received and sent relating to their work undertaken for Council.

Council is responsible for:

- creating and capturing records of Council or committee meetings where the Council is the secretary,
- capturing any State records it sends to Councillors regarding Council business.

## **2.2 Creation of records of a confidential nature**

On some occasions Councillors are approached and asked to keep matters discussed relating to Council business confidential. All confidential conversations/correspondence must be recorded and registered into Council's recordkeeping systems if they refer to Council business. These records will be registered by the Director Corporate Services Records Manager with security access limitations. These records may still need to be produced under relevant legislation, e.g. subpoena, the *Government Information (Public Access) Act 2009* or s.12 of the *Local Government Act 1993*.

## **2.2 How to create records**

Council has a number of paper and electronic templates available for Councillors to create faxes, letters and memos while conducting business for the Council. These will assist Councillors in ensuring that the essential information is recorded.

Details of significant advice, commitments etc made during telephone or verbal conversations or via SMS should be recorded using the Council's standard file note template. Notes in Councillors' diaries are generally not adequate where there are recordkeeping requirements: they should be converted into a formal file note. These records should be made as soon as possible after the event to ensure the information is accurate.

## **2.3 How to capture records**

Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be given to the Records Department so they can be registered into Council's TRIM recordkeeping systems as soon as is practicable so that Council can assist with their long term management.

### **2.3.1 Paper records**

Records created or received in paper format should be forwarded to the Records Department. If records are of a sensitive or confidential nature, the Councillor should alert the Director Corporate Services Records Manager to this fact so that appropriate security controls can be applied.

### **2.3.2 Email and electronic records**

Email and other electronic records should be forwarded to the Records Department promptly for registration. If records are of a sensitive or confidential nature, the Councillor should alert the Director Corporate Services Records Manager to this fact so that appropriate security controls can be applied.

### **2.3.3 Councillors' copies**

If a Councillor retains copies of any records once the originals have been forwarded for registration, these should be retained only while needed for current Council business. Once the copy is no longer needed it should be forwarded to the Records Department for destruction.

It is important to recognise that these copies should be treated like the originals with regard to security controls applied.

## **3 Registration of records by Council**

### **3.1 Councillors' mail (including email)**

All incoming mail for Councillors received at Council with no privacy markings will be opened by Records staff. Mail considered to be a State Record will be registered in TRIM before being forwarded to the relevant Councillor. Mail with privacy markings is registered in a separate register but forwarded to the Councillor unopened. It is then the Councillor's responsibility to return any mail that is a State record and requires registration in the TRIM record keeping system.

Faxes to Councillors are registered in TRIM, before being forwarded to the relevant Councillor.

Electronic mail received through the administrative email address that is addressed to a Councillor will be registered in TRIM, with the exception of unsolicited material, items which appear to have little or no significance to the Councillors role or Council operations, pornographic or obscene material, or spam. The email will be printed out and placed in the Councillor's pigeon hole or will be forwarded to the Councillor, depending on their preference to receiving emails.

## **4 Access to records of Council**

### **4.1 Access relating to civic duties**

Councillors need to have access to information held by Council to help them make informed decisions on matters under their consideration. This information should be relevant and appropriate to the discharge of their obligations e.g. records relating to matters before Council or due to be listed for which there is notification.

As a first step, Councillors should direct initial requests in writing to the General Manager or the Director Corporate and Community Services

Councillors wishing to access records that have access restrictions higher than their level of clearance must obtain permission from the General Manager. This request must be in writing.

Records can be made available for viewing during normal business hours. Records must be viewed in the presence of the Records staff.

### **4.2 Access relating to personal interest**

Councillors wishing to access records in relation to a matter of personal interest have the same rights as other members of the public. Access may be obtained, for example, under:

- Section 12(1) of the *Local Government Act 1993* which allows all persons to have a right of access to certain Council records
- the *Privacy and Personal Information Protection Act 1998*



- the *Health Records and Information Privacy Act 2002*
- the *State Records Act 1998*, or
- the *Government Information (Public Access) Act 2009*.

#### **4.3 Refusal of access**

Should a Councillor be refused access to records of Council, the Councillor will be provided with reason(s) and these reasons will be publicly available. Councillors can ask for a review of a decision to deny access in accordance with section 12A of the *Local Government Act 1993*. Requests for review should be directed to the General Manager or the Director Corporate and Community Services.

If a Councillor is refused access to records under another Act, they should refer to any appeal provisions of that Act.

### **5 Borrowing records of Council**

#### **5.1 Borrowing paper-based records**

Files can not be removed from Council premises and they should then be promptly returned to Council storage for safety and to enable the files to be made available to other Councillors and Council staff. Records can be made available for viewing during normal business hours. Records must be viewed in the presence of the Records staff. Copies can be provided upon request.

### **6 Unauthorised access or disclosure of Council records**

The *Local Government Act 1993* section 664(1) prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in certain specific circumstances. Councillors are also bound by the Council's *Code of conduct* not to:

- attempt to access records they are not authorised to see,
- provide unauthorised access to other parties while Council records are in their care,
- disclose confidential information about Council business, or
- disclose personal information of employees, clients etc without the subject's consent.

### **7 Handling and storage of records**

#### **7.1 Damage or neglect of records is an offence**

Damage or neglect of a State record is an offence under section 21 of the *State Records Act*. Councillors should apply the storage and handling rules below to ensure records are protected.

#### **7.2 Handling of records**

When handling Council records the following rules apply:

- registered documents are not to be rearranged or removed from Council files (the order provides context for the records) and information on files should never be altered.
- no food or drink is to be consumed near records (grease and food particles can attract vermin and liquids can damage records if spilt on them).
- strictly no smoking around records (due to airborne pollutants and the risk of fire).

- if records are damaged during handling, the Director Corporate Services Records Manager should be informed. No attempts should be made to repair the record (as some repairs can do long term damage).

### 7.3 Storage of records

No Council records are to be kept at a councillor's home, with the exception of publicly available documents or duplicates of documents that have been registered by Council after being received by the Councillor. Files must be accessed at Council in normal working hours in the presence of Records staff.

## 8 Disposal of records

### 8.1 Disposal in accordance with the State Records Act

State records held by Councillors must be disposed of in accordance with the *State Records Act 1998*.

Other forms of authorised disposal include:

- by order of a court or tribunal.
- 'normal administrative practice' (NAP) where ephemeral, duplicate or facilitative records can be destroyed. State Records has produced *Guidelines on Normal Administrative Practice (NAP)* which provide further information on the application of NAP.

### 8.2 Liaison with Council for disposal

Councillors should liaise with the Records Department regarding the disposal of any records of Council business as Council is responsible for:

- ensuring legislative requirements are met,
- ensuring destruction is undertaken appropriately (e.g. that no sensitive information is released due to inappropriate destruction methods), and
- documenting disposal decisions for accountability purposes.

The Council's Records staff are primarily responsible for the disposal of State records, unless other arrangements are approved. Councillors should return records as requested for destruction by Council.

## 9 For more information

For more information about the use of these procedures, contact Director Corporate Corporate and Community Services on (02) 6828 1399.

**Acknowledgment:** Walgett Shire Council acknowledges the use of State Records NSW, *Sample records management policy and procedures for Councillors* which draws on policy/procedure documents of State Library of NSW, State Records NSW, Armidale/Dumaresq Council, Shoalhaven City Council, and the Council of the City of Sydney.



## **Appendix A - Glossary of terms**

### **Access**

Right, opportunity, means of finding, using or retrieving information. *AS ISO 15489 Part 1 Clause 3.1*

### **Appraisal**

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations. *AS 4390 Part 1 Clause 4.3*

### **Archives**

Those records that are appraised as having continuing value. *AS 4390 Part 1 Clause 4.5*

### **Disposal**

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records. *AS 4390 Part 1 Clause 4.9*

### **Recordkeeping**

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. *AS 4390-1996, Part 1.4.19*

### **Recordkeeping systems**

Information systems which capture, maintain and provide access to records over time. *AS 4390-1996, Part 1. Clause 4.20*

### **Records**

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. *AS ISO 15489 Part 1 Clause 3.15*

Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. *State Records Act 1998 (NSW)*

### **Records management program**

A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

### **Retention and Disposal Authority**

Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records.

### **State archive**

A State record that the State Records Authority of New South Wales has control of under the *State Records Act, 1998 (NSW)*.

## Appendix B - Mail Opening Procedures

All mail and incoming correspondence addressed to Councillors unless marked with any of the following will be opened by administrative staff:

- Private
- Confidential
- Personal
- Care of (c/o)

Mail considered to be a State Record will be registered into the Council recordkeeping system and a copy placed in the addressee's pigeon hole.

Mail not considered to be a State Records will be returned to the envelope and placed in the addressee's pigeon hole.

### Procedure Review History

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
10 <sup>th</sup> November 2022	Reviewed by General Manager Michael Urquhart	

# Records Management

WSC - Procedures – Records Management



## RECORDS MANAGEMENT POLICY & PROCEDURE

Approval Date: ~~22<sup>nd</sup> November 2022~~

Review Date: November 20~~24~~<sup>14</sup>

Responsible Officer: Director Corporate ~~and Community~~ Services

### POLICY STATEMENT

WSC is committed to effectively recording, managing and enabling access to information stored in both physical and electronic format while ensuring compliance with legislative requirements.

### OBJECTIVES:

- To ensure that at all times WSC complies with the Local N.S.W. Local Government Act 1993, NSW State Records Act 1998, NSW State Records Regulation 2005, Freedom of Information Act 1989 and the Privacy and Personal Information Protection Act 1998 in relation to the provision of Records Management.
- To ensure that WSC staff have appropriate and timely access to information.
- To ensure information is managed throughout its lifecycle in a manner that ensures continuing access to information for all stakeholders.
- To clearly define best practice procedures for the guidance of Council staff and to meet the highest level of public accountability.

### Objective

To create, manage and retain or dispose of appropriately, full and accurate records of all activities to meet Council's organisational needs and regulatory requirements.

### Council Policy Reference

[Records Management](#)

### Statutory Requirements

Local Government Act 1993

State Records Act 1998

State ~~R~~ecords Regulation 20~~10~~<sup>05</sup>

Government Information (Public Access) Act 2009

Privacy and Protection of Personal Information Act 1998  
Evidence Act (NSW) ~~1995~~  
Public Sector Employment and Management Act 2002  
Public Finance and Audit Act, 1983  
Commonwealth Copyright Act 1968  
Limitations Act 1969 (NSW)  
Privacy and Data Protection Bill, 1994  
Public Finance and Audit Act, 1983 and Treasury Directions  
Electronic Transaction Act, 2000

**Related Policy/Procedure**

[Code of Conduct](#)

[Access to Information](#)

[Privacy and Personal Information Protection Policy and Procedure](#)

**Government References**

Australian and International Standard AS ISO 15489 - 2002, Records  
General ~~Disposal~~ Authority [39 \(GDA 10\), 2000](#)

## What information is a record?

The State Records Act 1998 defines **records** as

'...any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.'

Whether information is a record does not depend on its format or means of communication, rather it depends upon whether it was sent or received in the course of official business. For example, an email confirming that Agency X wishes to purchase goods for the cost of Y is a record, the latest email joke is not (usually) a corporate record.

Ask yourself the following questions:

- Does it approve or authorise actions?
- Is it a formal communication between staff relating to work?
- Does it signify a policy change or development?
- Does it commit my organisation to an arrangement or to a business deal?
- Does it contain advice, provide guidance or constitute formal communications with people inside or outside the organisation?
- Am I required to act upon it?
- Is it external correspondence I have received relating to work?
- Is it something that I have sent for a business purpose?
- Is it something I have used at work to make a decision?
- If I left this job tomorrow, would my successor need the information in this message to continue with this matter?
- Is the matter to which the message relates one which may be reviewed or audited later?

If the answer to any of these questions is yes, then the information must be recorded in council's record management system.

## Electronic Document Management System (EDMS)

TRIM is Council's official EDMS for the management of its corporate information. All emails, faxes, letters and correspondence received or sent must be saved electronically in TRIM. This also applies to documents created in Word, Excel, PowerPoint and other applications, where they are saved electronically, and in their native format.

Use of other non-compliant record systems is strictly prohibited and contravenes this procedure.

Disciplinary action will be taken against staff utilising non-compliant record systems.

## Incoming Mail

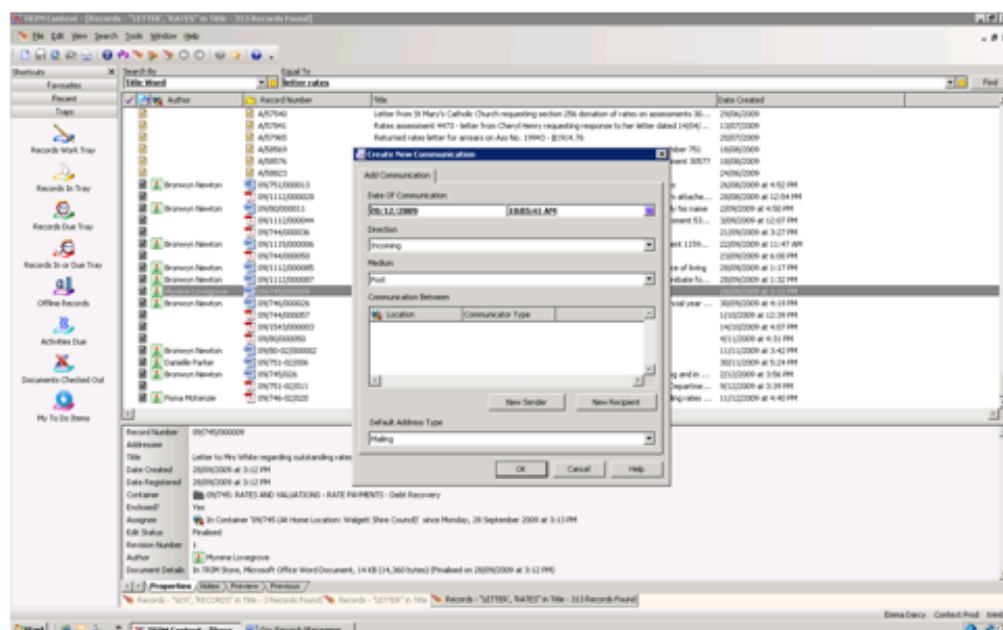
All incoming mail received at Council with no privacy markings will be opened by Records staff. Mail considered to be a Record will be registered in TRIM before being assigned to the relevant staff member. Mail with privacy markings is registered in a separate register but forwarded to the staff member unopened. It is then the staff member's responsibility to return any mail that is a State record and requires registration in the TRIM record keeping system.

Faxes are registered in TRIM, before being scanned and assigned to the relevant staff member.

Records staff will separate mail into invoices, statements, cheques and other documents. Invoices and statements will be stamped and forward to the Finance department and Cheques will be listed on the Cheques Register and receipted in Authority by Records staff.

### Outgoing Mail

- Staff should always include a folder and document number as a reference when preparing correspondence and use corporate templates in TRIM container 09/1479 to ensure that all necessary contextual information is recorded.
- Outgoing emails, letters, faxes or other outgoing information must be registered in TRIM by the staff member who created the outgoing information.
- The appropriate communication must be added and include the date and time, direction (incoming, outgoing or internal) and medium (post, facsimile, email or in person).



- Once the information has been signed or approved by the person sending out the information, the record should be marked as final.
- Any outgoing mail should be forward to the Records Department to be listed in the outgoing mail register. Records staff will complete the mail account and take all mail to the post office.

### Internal Information

- All internally created information must be registered in TRIM. It is the responsibility of the staff member who created the information to ensure that the record is



appropriately registered. For example, the staff member who sent an email to another staff member is responsible for registering the email, the staff member who initiated a phone call is responsible for creating a file note and registering it in TRIM.

### Creation and Capture

Capturing or registering records into council's record management system provides evidence that the record exists. Principles for capturing records are that:

- capture should be timely, e.g. as soon as possible after the record is sent or received.
- the information should be in a format that can be managed over time.

You need to capture the record and also link it to the appropriate container. Information that should be captured about the record and its context includes:

- title – ensure it contains as much information as possible and do not use abbreviations. Make sure it relates to the business function and activity to which the message relates.
- container
- external ID
- date created and date due (if applicable)
- date registered (may be the same as date created)
- author and assignee (if different)

Information that must be captured that is specific to records includes:

- details of transmission, e.g. date and time sent and/or received
- details of sender and receiver (name and organisation)
- attachments or enclosures with the message.

Council staff will automate capture as much as possible. Staff should ensure that they create official records of all decisions and actions made in the course of their official business. For example, if business is transacted by telephone, file notes of the key points in the conversation should be documented in TRIM. Official meetings should include the taking of minutes registered in TRIM.

### Restrictions on Electronic Documents

Only the ~~Director Corporate Records Manager~~ can approve the removal of documents in TRIM.

Access/security controls and caveats may be imposed on records, folders and classifications restricting access to staff that are not part of the control. Only specified staff will be able to view documents with access controls.

### Container and Folder Creation

The Records Manager is responsible for the overall management of the EDMS and the creation of new containers and folders. Records staff and the Administrative Officer also have the ability to create new containers and folders into the EDMS.

### Tracking of Files



The movement of all files will be recorded and updated throughout Council to ensure that the current location and status of a folder can be quickly verified. Staff are to follow the procedures and guidelines relating to file movement and transfer outlined in the TRIM procedures manual and update the location of the file in the EDMS when passing records on to another officer.

### **Maintenance and monitoring**

The Records Manager is responsible for ensuring that records and environmental conditions are monitored regularly to protect records with results being reported to the Director Corporate ~~and Community~~ Services. This will include checking temperature and humidity levels in dedicated records storage areas for paper records and ensuring that digital records are refreshed or replicated when scheduled, when new storage devices and media are being installed or when degradation is detected.

Maintenance of electronic records can also entail the migration of data. Migrations must be authorised by the Director Corporate ~~and Community~~ Services and must produce authentic, complete, accessible and useable records.

Walgett Shire Council has implemented a number of security and counter disaster measures as part of its Information Security Management System (ISMS) for safeguarding its information assets. Staff should abide by these measures at all times.

### **Storage**

Current hardcopy records should be stored in the Records Room with access restricted to Records staff.

Rarely used records or records no longer in use for official purposes that are still required to be retained in accordance with the current Retention and Disposal Authority should be forwarded to the Records Manager for action.

Electronic records will be retained online. Records of short term value will be disposed of at suitable intervals by the Records Manager. Records of long term or archival value should be retained online wherever possible and managed in accordance with legislative requirements.

### **Disposal**

The disposal of records is governed by the State Records Act 1998 (NSW). Delegated Records staff are required to use the General ~~Disposal~~ Authority ~~39 (GDA-10)~~ for the retention and disposal of administrative records while the Functional Disposal Authority is to be used for the disposal of functional records. No records should be destroyed unless approval is granted by the Records Manager, and in accordance with one of the disposal authorities. Any sentencing of records must be supervised by the Records Manager. Approval and signed authorisation for retention, destruction or transfer of records must be sought from the Records Manager before any disposal takes place.

### **Contractors and outsourced functions**

All records created by contractors performing work on behalf of Walgett Shire Council belong to Walgett Shire Council and are State records under the *State Records Act 1998*. This includes the records of contract staff working on the premises as well as external service providers.

Contracts should clearly state that ownership of records resides Walgett Shire Council and instructions regarding creation, management, and access to the records created. The Records Manager should be consulted during the formulation of the contract.

#### **Web Based Records**

Web records can be defined as records generated, captured or received using web technologies. Web records should be captured when records are deemed to be significant as they occur.

#### **Risk Assessment**

Risk assessment involves an analysis of the consequences of records being lost, damaged or destroyed; evaluation of likelihood of threat and accident including natural disaster if appropriate, and evaluation of existing arrangements for the protection of vital records.

The Walgett Shire Council Business Continuity Plan and the Crisis Management Plan will cover the aspects of managing records in a crisis situation.

#### **Records Security**

Vital records are to be kept in the safe located at 77 Fox Street, with restriction limited to delegated staff.

## Appendix A

# File or Fling Guidelines

### Working papers and records

Working papers and records can be disposed of, so long as they are not required to be retained in order to account for policies, decisions, reasons and actions or not required to function as evidence.

#### File

- working papers and records of a project officer or investigative officer that contain substantial and valuable information not found elsewhere
- papers in an unofficial filing system where a registered file has not been created or kept in the recordkeeping system.

#### Fling

- audio recordings of dictated correspondence, conferences and meetings used to prepare correspondence, papers, minutes and transcripts, and
- calculations, and
- rough notes (including rough notes of meetings and telephone conversations where a formal record has been made), and
- statistics and figures.

### Drafts

Drafts in paper form or electronic form that can be disposed of are draft documents of a routine nature and for which there is no identified recordkeeping requirement, as set out in clause 4, to retain them.

#### File

- drafts containing significant or substantial changes or annotations, and
- drafts relating to the formulation of legislation, legislative proposals and amendments, and
- drafts relating to the formulation of policy and procedures, where the draft provides evidence of the processes involved or contains significantly more information than the final version of the document, and
- drafts of legal documents (for example, contracts or tenders).

#### Fling

- All other drafts

**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<u>10<sup>th</sup> November 2022</u>	<u>Review General Manager Michael Urquhart</u>	

## Requests for Assistance (S.356 Financial Assistance)

WSC - Procedure – Requests for Assistance



# REQUESTS FOR ASSISTANCE (s.356 Financial Assistance) **POLICY & PROCEDURE**

Approval Date: 22<sup>nd</sup> November 2022

Review Date: November 2024 August 2014

Responsible Officer: General Manager ~~Director Corporate Services~~

### POLICY STATEMENT

WSC is committed to the fair, equitable and impartial assessment of all requests for assistance.

### OBJECTIVES:

- To ensure WSC Complies with the NSW Local Government Act 1993, Chapter 12, Part 1 section 356.
- To ensure consistency, fairness, confidentiality and integrity for WSC residents.
- To assist and support positive community outcomes and participate within resource limits.
- To provide a framework and procedures for the guidance of all WSC staff to ensure all applications for assistance are impartially assessed using a common criteria.

### **Objective**

To ensure that the assessment of all financial requests for assistance in accordance with section 356 of the Local Government Act are carried out in a fair, equitable and impartial manner.

### **Council Policy Reference**

Requests for Assistance Policy

### **Statutory Requirements**

Local Government Act 1993

Local Government (General) Regulation 20021 ~~5~~

### **Related Policy/Procedure**

Financial Management and Control Policy

## **Requests for Assistance**

### **1. Section 356 (LGA 1993) Donations**

Under [Section 356 \(1\) of LGA 1993](#):

#### **356 Can a council financially assist others?**

*(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*

*(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*

*(3) However, public notice is not required if:*

*(a) the financial assistance is part of a specific program, and*

*(b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and*

*(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*

*(d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*

*(4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work*

This provision enables Council to provide local charities and community organisations with assistance by way of sponsorship or donation.

## **Section 356 Community Assistance Scheme**

### **2. Applications**

- Applicants must be non-profit community groups and organisations and based in, or affiliated with, Walgett Shire.
- Applications for Section 356 Donations must be made in writing and lodged with the General Manager on the Community Assistance Scheme application form.
- Community Assistance is offered twice annually with applications closing on 31<sup>st</sup> July and 31<sup>st</sup> January every year. If the 31 July or 31 January falls on the weekend then the lodgement date will be moved to 5.00pm on the Monday directly after the closing date.
- Recipients of community assistance in previous years can reapply.
- Organisations are eligible to apply for **one donation per financial year**. However, in the event that all applicants have been assessed and residual funds are available, a second donation may be granted.
- It is expected that applicants applying for community assistance will match council's contribution dollar for dollar (includes volunteer labour and donated materials).
- Late applications will not be accepted.
- Applicants must provide evidence of relevant insurance covering the specific activities for which funding is sought.
- Generally, donations will not be made to individuals, to organisations which operate on a for profit basis, or for projects and activities outside the Walgett Shire area.

### **3. Assessment**

- All applications for financial assistance must meet at least one (1) of the objectives of the Community Assistance Scheme.
- All applicants will be subject to a merit based assessment.
- The General Manager ~~Director Corporate and Community Services~~ will assess the applicants and prepare a report for Council.
- The report will be presented to Council listing all of the applicants, amount sought, project, and amount recommended to be granted to the applicant (including the reasons for recommending a nil amount).

### **4. Objectives of the Community Assistance Scheme**

The community assistance scheme aims to:

- Support charities, other community organisations and community projects, events and activities which occur within the Walgett Shire area, and are a benefit to the community;
- Foster or support new services, initiatives and resources within the shire;
- Improve awareness and use of community services and resources within the shire;
- Encourage increased participation in local community events within the shire.



## 5. Annual Budget Allocation

- Each year Council should consider a financial allocation to be used to meet applications for community/financial assistance
- Generally, applications for financial assistance are set at a **maximum of \$~~34~~000.00**

## 6. Assessment Criteria

Applications for community assistance must address the following criteria to be eligible for assistance:

- Objectives of the organisation or group;
- Describe the activity or project clearly;
- Provide supporting documentation and attachments relevant to the application;
- Details of how the community will benefit from the project or activity and who are the main target groups (e.g. children, seniors, disabled);
- Provide financial information regarding the application of the funding or part funding that will be provided by Council;
- For past successful applicants, a completed Acquittal Form acquitting previous financial assistance;
- Complete all information as requested in the Community Assistance Scheme Application Form.

## 7. Applications

In applying for assistance and grants from the above schemes, applicants need to:

- a) Obtain a copy of the *Scheme Guidelines* from Walgett Administration or the Collarenebri Agency or from Council's website at [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au);
- b) Carefully read the procedures information;
- c) Fill out the Community Assistance Scheme Application Form ;
- d) Ensure that copies of all required support documents are attached; and
- e) Complete and lodge the Community Assistance Scheme Acquittal Form by the due date.

## 8. Privacy and Confidentiality

Information supplied in all applications will only be used by the Walgett Shire Council for the purpose of assessing the application and for statistical reporting purposes in respect of the Community Assistance Scheme.



## Community Assistance Scheme 2022/2023

### Guidelines

*Under section 356 of the local Government Act, Walgett Shire Council invites applications from eligible organisations in January and July each year for funding under the Community Assistance Scheme.*

#### Overview of the Scheme

The aim of the Community Assistance Scheme is to increase the capacity of the Shires Community groups and organisations and assist in responding to identified community issues and priorities. The grants program aims to provide limited financial assistance in relation to the development of programs, projects and/or activities, and is not intended to be relied upon as a primary source of funding.

Applicants are required to demonstrate that they have investigated funding from other sources. Priority may be given to projects, programs and/or activities that have not received a grant in the preceding 12 months.

Applicants are eligible to receive up to a total value of \$3,000 in grants funds per financial year. Grants will not be provided for projects, programs and/or activities which are to be undertaken for the sole purpose of profit generation (there must be some other general community benefit /outcome from the activity). Council encourages co-funding from other external funding sources and reserves the right to part fund a grant application.

Generally, funding will not be provided to increase existing un-acquitted funds from Council for the same project, program and/or activity. In the event that the funded event does not occur, or the activity or program which was the subject of the funding is delivered, the grant recipient will be required to repay the full amount of the Council funding awarded.

#### Applications

##### How to Apply

In applying for assistance and grants from the above scheme, applicants need to:

- Obtain a copy of the Community Assistance Scheme Guidelines and Application Form from Council's website at [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au) or from Walgett Shire Council Administration Office located at 77 Fox street, Walgett;
- Carefully read the guidelines information;
- Fill out the Community Assistance Scheme Application Form;
- Ensure that copies of all required support documents are attached; and
- Complete and lodge Community Assistance Scheme application Form and documents by due date.

Closing Dates:            Round One – 5pm Monday 18<sup>th</sup> July 2022  
                                 Round Two – 5pm Monday 20<sup>th</sup> February 2023

### **Payment of Funds**

To the payment of funds; successful applicants are required to forward an invoice to Council for the granted amount plus GST (if applicable). The invoice must include bank details so funds can be remitted via EFT. Payment will be made within 21 days of receipt of an invoice.

Please note that payment requests (Invoice) for Council approved funding are required by 5pm on 30<sup>th</sup> June 2023. Any unclaimed approved funding will be forfeited after this date to be offered in the next round of funding and a new application will be required.

**GST:** If the organisation applying under the scheme is registered for GST purposes, the invoice must include GST. If however it is not registered for GST purposes, please state this on the invoice, and no GST should be added to the invoice.

### **Use of Grants**

Community Assistance Scheme grants are given on the strict basis that the funds are used for the activities outlined on the application form. Therefore once the activity has taken place, the Acquittal Form, provided upon successful grant funding, must be completed and returned to Council to confirm the use of funds. If an Acquittal Form is not received, Council reserves the right to re-claim the full amount of the council funding awarded.

### **GENERAL ELIGIBILITY CRITERIA**

1. Community Groups and organisations must be based within the Walgett Shire and/or be able to demonstrate that the project, program and/or activity will directly benefit Walgett Shire residents.
2. You must be an incorporated 'not for profit' organisation or a company limited by guarantee that has been endorsed by the Australian Taxation Office as a charity, tax exempt fund or deductible gift recipient.
3. Unincorporated groups are eligible to apply, providing that their application is made through an appropriate incorporated body which supports the project, program and/or activity (Auspice).
4. The applicant must have successfully acquitted all previous Walgett Shire Council grants.
5. The applicants must have relevant insurance cover including public liability to the value of \$20m.
6. Applicants are required to demonstrate that they have investigated funding from other sources.
7. Projects that align with the responsibilities of the State or Federal Government are ineligible.
8. Projects that will have commenced prior to the receipt of council funding are ineligible.

### **Who Cannot Apply**

- Commercial Organisation
- Government Agencies
- Schools (public and independent); unless sponsored by an eligible community organisation/group
- Churches; unless the proposed project, program and/or activity can be considered an addition to the core business of the church
- Community organisation operating more the 30 gaming machines
- Political Groups



**Community Assistance Scheme 2022/2023 – Round One**  
**Application Form**

Applications for Community Assistance should be completed after having read the *Community Assistance Scheme Guidelines*. Completed application forms must be lodged by 5:00pm on **Monday 18<sup>th</sup> July 2022**. All completed forms must be returned to:

Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

Please Note: Late applications will not be considered

Name of  
Organisation.....

Name of Contact  
Person.....

Position in  
Organisation.....

Postal  
Address.....

Phone.....Email.....

**Eligibility for Financial Assistance**

Is your organisation/community group:

Community based and non profit?	Yes	No
Based in, or affiliated with Walgett Shire?	Yes	No
An incorporated body?	Yes	No
Able to complete the project/activity within 12 months?	Yes	No
Have you received any previous grants from Council?	Yes	No

If yes, when was it received?.....

(please ensure that a financial acquittal has been completed and submitted to Council or attached to this form).

Do you currently have public liability cover in the sum of \$20 million?      Yes      No  
(Please provide copy of current certificate of insurance).

Has your project already commenced? Yes                      No  
(Please provide details of alternative sources of funding investigated).

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### **GST Information**

Please provide your ABN.....

Are you registered for GST? Yes                      No

### **Privacy Statement**

*Information supplied in this application will only be used by the Walgett Shire Council for the purpose of assessing the application and for statistical reporting purposes in respect of the Community Assistance Scheme.  
I certify that the information given in this document is true and accurate, and that if the organisation receives financial assistance from Walgett Shire Council the WSC Procedures – AFM – Requests for Assistance.*

\_\_\_\_\_  
**Name of Authorised Officer**

\_\_\_\_\_  
**Position Held**

\_\_\_\_\_  
**Signature of Authorised Officer**

\_\_\_\_\_  
**Date**

### **Objectives of Your Organisation/Community Group**

Please provide details of your organisation/community group including the overall objectives and the types of services/support it provides to Walgett Shire Council

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### **Your request for a Donation**

Amount of requested from Council                      \$ \_\_\_\_\_

Total cost of the project/activity                      \$ \_\_\_\_\_

Please provide a breakdown of the budget for the project.

Please describe the project/activity for which you are seeking financial assistance

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How will the project/activity benefit the Walgett Shire community and what are the main target groups (e.g. disabled, youth)

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#### **Additional Information**

Please provide *copies* of the following supporting documentation (DO NOT SUPPLY ORIGINALS):

1. **Financial Statements** – Please provide a copy of your organisations latest audited financial statements
2. **Time Schedule** – a brief timetable detailing project start and finish dates
3. **Insurance Policy** – copies of relevant insurance policies covering the project/activity
4. **Other Information** – Please provide details of other information or attach copies of other supporting documentation which will support your application for financial assistance.

#### **Lodging an Application**

By Post:                   The General Manager  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

By Email:               [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)

By Hand:               77 Fox Street, Walgett

#### **For Further Information**

Contact Belinda Petersons on (02) 6828 6116 or by email [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au).





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**Community Assistance Scheme 2022/2023**  
**FUNDING ACCEPTANCE AGREEMENT**

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**Funding Recipient**

**Organisation/Name**.....

**Name of Person**

**Responsible**.....

**Position/Role**.....

**Phone**..... **Email**.....

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By signing this form:

1. I accept the offer of financial assistance as outlined in the letter enclosed with this form.
2. I agree to forward Walgett Shire Council a Tax Invoice, in the amount awarded, within three (3) calendar months of acceptance of this offer.
3. I confirm that the funds received, from Walgett Shire Council, will be spent in accordance with the project/activity as outlined in the Application Form submitted for this funding.
4. I agree to contact Council and request a 'variation' in the event that the project/activity (as outlined in the Application Form) has been varied in any way.
5. I consent to being contacted by a Council staff member, from time to time, to confirm the progress of the project/activity for which this funding has been awarded.
6. I agree that if the project/activity, for which this funding was awarded, does not occur, I will be required to repay the full amount of the funds received.
7. I agree that once the project/activity has been completed, the supplied Acquittal Form must be fully and accurately completed and submitted to Council.
8. I understand that financial assistance has been awarded for the 2022/2023 financial year and that the project/activity (as outlined in the Application Form) must be fully completed and acquitted by 30 June 2023.
9. I understand that if the above conditions are not adhered to, the organisation to which this funding has been awarded, may be made ineligible for future grants.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Name: \_\_\_\_\_





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### **Community Assistance Scheme 2022/2023 Acquittal Form**

CONGRATULATIONS on being awarded Council Financial Assistance for your organisation! As part of the granted funding you are required to complete an acquittal report, providing information and evidence regarding the expenditure of the funds. Completed Acquittal Forms must be returned to Council no later than 5:00pm on **Friday 30<sup>th</sup> June 2023.**

Please send completed forms to:

**Mail:** Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

**By Hand:** Walgett Shire Council  
77 Fox Street, Walgett  
**Email:** [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)

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**Funding Recipient  
Name**.....

**Purpose Funding Was  
Provided For**.....

**Name of Person Completing  
Acquittal Form**.....

**Position in  
Organisation**.....

**Phone**..... **Email**.....

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### **OUTCOMES**

**Please describe the expected outcome/s of the project/activity undertaken with the CAS Financial Assistance and explain how those objectives were met.**

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Who has benefited from the project/activity and explain why?

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### **FINANCIAL DETAILS**

<b>EXPENDITURE</b>	
<b>Description</b>	<b>Expenditure</b>
	\$
	\$
	\$
<b>TOTAL CAS FUNDS SPENT</b>	<b>\$</b>
Own funds spent	\$
<b>TOTAL COST OF PROJECT/ACTIVITY</b>	<b>\$</b>

### **ADDITIONAL INFORMATION**

Please, also, attach the following as evidence of completion:

- Any Project/Activity Reports and/or Completion Notes
- Photographs
- Promotional Materials (where applicable)

### **DECLARATION**

I certify that:

- A) All funding and other contributions received were expended for the purpose of the project/activity and in accordance with the Community Assistance Scheme Guidelines and objectives; and
- B) Any salaries and allowances paid to any person involved in the project/activity were in accordance with the applicable award or agreement in force under the relevant laws contained within the Industrial Relations and Workplace laws.

\_\_\_\_\_  
Name of Authorised Officer

\_\_\_\_\_  
Position Held

\_\_\_\_\_  
Signature of Authorised Officer

\_\_\_\_\_  
Date

Page 2 of 2

### Procedure Review History



Date	Changes Made	<del>Approved</del> <u>Reviewed</u> By
	Complete Review	Don Ramsland - General Manager
<a href="#">12 November 2022</a>	<a href="#">Review</a>	<a href="#">Michael Urquhart</a> - General Manager





# USE OF INTERNET AND EMAIL POLICY AND PROCEEDURE

Adoption Date:

Review Date: **February 2022**

Responsible Officer: **Director Corporate Services**

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### POLICY STATEMENT

WSC will ensure that customers and staff obtain the maximum benefits available within budgetary limitations from Council's information technology resources, while ~~minimising~~ security, privacy and software corruption risks.

### OBJECTIVES:

- To require WSC staff to use the Internet and/or e-mail whilst at work in a manner that benefits WSC and customers and to minimise private use during work hours.
- To use the Internet in accordance with the requirements of relevant statutory requirements.
- To train staff adequately in the use of email and Internet in order to provide a contemporary level of office operations in Council.
- To ensure that documents obtained electronically that relate to WSC business ~~are treated~~ as records where appropriate.

### Statutory Requirements

[Local Government Act 1993](#)

[Privacy and Personal Information Protection Act 1998](#)

[Privacy and Personal Information Protection Regulation 2000](#)

[Freedom of Information Act 1989](#)

[Government Information \(Public Access\) Act 2009](#)

[Privacy Code of Practice \(General\) 2003](#)

[NSW State Records Act 1998 & State Records Regulation 2015](#)

[NSW Public Interest Disclosures Act \(PIDs\) 1994](#)

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulation 2017](#)

### Related WSC Policies / ~~Procedures~~

Records Management ~~Policy and Procedures~~

Privacy and Personal Information Protection

Records Management

Code of Conduct

[Internal Reporting Public Interest Disclosures](#)

[Work Health and Safety](#)

## 1. Email and Internet Use

- Email and internet are part of Council's computer network and all information processed, transmitted or stored in the system is the property of Council.
- At any time and without prior notice, Council management reserves the right to monitor email, personal file directories and other information stored in Council's computer system. The monitoring assures compliance with internal policies, supports the performance of internal investigations and assists with the system management, system maintenance and document management systems.
- Use of email and internet by staff is authorised and encouraged where such use is appropriate for business purposes and supports the goals and objectives of Council.
- Email and internet will be incorporated into the records system if it provides evidence of Council's business activities.
- Email and internet that becomes a Council record must be retained in Councils Records Management System.
- Access to email and internet is limited to staff who have been given a user identification and password. Staff must not give their password to another staff member or member of the public and must not access other staff members' email or internet, without appropriate authority.
- Staff will not access Council's email and internet via any other facility other than that approved by Council.
- Email and internet must not include any material or information which is offensive, racist or discriminatory; such behaviour is unacceptable and will result in disciplinary action.
- Email and internet that is retained as Council's records may be accessible to the public under Freedom of Information and Privacy legislation.
- The misuse of email and internet should be reported to a Supervisor, Director or the General Manager.

## Emails

### 2. Email as a Corporate Record

- All records, irrespective of their form or substance, are required to be appropriately retained for a period that complies with the requirements of the **Government Public Information Access Act (GIPPA)**, the State Records Act 1998 and the General Authority 39 Local Government Disposals Schedule.

### 3. Confidentiality and ownership

- **Staff do not have a private Mail Box—all emails are the property of Walgett Shire Council.**
- The confidentiality of electronic mail cannot be assured. Staff should exercise extreme caution when using email to communicate confidential or sensitive matters.

### 4. Monitoring of Usage

- Council uses monitoring and filtering software to minimise the risk of virus infections, minimise amount of 'Spam' received and minimise the risk of unwanted intrusions to the Council network.

- The Systems Administrator will not routinely monitor or read email and internet usage. However, mail and internet usage will be reviewed where there has been a suspected breach of the rules, where requested by a Director or if a message needs to be retrieved from the archives.
- The only access to monitoring software is by the Systems Administrator who will provide information to members of the executive team when required. Directors can view logs and other information upon request.
- The monitoring software holds a copy of all inwards and outwards mail for a period of 365 days.

## 5. Virus threats

Virus protection is provided as standard on all workstations. The virus protection must not be turned off for any reason. Updates occur automatically and on a regular basis to ensure that all workstations and servers have the latest virus signatures installed.

Some email attachments present a risk to the network. The following table outlines the common types of files and what threat they represent.

Extension	Action
.vbs, .pif	Must <b>never</b> be opened without consulting the Systems Administrator and will always be blocked at the gateway to the Council network.
.exe, .com, .bat	Must <b>never</b> be opened, and will always be blocked at the gateway to the Council network.
.doc, .xls	May be safely opened, however may contain macro viruses
.pdf	May be safely opened
.jpg, .bmp, .gif	Open with caution. These picture file types have been known to contain viruses.
.zip	Open with caution, may contain infected files

## 6. Personal use

Staff must not:

- Use Council email systems, content and mailing lists for personal gain;
- Directly or indirectly interfere with the operation of email services, and cause unwarranted or unsolicited interference with the use of email systems by others;
- Let personal usage interfere with employment duties, or other obligations to the Council;
- Burden the Council with noticeable systems congestion and/or additional costs;
- Participate in chain letters and other such material.

## 7. Appropriate and inappropriate use

As a user of the Council email system staff have a responsibility to ensure the following:

- The user must not access, download, copy or distribute material that is in breach of the copyright law.
- The user must not download any shareware or freeware software or any unauthorised copyrighted software.

- Council's email system must not be used for unlawful activities or for personal financial gain and direct authorisation must be given before using for commercial purposes.
- The user must not use Council's email or network systems to infringe the copyright or other intellectual property rights of third parties, to distribute defamatory, chain, fraudulent or harassing messages, or otherwise to engage in any illegal or wrongful conduct.
- The user must not use the email system to access inappropriate material. Inappropriate material may include but not be limited to; pornography, sexual situations, racist literature, profanity, lewd jokes, items of a discriminatory or suggestive nature or which others may find offensive or objectionable.
- The user must not use the email system in a manner that is in conflict with, or harmful to, the interests of the Council or colleagues;

General Rule: "You should treat email as though it will be read by the General Manager".

#### 8. Use of web based mail services

The use of Hotmail, Yahoo mail and other web based mail services is discouraged. These services provide security concerns for Walgett Shire Council and are currently blocked by filtering software.

#### 9. The users mailbox

- Address format: *first* initial+surname @walgett.nsw.gov.au OR *username*@walgett.nsw.gov.au  
Eg: Billy Smith would be: bsmith@walgett.nsw.gov.au
- As the Systems Administrator may inadvertently see the contents of email messages in the course of their duties, the user should not consider any message stored in a mailbox as private.
- Employee mailbox should have the minimum number of messages stored to prevent wasted space.
- Maximum size for email transmission is set at 10 Mb. Use Winzip to compress attachments to keep Email as short as possible. Email that exceeds the 10Mb limit will be held until after business hours to limit the effects on the Council network.

#### 10. Email etiquette

- Consider to whom you want to send email and direct it to that user or group of users whenever possible, not simply addressed to all users.
- Do not include any inflammatory, emotive, abusive or obscene language in email. As a rule of thumb, do not send anything you would regret seeing on a notice board with your name on it.
- Due to the spontaneous nature of email, the tendency to write before thinking is common and may result in a message you later regret sending. Such a message may be replied to in kind and can escalate into a "war".
- Do not use sarcasm or attempted humor, as this is often misinterpreted by the receiver.
- Use normal sentence case in email, just as you would for a memo. Email messages written entirely in upper case can be difficult to read or considered impolite as upper case is interpreted as SHOUTING AT YOUR ADDRESSEE!



- Any email being sent outside of Walgett Shire Council should not have colours and images included where possible as often the receiving email system can't display it properly.

## **Internet**

### **11. Internet Procedures**

The internet is provided to staff for Council business purposes. The internet is provided on the understanding that it will not be used for any antisocial, illegal or inappropriate use. Inappropriate material may include but is not limited to; pornography, sexual situations, racist literature, profanity, lewd jokes, items of discriminatory or suggestive nature or which others may find offensive or objectionable.

### **12. Personal use**

Walgett Shire Council's internet access may be used for personal use providing the following conditions are met:

- Use does not affect the business productivity of the user or normal Council business.
- Use does not affect the productivity or offend or affect the access of any other users of the Council system.
- Use does not breach copyright laws.
- Use does not present any security threat to Walgett Shire Council's computer systems.
- Use does not reveal or publicise confidential material.
- It is not used for any inappropriate use as outlined above.

Staff will be allowed to use of the internet for Council approved study and by approval by the relevant Director

Internet access is and remains the property of Walgett Shire Council. No user has a private internet account. Council can monitor internet usage as required and if a possible breach is suspected the Systems Administrator will notify the executive team

Council reserves the right to implement internet filtering software to ban access to sites that are considered inappropriate.

Staff may request mail on a particular topic by subscribing to a mailing list from which they can also unsubscribe to at any time.

**Procedure Review History**

Date	Changes Made	Approved By
January 2017	Procedure Developed	Ray Kent - General Manager
July 2019	Revised	Greg Ingham – General Manager
August 2019	Formally Adopted	Council
July 2022	Reviewed for Consultative Committee	

## Media

WSC - Procedure – Media



# MEDIA PROCEDURE

Approval Date:

Review Date: August 2011

Responsible Officer: Director Corporate and Community Services

## POLICY STATEMENT

WSC will, using authorised Councillors and staff, provide the media and through it the community with accurate information about WSC activities and other matters that affect the administration of the Shire.

## OBJECTIVES:

- To provide comments and information to the media by authorised staff with the intention of promoting Council policy, Council, Councillors and other Council staff in a positive light.
- To provide media releases that promote specific Council projects and initiatives or assist with the relay of accurate and up-to-date information to Shire residents and visitors to the area. They may also congratulate or commend individuals and organisations and defend Council from unwarranted criticism.
- To ensure that Councillors and Council staff deal with the media on a day-to-day basis in a consistently professional manner.
- To direct all media inquiries to Council's Executive Officer as Council's initial point of contact.

## Objective

To provide the community with accurate information about WSC activities and other matters that affect the administration of the Shire.

## Council Policy Reference

### Media

## Statutory Requirements

[Local Government Act 1993](#)

## Related Policy/Procedure

Code of Conduct

[Use of Internet and Email Policy and Procedure](#)

### **1. Interviews**

The General Manager is responsible for dealing with the media. Council staff must obtain approval from the General Manager prior to agreeing to a request for an interview.

### **2. Speaking to the Media**

- a) Council officers can only speak to the media about specific projects and initiatives if approval has been granted by the General Manager.
- b) Outdoor workers approached by the media for information on a job/project they are working on should refer those enquiries to the relevant Director.
- c) In their line of work, Council employees should not provide comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light. This does not preclude them from making use of the media as residents/ratepayers.
- d) In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
- e) When appropriate in official Council media releases the General Manager or member of staff (as delegated by the General Manager) should become sole spokesperson on a specific issue, event or initiative to ensure consistency of message.
- f) The General Manager and Council staff (as delegated by the General Manager) are encouraged to co-operate at all times with media outlets and requests for interviews/photographs. Council staff should respond to media enquiries at the earliest possible opportunity.
- g) The General Manager and Council staff (as delegated by the General Manager) should treat all media outlets equally and should avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time (unless they have been prepared for a specific publication).
- h) The General Manager and Council staff are encouraged at all times to be proactive, as opposed to reactive, in their use of the media.

### **3. Media Releases**

- a) Media releases should be used to:
  - Summarise key decisions of Council;
  - Promote specific Council projects and initiatives;
  - Assist with the relay of accurate and up-to-date information to Shire residents and visitors to the area;
  - Congratulate/commend individuals and organisations;
  - Defend Council from unwarranted criticism by presenting Councils action in a positive light.

**All media releases are to be issued by the General Manager or the Mayor (or by the Deputy Mayor in the Mayor's absence).**

- b) All ideas for Walgett Shire Council media releases should be referred to the relevant Director for his/her consideration. Media releases deemed to be controversial in nature should be considered by the General Manager prior to being written and sent to the Executive Assistant before forwarding to the appropriate media outlet.
- c) Once the Director (or General Manager) has approved the development of a media release the staff member or Director will write the media release on the appropriate media release template (TRIM container 09/1479) and forward it to the Executive Assistant.
- d) Media releases issued on behalf of Council as an elected group should be approved by the Mayor or (in his/her absence) the Deputy Mayor. A draft copy should also be forwarded to any councillor quoted within. Media releases issued by Council staff should be approved by a Director before being sent to the General Manager for final approval.
- e) All media releases should quote either a Councillor or member of staff as opposed to an "anonymous" Council spokesperson. Those people quoted in a Walgett Shire Council media release should always be available for follow-up newspaper/radio or television interviews. A media release is not necessarily the final say on an issue.
- f) Under no circumstances should a media release be issued quoting a Councillor or member of staff without that person's prior knowledge.
- g) Media releases can be developed and released in conjunction with other groups/agencies but should be approved by a representative of both agencies (in Walgett Shire Council's case the Mayor or the General Manager). Joint media releases should always carry Council's logo and a Council contact.
- h) It is rare for a media release to be used immediately. Staff should allow ample lead-up time for a media release to be used – particularly if it is promoting a specific event such as a public meeting. i.e. a media release advising residents of a public meeting should be issued two weeks before that meeting.
- i) All Council media releases should be sent by fax (and by email, if requested) to the Spectator, the Western Herald Ridge News, ABC radio, Outback (2WEB) and Opal FM or other alternate media outlet requested. They should be emailed to elected representatives at the same time or as soon as practical afterwards with some indication of when they were released to the media. Media releases should also be placed on Council's website under 'Media Releases' and filed in TRIM.
- j) Media releases that are likely to result in enquiries from residents/ratepayers should also be sent to administrative staff in Council's administration centre and branch offices and any staff (including field staff) likely to field enquiries from the public. They should also be displayed on Council noticeboards with information on who to refer inquiries to.
- k) Certain projects/initiatives and issues will be of interest to a much wider audience. Where appropriate, staff are encouraged to forward Walgett Shire Council media releases to regional outlets and specialty publications.

- l) Walgett Shire Council media releases may not always be used. Staff should also look at the option of paid advertisements to get particularly important messages across.
- m) All paid advertisements should be referred to the relevant Director for his/her consideration. Once the Director (or General Manager) has approved the development of a paid advertisement the staff member or Director will write the advertisement on the appropriate template (TRIM container 09/1479) and forward it to the Executive Assistant for forwarding to the media outlet.
- n) A request for a radio interview may follow Council's decision to issue a media release. In those circumstances where staff are approached for an interview where there has been no media release, one should be considered.

## 5. Photographs

Walgett Shire Council may provide a photograph with its media releases. These are a good way of giving Council a human face. Wherever possible, photographs should contain at least one person and an elected Councillor where appropriate.

Council photographs are scanned at 600dpi and emailed to local newspapers. The originals are filed in TRIM.

Steps should be taken to ensure those people featured in Walgett Shire Council photos are aware that their photo will be distributed to media outlets and used for promotional purposes.

When providing a photo to newspapers it is important to name everyone in that photo in order from left to right. It is rare for a photo to be published without the full names of those people pictured.

## 6. Responding To Criticism

Criticisms about media content should be forwarded to Executive Assistant. Formal complaints (on behalf of Council staff) should only be made by the General Manager.

## 7. Records Maintenance

The staff member who writes any media material is responsible for allocating the record in the appropriate container within TRIM. Any amendments will be made before releasing the document and communication updated once the material is released.

### Procedure Review History

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
10 <sup>th</sup> November 2022	Reviewed by General Manager	

# Community Consultations

WSC - Procedure – Community Consultation

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## COMMUNITY CONSULTATION PROCEDURE

Approval Date: 24 November 2009  
Review Date: November 20~~22~~<sup>44</sup>  
Responsible Officer: Director Corporate and Community Services

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### POLICY STATEMENT

WSC is committed to improving Council's decision making processes through enhanced community awareness and engagement in the planning, implementation and management of Council services.

### OBJECTIVES:

- To ensure that Council complies with Local Government Act 1993 and that all statutory advertising and public exhibition requirements for Council related matters are met.
- To ensure that defined strategies are implemented that direct the entire community consultation process including the mechanisms used to obtain community views, methods of keeping the community informed and how outcomes will be utilised.
- To ensure that the entire community has a consistent and meaningful opportunity to express their view and participate in planning and decision making on Council services.
- To ensure that elected members of Council are kept well informed about the concerns of the community and the possible impact of their decision making.

### **Objective**

Council aims to make sustainable and improved decisions by seeking out and facilitating the involvement of those potentially affected by its decisions.

### **Council Policy Reference**

Community Consultation Policy

### **Statutory Requirements**

[Local Government Act 1993](#)

[Environment Planning and Assessment Act 1979](#)

### **Related Policy/Procedure**

Advertising

Multiculturalism



## **Community Consultation**

### **1. Definition**

Community consultation is the two way relationship where Council and the community exchange information and feedback on issues, and an active process that involves the community and seeks their views on a project, policy, issue, proposal or plan.

### **2. Our Community**

Members of our community include:

- residents
- ratepayers
- local business
- people working in the Shire
- visitors to the Shire
- users of Council services
- any Council advisory committee
- resident associations including precinct committees
- business associations
- service providers
- government agencies and statutory bodies
- local and regional associations and community organisations

### **3. When Consultation will Occur**

Community consultation will take place:

- where community input can improve a project or enhance the decision making process
- to help identify specific community needs
- in response to expressions of community interest
- when Council resolves to consult the community
- when required by law or by agreement with a government agency or statutory body

### **4. Community Consultation Procedures**

#### **Impact on the Community**

When assessing community consultation requirements the following areas must be considered:

- Step 1:** Assess the level of impact the issue has on the community.
- Step 2:** Assess the level of community consultation to achieve a good project outcome.
- Step 3:** Decide on the community consultation strategies using the WSC Community Consultation Plan.

**Step 1: Assess the Level of Impact**

Impacts of a project on a community can be beneficial or negative. Impacts may also be different for different groups and individuals in a community.

Some proposals may require more community input than others and resource and time constraints such as resource availability, significance and level of influence must be considered.

**Table 1: Levels of Impact**

Level of Impact	Shire Wide Impact	Local Impact
<b>High Level Impact</b>	<p>The proposal will impact on the whole Shire and has the potential to create community controversy or conflict or may create significant community interest.</p> <p>Some examples may include:</p> <ul style="list-style-type: none"> <li>➤ Community Social Plan</li> <li>➤ A major development or regulatory plan e.g. LEP review</li> </ul>	<p>The proposal will impact on a particular town community or interest group and has the potential to create community controversy or conflict or may create significant community interest in that particular town, community or group.</p> <ul style="list-style-type: none"> <li>➤ Plans or upgrades for sporting grounds, open space or service</li> <li>➤ Additional or loss of a particular service</li> <li>➤ Development of local capital projects</li> </ul>
<b>Low Level Impact</b>	<p>Recurring large projects that impact on the whole Shire but have a low potential to create community controversy or conflict.</p> <p>Some examples may include:</p> <ul style="list-style-type: none"> <li>➤ Capital works program</li> <li>➤ Road sealing /footpath upgrade</li> </ul>	<p>Small change or improvement to a service or facility at a local level.</p> <p>Some examples may include:</p> <ul style="list-style-type: none"> <li>➤ Local events or celebrations</li> <li>➤ Local minor traffic changes</li> </ul>

**Step 2: Assess the Level of Community Participation**

Once the level of impact is assessed the level of participation that will provide the best results for the proposal or project must be determined.

**Table 2: Level of Community Participation**

Level of Participation	Objective	Promise to the Community	Action	Examples
Inform	Provide the community with objective and transparent information to make them aware of the problem, alternative or issue	Keep the community informed	Advise the community of the proposal or situation, inform of a decision, provide advice.  No response is required from the public	Public Notices  Notification Letters
Consult	To obtain community feedback on problems alternatives and decisions being considered	Keep the community informed, listen and acknowledge concerns, issues and aspirations, provide feedback on how the input influenced the decision	Identify specific interest groups and their needs, seek comment and feedback on the service, request response with limited opportunity for dialogue, consider feedback in decision making	Public Exhibition  DA Processes
Involve	Work directly with the community to ensure that their private and public needs and concerns are identified and considered	Community issues and concerns are directly reflected in the alternatives developed and feedback on community input is provided	Involve the whole community or particular group within the community in the discussion or debate. Assist in participation by providing information and briefings Community participation in meetings Involve the community during planning process	Facilitated workshops
Partner	Partner with the public in every aspect of the decision making process including the development of alternatives and the identification of a preferred solution	Seek direct advice, consultation and advice to the maximum extent possible	Establish partnerships Use participatory approach in meetings and forums Establish ongoing involvement Create ways to continually keep community informed Allocate responsibilities for outcomes	Advisory Committees  Community Projects  Town Centre Projects

### Step 3: Community Consultation Strategies

- A consultation plan must be completed (as attached) for the development of Council Strategies and Plans and a copy provided to the [Information Administration Services Coordinator Officer](#) for registration within TRIM. These procedures can also be used for consultation processes around contentious issues or matters of public significance.
- Staff developing consultation strategies and plans need an awareness of the nature of the potential or perceived impact of the project or program on residents, businesses, and visitors, as well as the needs of the community and/or specific groups/areas affected by proposals. This awareness will inform the development of the type, intensity and timing of consultation activities.
- Activities include focus groups, open houses, interviews and meetings, surveys and public forums.
- When consulting with the community staff will clearly state the purpose of consultation and outline how collected information will be used. Consultation methods for each level of community participation are outlined in the following consultation matrix at Table 3.
- Particular projects may have consultation requirements or guidelines outside Walgett Shire Council's Community Consultation procedures. These can include:
  - Requirements set out in legislation such as the [Local Government Act 1993](#) and the [Environment Planning and Assessment Act 1979](#)
  - Funding or partnership agreements with the Federal or State Government or their agencies, or with other local government bodies or independent bodies
  - Council resolutions and policies
  - Decisions by Council on particular projects
  - Implementation of Council's regulatory activities
  - Situations where there may be significant privacy issues
- In cases, where these legislative requirements or constraints have established the minimum consultation requirements, the requirements of external agencies for consultations should not be used as a reason to limit consultation with the community on a particular project.

**Consultation Matrix****a) Table 3: Informing**

Method of Consultation	Shire Wide High Impact	Local High Impact	Shire Wide Low Impact	Local Low Impact
Telephone Contact	Consider	Consider	Consider	Consider
Meeting – in person	Consider	Consider	Consider	Consider
Response to correspondence	Essential	Essential	Essential	Essential
Pamphlet	Consider	Consider	Consider	Consider
Letter Box Drop	Consider	Essential	Consider	Consider
Notice in Local Papers	Essential	Essential	Essential	Consider
Media Release	Essential	Essential	Consider	Consider
Site Display	Consider	Consider	Consider	Consider
Display in other locations	Consider	Consider	Consider	Consider
Web Page <u>and</u> <u>Facebook</u>	Essential	Essential	Essential	Consider
Information to <u>Section 355</u> <u>Precommit</u> Committees	Essential	Essential	Essential	Essential

## b) Table 4: Informing and Consulting

Method of Consultation	Shire Wide High Impact	Local High Impact	Shire Wide Low Impact	Local Low Impact
Telephone Contact	Consider	Consider	Consider	Consider
Meeting – in person	Consider	Consider	Consider	Consider
Response to correspondence	Essential	Essential	Essential	Essential
Pamphlet	Consider	Consider	Consider	Consider
Letter Box Drop	Consider	Essential	Consider	Consider
Notice in Local Papers	Essential	Essential	Essential	Consider
Media Release	Essential	Essential	Consider	Consider
Site Display	Consider	Consider	Consider	Consider
Display in other locations	Consider	Consider	Consider	Consider
Web Page <u>and Facebook</u>	Essential	Essential	Essential	Consider
Information to <u>Section 355 Precinct</u> Committees	Essential	Essential	Essential	Essential
Suggestion Box	Consider	Consider	Consider	Consider
Survey	Consider	Consider	Consider	Consider
Letter to key stakeholders inviting submissions	Essential	Consider	Consider	Consider
Develop database of submissions	Essential	Essential	Essential	Essential
Media release inviting submissions	Essential	Essential	Consider	Consider
Interview key individuals	Consider	Consider	Consider	Consider
Public Exhibition	Essential	Consider	Consider	Consider
Brief <u>Section 355 Precinct</u> Committee	Essential	Essential	Consider	Consider

c) Table 5: Informing, Consulting and Involving

Method of Consultation	Shire Wide High Impact	Local High Impact	Shire Wide Low Impact	Local Low Impact
Telephone Contact	Consider	Consider	Consider	Consider
Meeting – in person	Consider	Consider	Consider	Consider
Response to correspondence	Essential	Essential	Essential	Essential
Pamphlet	Consider	Consider	Consider	Consider
Letter Box Drop	Consider	Essential	Consider	Consider
Notice in Local Papers	Essential	Essential	Essential	Consider
Media Release	Essential	Essential	Consider	Consider
Site Display	Consider	Consider	Consider	Consider
Display in other locations	Consider	Consider	Consider	Consider
Web Page <u>and Facebook</u>	Essential	Essential	Essential	Consider
Information to <u>Section 355 Freeinet</u> Committees	Essential	Essential	Essential	Essential
Suggestion Box	Consider	Consider	Consider	Consider
Survey	Consider	Consider	Consider	Consider
Letter to key stakeholders inviting submissions	Essential	Essential	Consider	Consider
Develop database of submissions	Essential	Essential	Essential	Essential
Media release inviting submissions	Essential	Essential	Consider	Consider
Interview key individuals	Consider	Consider	Consider	Consider
Public Exhibition	Essential	Consider	Consider	Consider
Brief <u>Section 355 Freeinet</u> Committee	Essential	Essential	Consider	Consider
Meeting with stakeholders/groups	Essential	Essential	Essential	Essential
Dedicated email address	Consider	Consider	Consider	Consider
Workshop Session	Consider	Consider	Consider	Consider
Community Forum/Debate	Consider	Consider	Consider	Consider
Meeting by Invitation	Consider	Consider	Consider	Consider
Site Tour	Consider	Consider	Consider	Consider
Public Meeting	Consider	Consider	Consider	Consider
Advisory Committee	Consider	Consider	Consider	Consider



d) Table 6: Informing, Consulting, Involving and Partnering

Method of Consultation	Shire Wide High Impact	Local High Impact	Shire Wide Low Impact	Local Low Impact
Telephone Contact	Consider	Consider	Consider	Consider
Meeting – in person	Consider	Consider	Consider	Consider
Response to correspondence	Essential	Essential	Essential	Essential
Pamphlet	Consider	Consider	Consider	Consider
Letter Box Drop	Consider	Essential	Consider	Consider
Notice in Local Papers	Essential	Essential	Essential	Consider
Media Release	Essential	Essential	Consider	Consider
Site Display	Consider	Consider	Consider	Consider
Display in other locations	Consider	Consider	Consider	Consider
Web Page <u>and Facebook</u>	Essential	Essential	Essential	Consider
Information to <u>Section 355 Precinct</u> Committees	Essential	Essential	Essential	Essential
Suggestion Box	Consider	Consider	Consider	Consider
Survey	Consider	Consider	Consider	Consider
Letter to key stakeholders inviting submissions	Essential	Essential	Consider	Consider
Develop database of submissions	Essential	Essential	Essential	Essential
Media release inviting submissions	Essential	Essential	Consider	Consider
Interview key individuals	Consider	Consider	Consider	Consider
Public Exhibition	Essential	Consider	Consider	Consider
Brief Precinct Committee	Essential	Essential	Essential	Essential
Meeting with stakeholders/groups	Essential	Essential	Essential	Essential
Dedicated email address	Consider	Consider	Consider	Consider
Workshop Session	Consider	Consider	Consider	Consider
Community Forum/Debate	Consider	Consider	Consider	Consider
Meeting by Invitation	Consider	Consider	Consider	Consider
Site Tour	Consider	Consider	Consider	Consider
Public Meeting	Consider	Consider	Consider	Consider

**d) Informing, Consulting, Involving and Partnering (continued)**

Method of Consultation	Shire Wide High Impact	Local High Impact	Shire Wide Low Impact	Local Low Impact
Advisory Committee	Consider	Consider	Consider	Consider
Committee of Management	Consider	Consider	Consider	Consider
Task Force	Consider	Consider	Consider	Consider
Joint Venture	Consider	Consider	Consider	Consider
Workshops	Consider	Consider	Consider	Consider

**WSC Community Consultation Plan**

**Project:**

**File Reference:**

**Purpose of consultations:**

**Impact Level (Please circle):**

1. Shire wide lower level
2. Shire wide higher level
3. Local higher level
4. Local lower level

**Level of consultation (Please circle):**

1. Inform
2. Consult
3. Involve
4. Partner

**Stakeholder groups:**

**Council reports / resolutions:**

<b>Council reports / resolutions:</b>
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**Consultation Activities:**

[illegible]

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**Procedure Review History**


Date	Changes Made	Approved By
24 November 2009	Procedure developed and endorsed by Council	CM 364/09
<del>10<sup>th</sup> November 2022</del>	Reviewed <del>by General Manager</del>	

# Complaints Management

WSC - Procedure – Complaints Management



## COMPLAINTS MANAGEMENT POLICY & PROCEDURE

Approval Date: 

Review Date: August 2011

Responsible Officer: General Manager / Public Officer

### POLICY STATEMENT

WSC will ensure that fair, honest and efficient treatment of all customers is consistently provided in response to complaints to Council.

### OBJECTIVES

- To deal with complaints received in a courteous manner, investigate them thoroughly and impartially, resolve them quickly and appropriately in accordance with the relevant statutory requirements.
- To try to resolve complaints to mutual satisfaction where it is at all possible.
- To ensure that WSC staff are adequately trained to respond to complainants in an appropriate and professional manner.
- To provide an internal review process where a complainant is dissatisfied with the initial response to their complaint or request for service.

### **Objective**

To improve customer service by Council staff, using feedback from customers to monitor and evaluate service delivery.

### **Council Policy Reference**

Complaints Management Policy

### **Statutory Requirements**

Local Government Act 1993

Local Government (General) Regulations 2002<sup>21</sup>

Protected Disclosures Act 2022<sup>1994</sup>

State Records Act 1998 (NSW)

### **Related Policy/Procedure**

Code of Conduct

Records Management

**Government References**

[NSW Department of Local Government Practice Note No.9: Complaints Management in Councils](#)

[NSW Ombudsman Effective Complaint Handling 2004](#)

## 1. Responsibility

Responsibility for complaints management shall be the responsibility of all council officers as follows:

- *Councillors* - The elected Councillors have a responsibility to accept complaints and refer them to the General Manager, or to the Public Officer.
- *General Manager* - The General Manager must demonstrate a commitment to the effective resolution of all complaints and to resolve complaints where the customer is not satisfied with the Departmental Manager or Directors decision. The General Manager is also responsible for receiving complaints alleging corruption and referring them to the Independent Commission Against Corruption or the NSW Ombudsman.
- *Directors* – Directors must consider all the details of a complaint investigation and decide upon further appropriate action.
- *Public Officer* - In accordance with the Local Government Act 1993, the Public Officer may be given the responsibility to investigate and coordinate matters concerning council's affairs including complaints management.
- *Managers & Supervisors* – Managers and Supervisors are responsible for educating employees in Gov – Complaints Management policy and procedures and ensuring that complaints are responded to in a courteous, fair, confidential and timely manner, and that the complainant is advised of progress and outcomes. The Managers and Supervisors must also ensure that the complaint is recorded in accordance with Gov – Records Management.
- *Employees* - Are required to respond to complaints and requests from customers in a courteous, fair, confidential and timely manner.
- *Council's Professional Conduct* - The NSW Ombudsman or the Department of Local Government are responsible for the investigation of complaints about the conduct of public authorities and/or the management of Councils, and may be contacted by the complainant at any stage.

## 2. Information Distribution

The following strategies will be utilised as a method of distributing information regarding complaints management:

*Distribute policy and procedures:* Distribute a copy of Gov – Complaints Management policy and procedures to all relevant persons.

*Training Sessions:* Conduct training sessions about complaints management, Gov – Complaints Management policy and procedures. Verbal communication is important where literacy may be a problem. Those responsible for managing and processing more serious complaints may require specialised training in conciliation, mediation and investigation.

*Staff Meetings and briefings:* Managers and supervisors should regularly discuss the Gov – Complaints Management policy and procedures at staff meetings and team briefings

*Newsletters:* Place information about complaints management in staff newsletters and newsletters distributed throughout the community.

*Web Page:* Place the Gov – Complaints Management policy and procedures on the Walgett Shire Council web page.



*Brochure:* Information regarding complaints is contained in the brochure – Do you have a Complaint? (Annexure A). This brochure will be distributed in libraries, the Collarenebri Agency, administration building and all council community centres.

*Executive Meetings:* Information regarding complaints management will be collated and presented quarterly.

*Annual Report:* Outcomes on complaints should be detailed in the Annual Report.

### 3. Public Officer

The Public Officer has the responsibility of coordinating and managing the complaints management system. This includes receiving and reviewing information from complainants and initiating corrective action for individual cases and general policies and procedures when required or referred by a departmental director.

Generally, a complaint will be referred to the staff member who provided the service. If the complainant remains dissatisfied it will be referred to the departmental director. If the matter is not resolved at this point than the departmental director will refer the matter to the Public Officer who will either initiate corrective action or refer the matter to the General Manager or an external party.

Regular reports will be produced by the Public Officer for the Executive Team detailing the number and kinds of complaints, remedies, timeframes for resolution of complaints and any other relevant information to enable directors to pass on information related to their department.

### 4. Complaints Handling

Council has adopted a three tiered approach to handling complaints. This approach aims to have the complaint resolved as quickly as possible by the person who provided the service or who dealt with the issue. The following table outlines the three tiers and how to lodge a complaint.

Tier	Responsibility
<b>Frontline Staff</b>	
Complainants are encouraged to provide feedback or lodge a complaint with the staff member who provided the service or who dealt with the issue as this would normally result in a more efficient resolution. Frontline staff are responsible for receiving, resolving and recording (in TRIM) the complaint.	All staff
<b>Senior Officer</b>	
If the complainant remains unsatisfied after speaking to the officer who delivered the service or who dealt with the issue, or if they feel uncomfortable approaching the officer, then they may lodge the complaint with a more senior officer.	Departmental Managers / Departmental Directors

The name and contact details of the relevant Departmental Manager or Director can be obtained from Reception.	
If the complainant is unsatisfied with the outcome – or if the complaint is about a Director – the complaint should be submitted to the General Manager or the Public Officer. If the complaint is about the General Manager then the complaint should be submitted to the Mayor or the third party external agency.	General Manager / Public Officer/Mayor or external agent
<b>External Agency</b>	
If the complaint cannot be resolved to the customer's satisfaction through Council's internal complaints handling system, the complainant may be referred to an outside agency such as the Ombudsman, the Independent Commission Against Corruption, the Department of Local Government, to an alternative dispute resolution procedure, or as a last resort, may be referred to a legal remedy.	External Agency

Complaints will be automatically referred to the receiving officer on the next tier if:

- The complaint is about the staff member's own conduct (these complaints are to be referred directly to the departmental Director). If the complaint concerns a director then the complaint must be referred directly to the General Manager.
- The complainant specifically requests it.
- The problem is clearly outside the staff member's delegation or area of expertise.
- The staff member is unsure of how to deal with the complaint or requires guidance by a more senior staff member.
- A staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct (these complaints are to be referred directly to the General Manager).

When a complaint is referred on to the next tier, the complainant will be told the name and contact details of the person to whom it has been referred to. They should also be advised of what they need to do (if anything) and what action the complainant can expect.

## 5. Lodging a Complaint or a Suggestion for Improvement

Council will respond to all complaints or suggestions for improvement whether they are provided in writing, fax, email or orally (in person or by telephone). However, if a complaint cannot be resolved at the first tier, then it is advised that the complaint is put in writing. All complaints in relation to the following matters must be in writing:

- Complaints about staff – all complaints concerning staff members must be in writing and addressed to the General Manager for confidentiality reasons.
- Complaints about Council's assessment and determination processes – certain aspects of regulatory and assessment processes are not able to be reviewed and may require legal action.

Council will provide assistance with lodging a complaint where possible and this includes assistance with a written complaint or arranging a language aid (where accessible).

Complaints can be made:

**In writing:**

General Manager  
PO Box 31  
Walgett NSW 2832

Fax: (02) 6828 1608

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

**In person:**

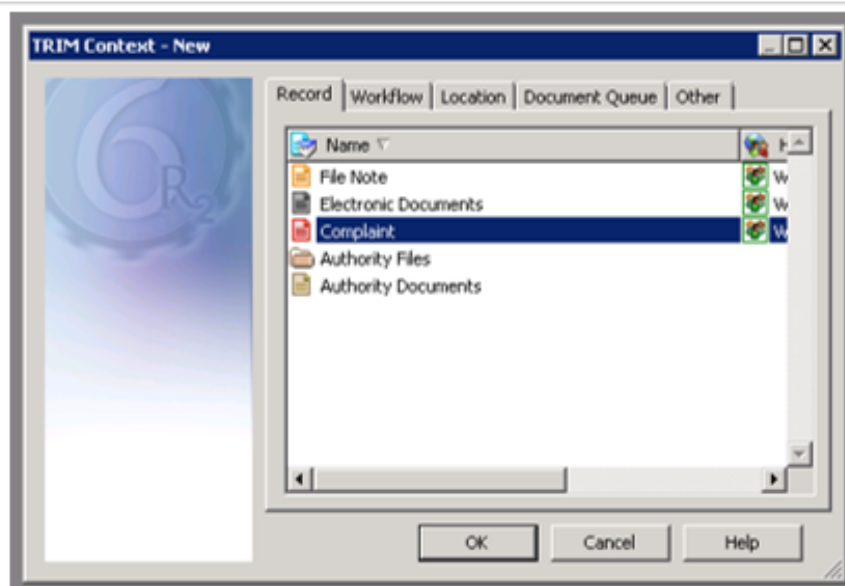
77 Fox Street  
Walgett NSW 2832

**By telephone:**

Contact reception on (02) 6828 ~~6100 4399~~

All complaints made in person or over the telephone will be recorded in TRIM (as a *Complaint* Record as per Table 1) by the Council Officer who takes the enquiry/complaint. The complaint must be registered in accordance with State Records Act and ~~Gov~~ – Records Management policy and procedures and referred to the appropriate officer with any additional information or files for corrective action.

Table 1



All complaints made in writing, fax or email must be forwarded to the Records Department for registration. The Records Department will register the complaint in accordance with State Records Act and Gov – Records Management policy and procedures and refer the matter to appropriate officer with any additional information or files for corrective action.

#### **6. Anonymous Complaints**

Generally, Council will only act on anonymous complaints where there is sufficient information in the complaint to enable an investigation to be conducted.

#### **7. Complainants who are abusive or unreasonable**

In any interaction with members of the community where personal abuse or offensive language is used, the communication may be terminated immediately by the employee. If face to face, the employee should walk away. If on a telephone, the employee will terminate the call. If in email, it may be blocked. If in correspondence, it will be returned to the sender and not acted upon. Before doing so, an employee will advise the complainant that they are terminating communication, and will not discuss the matter further.

The following three main types of unreasonable complainant have been identified:

- Those that are physically or verbally aggressive. The safety of employees and other members of the community is paramount.
- Those that make substantial and unreasonable demands on the workload and resources of Council.
- Vexatious complainants whose aim is to annoy and irritate.

#### **8. Dissatisfied Customers**

Customers who cannot be satisfied include members of the public or groups who by correspondence:

- do not accept that Council is unable to assist them

- who make unreasonable demands upon Council
- persistently disagree with the action Council has taken in relation to their complaint or concern

Counter enquiries and telephone calls are to be referred as follows:

- To the Records Manager in the Administration area
- To the Manager or Director responsible for that work area
- If the matter cannot be resolved at that level, the person is to submit their matter in writing.

If in the opinion of the relevant Director, a customer cannot be satisfied – by this it means that all appropriate avenues of internal review or appeal have been exhausted and the customer continues to contact Council. In such situations the Director may contact the customer restating Council's position on the matter and advice that if the customer continues to contact Council regarding the matter than management may determine:

- not to accept any further phone calls from the customer
- not to grant any further interviews
- that all further communication must be put in writing
- continue to receive, read and file correspondence but only acknowledge it.

If the customer provides, in the opinion of the Director, significant new information relating to their complaint or concern; or the customer raises new issues which warrants further investigation, the customer shall be given one opportunity to make representations on that/those issue(s) only.

Customers who make unreasonable demands include members of the public whose demands on Council significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources from other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service on the same matter.

If in the opinion of the relevant Director, a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the following actions may be taken:

- the Director may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:
  - (i) not respond to any future correspondence and only take action where, in the opinion of the relevant Director the correspondence raises specific, substantial and serious issues; or
  - (ii) only respond to a certain number of requests in a given period
- The General Manager shall advise councillors of any correspondence issued in accordance with this clause
- the customer shall be given one opportunity to make representations about Council's proposed course of action



If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) – ii) above will now apply.

If a complaint is found to be frivolous or vexatious, Council will take no further action on the correspondence. A decision to take no further action will be made by the relevant Director. In such a situation the person shall be advised in writing that Council will not enter into any further correspondence on the issues contained in the correspondence, and the reasons why the matter is considered frivolous or vexatious.

## 9. Non Council Issues

For matters which are not within Council's jurisdiction the complainant will be informed by the Council Officer of the name, telephone number and any other relevant details of the appropriate organisation (if known). A complainant can make a complaint to another public sector agency or appeal to the Courts at any time.

### Contact list for external agencies:

**Independent Commission Against Corruption (ICAC)** – investigates complaints concerning corrupt conduct – [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) or phone (02) 8281 5999

**NSW Department of Local Government** – investigates complaints concerning serious and substantial waste of public monies, pecuniary interests and competitive neutrality - [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) or phone (02) 9289 4000

**Office of the NSW Ombudsman** – investigates complaints concerning maladministration - [www.csc.nsw.gov.au](http://www.csc.nsw.gov.au) or phone 1800 451 524.

## 10. Time Frames

All complaints will be responded to as quickly as possible. Council delivers a wide range of services so complaints can range from matters which can be resolved immediately to others which will require an investigation or consideration of more complex issues. In all instances Council will attempt to resolve the complaint in a timely manner.

### Timeframes

*For urgent matters* - immediately upon receipt. These matters would include a complaint about a safety issue or a waste of Council or natural resources. These matters would generally be made in person and corrective action undertaken within 24 hours.

*For simple matters* – within three (3) days of receipt. These matters would include requests for readily available information such as estimates of when a decision on an application can be expected, returning calls and responding to correspondence where Council has not met the relevant service standard.

*For more complex matters* – investigation within 21 working days. However an acknowledgement of receipt of a complaint outlining the process to be undertaken should be provided within three (3) working days. These matters would include complaints about more serious or complex issues such as allegations of corruption, maladministration or competitive neutrality.

Where timeframes cannot be met, the complainant will be advised before the time limit expires and given the reasons for the delay and a revised timeframe for resolution of the complaint or completion of the investigation.

All complaints received in writing (letter, facsimile or email) will be acknowledged either by telephone or in writing within three (3) working days of receipt. Complaints received by

telephone or in person will not be acknowledged in writing. Council will keep complainants informed of the progress of their complaint by telephone, in writing or in person. In all cases the complainant will be given the name and telephone number of the person who will be dealing with their complaint. Once corrective action is in place the complainant will be informed either by telephone or in writing.

### **11. Investigation**

The method of investigating a general complaint by the council officer will be dependent upon the nature and severity of the complaint. The officer must investigate all the facts surrounding the matter as soon as practicable.

Depending upon the nature of the complaint, the investigation may involve taking detailed notes of an employee's account and/or interviewing all persons involved that have knowledge of the situation.

If the complaint relates to an employee, the employee's manager must ensure the wellbeing of the employee against whom the complaint is alleged. Where appropriate, the employee should be offered advice and counselling. Managers may seek the advice of the Human Resources Officer in such cases.

Where a formal investigation is carried out, all persons involved are to be made aware of the allegations, advised of their right to representation and given the opportunity to respond fully to allegations made against them. Council must make every reasonable effort to ensure that the privacy of the complainant is maintained where the complainant wishes to remain anonymous. This may include providing an employee with a photocopy of the letter of complaint having removed details that may identify the complainant.

### **12. Remedies**

Where complaints relate to employees, resolution of complaints must be in accordance with these procedures, relevant legislation and Award requirements. Where a complaint about an employee was found to warrant investigation, the corrective process must also include written notification of the outcome, to the employee and his/her representatives, if applicable.

Remedies may include:

- Investigation of the complaint
- An apology where Council has made a mistake or where a staff member's comments or behaviour have offended.
- Disciplinary action
- Providing the desired service.
- A speedy refund of overcharged monies.
- Giving the complainant a date when they can expect their request to be actioned or application to be considered.
- Providing more information to the complainant e.g. About Council's policies or decision making processes or providing regular progress updates about an application.
- A commitment to investigate and/or review and change Council's procedures or business practices where a complaint is justified.
- A commitment to review and recommend to Council changes to policies, procedures or services where a complaint is justified.



- Referral to external bodies.

There may be occasions where Council cannot resolve a complaint to the satisfaction of the complainant. In such cases, Council may initiate a form of alternative dispute resolution procedure (such as mediation) or may refer the complainant to an external agency or legal remedy.

### **13. Internal Review**

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged.

Internal reviews will be conducted as follows:

1. The Public Officer will investigate the manner in which the complaint was originally handled and the remedial action taken.
2. If, after investigation, the Public Officer is satisfied with the process and the remedial action taken, they will inform the complainant accordingly
3. If the Public Officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, they will:
  - Counsel the officer who initially handled the complaint;
  - Institute action to achieve the appropriate result; and
  - Inform the complainant of the outcome of the review.

In replying to the complainant, the Public Officer shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, the complaint will be referred to the next tier for a further internal review, or an appeal may be lodged with the appropriate external agency.

### **14. Training**

*All council staff*, whatever their job, should be trained to know and apply council's complaints policy and procedures. Each employee will receive training and information on what action should be taken and what to do if a complaint is received.

The employees who have regular contact with clients and customers will be given instructions from their supervisor on how to handle a complaint. Special training will be provided to employees where it has been identified that they need to develop or refine their techniques in receiving complaints.

The Public Officer, Directors or other identified officers who are responsible for managing and processing more serious complaints may require specialised training in conciliation, mediation and investigation. They will also be provided with access to training about the functions and powers of other authorities and how these might relate to complaints received.

### **15. Responding to Complaints**

Frontline staff will receive many of the complaints about council services and operations. These complaints will range from the minor to the very serious. In responding to complaints, the job of frontline staff is to assist the complainant in the case of straight forward, minor complaints as quickly as possible. In the case of more serious complaints their responsibility is to direct the complaint to the most suitable authority either in council or in another agency.

Complaints will reach council in writing, by phone, and over the front counter. The first steps in responding to any complaint are simple but important:

When the complaint is in writing:

- Written complaint is registered and recorded by Records Department and referred to the appropriate officer.
- Acknowledge the complaint promptly (within 3 working days).
- Understand the complaint. If there is any doubt at all, set it out by way of a summary or restatement.
- Explain what will happen next.
- Detail who will be dealing with the matter and how they can be contacted (if known at that time).
- Once the remedy or corrective action is in place inform complainant in writing.
- All information must be registered and recorded in TRIM.

When the complaint is via phone or across the counter:

- Make a record of the complaint by completing a *Complaint* Record in TRIM.
- Check that record back with the complainant.
- Explain what will be done about the complaint by informing the complainant of what will happen next.
- Form is registered in TRIM and referred to the appropriate officer.
- Appropriate officer contacts complainant either by phone, in person or in writing.
- Understand the complaint. If there is any doubt at all, set it out by way of a summary or restatement either verbally or in writing.
- Explain what will happen next.
- Provide details of who will be dealing with the matter and how they can be contacted.
- Once the remedy or corrective action is in place inform complainant either by phone, in person or in writing.
- All information must be registered and recorded in TRIM.

The complainant must be kept informed during the complaints management process. Where the outcome may involve disciplinary action against a staff member the only details that should be given to the complainant is advice that Council will initiate appropriate action following investigation.

A response should be provided to the complainant within a timely manner. All responses will be provided in such a way that they are considered to be polite and professional and must be signed by the departmental director to ensure that responses are accurate, timely and appropriate. Where an employee believes that he/she is unable to resolve a complaint within a reasonable timeframe, they must discuss the concerns with the relevant director.

The kinds of complaints referred to the Public Officer or Directors are:

- **serious complaints** involving personal injury, a breach of the law, or financial implications; and
- **complaints** which involve the need for a detailed knowledge of council's operations and procedures.

The relevant Director or Public Officer will undertake the necessary investigations and ensure a full and appropriate reply is given. Where necessary the relevant Director or Public Officer will seek conciliation of the complaint.

### Complaints Alleging Pecuniary Interest

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another with whom the person is associated. [Chapter 14 of the Local Government Act 1993](#) requires that “pecuniary interests of councillors, council delegates and other persons involved in making decisions or giving advice in council matters be publicly recorded and requires councillors and staff to refrain from taking part in decisions on council matters in which they have a pecuniary interest.” (Introduction to Chapter 14, also see [s.441-459](#)).

Special provisions have been made under the Act to investigate and resolve complaints involving pecuniary interest:

- [s.460-468](#) describe the process of investigating complaints regarding non disclosure.
- [s.469-490](#) describe the Pecuniary Interest and Disciplinary Tribunal's role and proceedings.

### Complaints Alleging Corrupt Conduct

The Independent Commission Against Corruption (ICAC) Act 1988, defines corrupt conduct as dishonest or partial exercise of an official function by a public official. It must involve:

- a criminal offence under NSW law or any other law which could apply in the particular circumstances; or
- a disciplinary offence which could lead to disciplinary action under any law including regulations; or
- reasonable grounds to dismiss or terminate the services of a public official.

The Act requires council's General Manager (the principal officer) to report suspected cases of corrupt conduct to ICAC. As soon as reasonable suspicion that corrupt conduct is or may be involved, a report must be made to ICAC and in accordance with Goy – Code of Conduct. Reporting of these matters to ICAC should not delay reporting to the Police or other authorities.

### Resolving Disputes - Conciliation

Conciliation is an effective way of dealing with relatively minor complaints and/or matters caught at an early stage and preventing minor issues becoming serious matters.

## **16. Reporting Outcomes**

The Public Officer is responsible for collating and distributing information on where things went wrong and how services can be improved. The following information will be collated and presented quarterly to the Executive Team:

- The number of complaints received.
- The frequency of complaints made verbally and in writing.
- The breakdown by categories of the subject matter of complaints.
- The percentage of complaints resolved.
- Method of resolution. For example, conciliation, investigation, external means such as mediation or courts.
- Timeframes for the resolution of complaints.
- Carry over figures of matters unresolved or under inquiry.
- Any other information on how services can be improved.

The information will be collated from the *Complaint* Records registered in TRIM.

The Public Officer will also ensure that complaints management information is distributed by any means necessary as listed in Section 4 to ensure that information can be communicated at all levels of council operations.

"Annexure A"



## DO YOU HAVE A COMPLAINT?

Walgett Shire Council is committed to **improving customer service** in all areas within Council. By using the feedback from complaints, the reasons for complaints can be targeted, evaluated and services improved.

Walgett Shire Council will ensure that fair, honest and efficient treatment of all customers is consistently applied in response to complaints to Council.

Complaints can be made:

**In writing:**

General Manager  
PO Box 31  
Walgett NSW 2832

Fax: (02) 6828 1608

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

**In person:**

77 Fox Street  
Walgett NSW 2832

**By telephone:**

Contact reception on (02) 6828 ~~6100 4399~~

All complaints in relation to the following matter must be in writing:

- Complaints about staff – all complaints concerning staff members must be in writing and addressed to the General Manager for confidentiality reasons.
- Complaints about Council's assessment and determination processes – certain aspects of regulatory and assessment processes are not able to be reviewed and may require legal action.

Council will provide assistance with lodging a complaint where possible and this includes assistance with a written complaint or arranging a language aid (where accessible).

### Procedure Review History

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<del>10<sup>th</sup> November 2022</del>	<del>Reviewed by General Manager</del>	

## Customer Service

WSC - Procedure – Customer Service



### **CUSTOMER SERVICE POLICY & PROCEDURE**

Approval Date:

Review Date: November 20~~22~~<sup>44</sup>

Responsible Officer: Director Corporate and Community Services

#### POLICY STATEMENT

WSC is committed to the fair and equitable treatment of all customers in response to their enquiries and to ensure that the public are kept well informed of work conditions that may directly affect them.

#### OBJECTIVES:

- To ensure that Council complies with the Local Government Act 1993 and meets the needs of customers in a professional and courteous manner.
- To provide clear guidelines and procedures for staff to deal with customer requests to ensure that the enquiry is dealt with in an appropriate and efficient manner.
- To ensure that a customer's request is correctly recorded and promptly resolved.
- To ensure that the public are kept well informed of works and conditions which may affect them and their properties.

#### **Objective**

To ensure:

- the fair and equitable treatment of all customers in response to their enquiries
- answering customer enquiries in an efficient manner
- ensuring that the public are kept well informed of work conditions that may directly affect them

#### **Council Policy Reference**

Customer Service Policy

#### **Statutory Requirements**

[Local Government Act 1993](#)

[Privacy and Personal Information Protection Act 1998](#)

Government Information (Public Access) Act 2009

#### **Related Policy/Procedure**

Access to Information

Complaints Management



### 1. Standards

Council staff will respond to all correspondence received from customers (written, faxed or emailed). An acknowledgement letter will be sent within three (3) working days. Where investigations and /or follow up is expected to exceed twenty one (21) working days the customer will be advised.

Council staff shall answer incoming calls by saying "Walgett Shire Council" and clearly stating their name. Unanswered calls should be diverted to the customer service department or to voice mail.

Staff making outgoing calls will identify themselves by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.

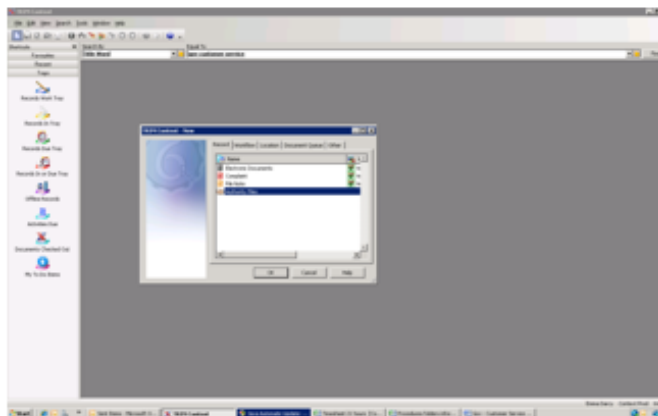
Reception area and customer service centre staff shall greet customers in a professional and courteous manner at the earliest possible moment.

### 2. Telephone / Counter Enquiries

When a Council Officer receives an enquiry or request it will be transferred to the appropriate area for a response. Wherever possible, the area receiving the call will answer the enquiry or, if necessary will make arrangements for the enquiry to be addressed, giving the customer an indication of the likely timeframe.

### 3. Recording Customer Requests

Where a Council Officer is not available to answer an enquiry or request, the Council Officer taking the call or enquiry will record the details of the person making the and forward the details to the appropriate officer in an email. If the matter is particularly complicated or is a complaint then the Council Officer must complete details of the request or complaint in the TRIM Records system and forward the record to the appropriate officer for actioning.



### 4. Actioning Requests

Each request or enquiry will be forwarded to a Council Officer who is responsible for that particular request. For instance, a request to collect a stray dog will be automatically forwarded to the Regulatory Officer; a complaint about a neighbouring overgrown property will be forwarded to the Senior Health & Building Surveyor.

Each task should be actioned within two (2) working days and all information, actions and information must be recorded in TRIM.



## **5. Following-up on request**

Where appropriate, the responsible Council Officer will notify the customer (either in writing or by a phone call) of the action taken in regard to their request. This notification must be recorded in TRIM.

## **6. Notification of Work Conditions**

Council as part of its commitment to customers will advise affected property owners and/or occupants of works and adverse conditions that affect access to their properties. These procedures include supply of water and sewerage services, fixing of road levels, all road works and road conditions resulting from weather and road accidents.

### **Procedures**

#### **(i) Works Program (prior to site works commencing)**

All affected residents will be advised at least three (3) months prior to the program commencement. In the event Council adds schemes to the works program at short notice then affected residents are to be advised as soon as possible.

The affected residents will be advised of the commencement date as soon as it is known, generally attempting to provide one month's notice and further that absentee owners be invited to contact the relevant officer to ascertain the stage of the works regarding access prior to visiting their property.

#### **(ii) All Works (prior to site works commencing)**

All affected residents will be advised of the commencement date as soon as it is known, generally attempting to provide one month's notice and further that absentee owners be invited to contact the relevant officer to ascertain the stage of the works regarding access prior to visiting their property.

#### **(iii) All Works (during progress of works)**

Personal contact may be made the day before access will be denied or earlier indicating:

- That access will not be available for a stated period.
- The nature of the work to be undertaken.
- Contact person for further information.

#### **(iv) Fixing Of Levels - Roads Act - Notification**

In addition to statutory advertising relating to the fixing of road levels adjoining property owners are to receive written notification:

- Of Council's intention to fix the level of a road, and
- Of the declaration when the levels have been fixed.

#### **(v) Media Releases - Road Conditions**

When a road is impassable or unsafe, a media statement regarding road conditions shall be prepared by the relevant officer in conjunction with the Executive Assistant to General Manager for approval by the General Manager. All statements on the condition of roads and in particular the temporary closure of roads are to be simultaneously presented to the Officer In Charge of the Police Station at the relevant location as well as to the Local Area Commander located in Walgett.

The Roads and Traffic Authority is to be advised when it becomes necessary to close any classified road due to any condition. This advice is to indicate the expected duration of the closure.

#### **7. Managing Anonymous Customer Requests**

Customers can make anonymous requests to Council. These requests, however, can be difficult to follow up (often staff need to obtain more information from the person making the request) and for obvious reasons it is impossible to contact the person making the request and communicate the findings of Council.

Council will not normally follow up anonymous requests unless the issue places public safety at risk or raises a serious matter and there is sufficient information in the request to carry out an investigation.

#### **8. Vexatious Complaints**

Customers who cannot be satisfied include members of the public or groups who by correspondence:

- do not accept that Council is unable to assist them
- who make unreasonable demands upon Council
- persistently disagree with the action Council has taken in relation to their complaint or concern

Counter enquiries and telephone calls are to be referred as follows:

- To the Manager or Director responsible for that work area
- If the matter cannot be resolved at that level, the person is to submit their matter in writing.

If in the opinion of the relevant Director, a customer cannot be satisfied – by this it means that all appropriate avenues of internal review or appeal have been exhausted and the customer continues to contact Council. In such situations the Director may contact the customer restating Council's position on the matter and advice that if the customer continues to contact Council regarding the matter than management may determine:

- not to accept any further phone calls from the customer
- not to grant any further interviews
- that all further communication must be put in writing
- continue to receive, read and file correspondence but only acknowledge it.

If the customer provides, in the opinion of the Director, significant new information relating to their complaint or concern; or the customer raises new issues which warrants further investigation, the customer shall be given one opportunity to make representations on that/those issue(s) only.

Customers who make unreasonable demands include members of the public whose demands on Council significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources from other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service on the same matter.

If in the opinion of the relevant Director, a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the following actions may be taken:

- the Director may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:
  - (i) ~~not~~ respond to any future correspondence and only take action where, in the opinion of the relevant Director the correspondence raises specific, substantial and serious issues; or
  - (ii) ~~only~~ respond to a certain number of requests in a given period
- The General Manager shall advise councillors of any correspondence issued in accordance with this clause
- the customer shall be given one opportunity to make representations about Council's proposed course of action

If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) – ii) above will now apply. If a complaint is found to be frivolous or vexatious, Council will take no further action on the correspondence. A decision to take no further action will be made by the relevant Director. In such a situation the person shall be advised in writing that Council will not enter into any further correspondence on the issues contained in the correspondence, and the reasons why the matter is considered frivolous or vexatious.

## 9. Complaints

All complaints, including verbal complaints must be registered into TRIM as a complaint record type. They must be registered into TRIM as soon as practicable after the complaint is received and no later than 24 hours after the complaint is received. Complaints should be assigned to the Manager/Director responsible

## 10. Customers who are rude, abusive or aggressive

Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.

If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:

- a) warn the caller that if the behaviour continues the conversation or interview will be terminated
- b) ~~terminate~~ the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.

Where a conversation or interview is terminated the staff member must notify the relevant Director of the details as soon as possible.

If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be not be acted upon.

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**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
	Reviewed	

## Advertising

WSC - Procedure – Advertising



### ADVERTISING PROCEDURE

Approval Date:

Review Date: November 20~~22~~<sup>44</sup>

Responsible Officer: General Manager

#### POLICY STATEMENT

WSC is committed to ensuring that the public is informed and educated on Council's services, facilities and functions while meeting the statutory requirements of advertising.

#### OBJECTIVES:

- To ensure that Council complies with the Local Government Act 1993, the Roads Act 1993 and the Environmental Planning and Assessment Act 1979.
- To ensure that matters that require public notification are done in accordance with the relevant legislation.
- To ensure that the public are kept informed and educated on Council's services, facilities and functions.
- To provide information to a targeted audience in the most timely and cost effective manner.

#### **Objective**

To ensure that the public is informed and educated on Council's services, facilities and functions while meeting the statutory requirements of advertising.

#### **Council Policy Reference**

Advertising

#### **Statutory Requirements**

[Local Government Act 1993](#)

Local Government (General) Regulations 20~~21~~<sup>05</sup>

[Roads Act 1993](#)

[Environmental Planning and Assessment Act 1979](#)

#### **Related Policy/Procedure**

Community Consultation

Advertising Vacant Positions

## **Advertising Procedures**

### **1. Advertising Options**

- a) The majority of Council's advertisements are placed in the local press (~~The Ridge News Western Herald~~ and the Walgett Spectator). In most instances the advertisement will be placed in both papers.
- b) All advertisements and notices are ~~faxed or~~ emailed to the Collarenebri Agency to be placed on the noticeboard.
- c) Council advertisements and notices are to be included on Council's website [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au) and ~~Facebook site~~. The department which organises the advertisement is responsible for ensuring that it is placed on the website and in the appropriate section of the website. If any assistance is required staff should consult with the ~~Information Services Co-ordinator~~ General Manager's Executive Assistant.
- d) Council may place advertisements in metropolitan or regional press, radio, television and external internet where items require significant exposure or where there is a legislative requirement to do so, following approval by the relevant ~~Director or~~ the General Manager.
- e) Council places regular notices in a Council column every fortnight week which are advertised in the ~~Western Herald Ridge News~~ on Thursday and The Spectator on Wednesday. All information required to be included in the column must be forwarded to the Executive Assistant no later than 5.00pm on Friday Monday of the previous week that the ~~fortnightly~~ column is due to be run. In situations where the limited space of the column means that not all notices can be included, the Executive Assistant will consult with the General Manager to decide which notices take priority and will be included in the column or whether an additional notice can be placed.
- f) Development proposals, consents and approvals and other statutory advertising must be placed in at least one local newspaper, and advertising that is of a more general, community interest nature is to be placed according to the target audience.
- g) Advertising for vacant positions is done in accordance with WR – Advertising Vacant Positions procedure.

### **2. Placing an Advertisement**

- a) Staff members requiring advertisements will write the advertisement on the appropriate template (TRIM container 09/1479) and forward it to the Executive Assistant in a timely manner to enable it to meet press deadlines. They must include the following information:
  - Advertising option – specify newspapers local, regional or metropolitan, radio, WSC webpage ~~and Facebook site~~, external internet etc.
  - When the advertisement is to appear and how often.
  - Which publication the advertisement is to appear in.
  - Works Order Number or General Ledger account number.
- b) The Executive Assistant will generally obtain quotes for advertisements and may consult with the Director on advertisements placed in regional or metropolitan areas, television and external internet.



- c) Designated Development and Advertised Development Applications, which are to be considered at a Council Meeting, will be advertised in ~~the Western Herald The Ridge News~~ and ~~The Spectator~~ prior to the Council meeting.

The Planning and Regulatory staff must prepare and forward details of the development applications to be considered by Council to the Executive Assistant no later than 5.00pm on ~~Friday Monday~~ prior to the business papers being prepared.

- d) It is imperative that adequate public consultation is available for draft plans and strategies and to ensure that it is in accordance with CC – Community Consultation policy and procedures.

At a minimum the following requirements will apply when advertising draft plans and strategies:

- Advertising in ~~the Western Herald The Ridge News and The Spectator~~ for a minimum of three weeks
- Support the advertisement with a media release prepared by the relevant Director and approved by the General Manager
- Reminder of submission closing date in the weekly column – to be included by Executive Assistant
- Public Meeting when deemed necessary by the relevant Director or the General Manager
- Draft document to be placed on the Council website
- A complete copy of the document is to be placed at various locations throughout the shire including Council administration building, Collarenebri Agency, Council libraries and other venues as depending on the content of the plan.
- Additional copies will be made available at the above venues for the public to take away.
- A poster will be displayed at each venue to highlight that the plan is on display
- Letters to stakeholders, letterbox drops or increase in advertising, including radio and regional media where deemed necessary by the relevant director.

- e) Section 55 of the Local Government Act 1993 and the Local Government ~~(Tendering)~~ Regulation ~~2021 1999~~ detail the advertising requirements for tendering. An advertisement for a tender will be placed in:

- a Sydney metropolitan daily newspaper, being the Sydney Morning Herald or the Sydney Telegraph, and
- (b) either or both of the following:
  - (i) a newspaper circulating in the council's area, being ~~the Western Herald and The Ridge News and~~ The Spectator
  - (ii) a newspaper circulating in the district where potential tenderers are likely to be carrying on business or to be residing, being the Western Magazine or the Northwest Magazine

All tenders will also be advertised on Councils website and other publications when considered necessary or appropriate by the relevant director. Each department is responsible for placing the relevant tender on Councils website.



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**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<u>10<sup>th</sup> November 2022</u>	Reviewed	<u>Michael Urquhart – General Manager</u>

## Affixing of Council's Seal

WSC - Procedure– Affixing of Council's Seal

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### AFFIXING OF COUNCIL'S SEAL PROCEDURE

Approval Date:

Review Date: November 20~~22~~<sup>24</sup>

Responsible Officer: General Manager

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#### POLICY STATEMENT

WSC is committed to protecting Council's seal and ~~authorising its use in accordance with the relevant legislation.~~

#### OBJECTIVES:

- To ensure that Council complies with the Local Government Act 1993 and Local Government (General) Regulations.
- To provide clear guidelines and procedures which apply to the use of the Common Seal.
- To ensure that the common seal is kept by the General Manager in a secure manner and not removed from Walgett Shire Council building unless authorised by the Mayor or General Manager.
- To ensure that the common seal is only used when authorised by resolution of Council.

#### **Objective**

To protect Council's seal and ~~authorising~~ its use in accordance with the relevant legislation

#### **Council Policy Reference**

Affixing of Council's Seal

#### **Statutory Requirements**

Local Government Act 1993

Local Government (General) Regulations 200~~21~~<sup>5</sup>

#### **Related Policy/Procedure**

Code of Conduct

## **1. Local Government (General) Regulations 2021 05**

Under the provisions of [Section 400 of the Local Government \(General\) Regulations 2021 05](#):

### **400 Council seal**

- (1) *The seal of a council must be kept by the mayor or the general manager, as the council determines.*
- (2) *The seal of a council may be affixed to a document only in the presence of:*
  - (a) *the mayor and the general manager, or*
  - (b) *at least one councillor (other than the mayor) and the general manager, or*
  - (c) *the mayor and at least one other councillor, or*
  - (d) *at least 2 councillors other than the mayor.*
- (3) *The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.*
- (4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*
- (5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

## **2. Use of the Common Seal**

- (a) The General Manager is responsible for the custody of the common seal. The common seal must be securely stored in the strong room located in the administration building at 77 Fox Street, Walgett.
- (b) The common seal can only be affixed to a document by resolution of Council where the resolution specifically refers to the document and the document relates to the business of the Council.
- (c) The affixing of the common seal must be recorded in the *Resolutions Affixing Council Seal Register* located in the strong room located in the administration building at 77 Fox Street, Walgett. The register must contain:
  - I. the title of the document or a description of the document;
  - II. the date the seal was affixed;
  - III. the date of the Council resolution and resolution number;
  - IV. the TRIM record number for the complete scanned document; and
  - V. the name of the person affixing the seal.
- (d) The common seal must not be removed from the administration building at 77 Fox Street, Walgett unless authorised by the Mayor or General Manager.

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**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<del>10<sup>th</sup> November 2022</del>	<del>Reviewed</del>	<del>Michael Urquhart – General Manager</del>

## Community Bus

WSC - Procedure – Community Bus (Use of)

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### COMMUNITY BUS (USE OF) PROCEDURE

Approval Date:

Review Date: November 20~~22~~<sup>11</sup>

Responsible Officer: Corporate & Community

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Walgett Shire Council is proud to own and provide a 14 seat community bus for the use of Council to support local programs and activities, which directly benefit the residents within the Walgett Shire Local Government Area.

#### Objective

~~Walgett Shire Council's community bus is available for use by Council.~~

~~To support activities and programs that directly benefit residents of Walgett Shire Council.~~

- To provide clear guidelines for the use of the Walgett Shire Council's community bus. -----
  - To provide a framework for the ongoing care and maintenance of the Walgett Shire Council's community bus.
- 

#### Statutory Requirements

Local Government Act (1993)

Work Health and Safety Act 20~~11~~<sup>00</sup>

Work Health and Safety Regulation 20~~17~~<sup>04</sup>

Children's Services Regulation 20~~20~~<sup>04</sup>

#### Related Policy/Procedure

Motor Vehicles

### **1. WSC Community Bus**

Council owns one (1) bus which has a seating capacity of fourteen (14) including the driver. The number of passengers must not exceed the legal limit of the community bus. The bus has seat belts fitted throughout.

### **2. Current Use and Priority of Access**

The community bus is used for Council programs only.

### **3. Drivers Licence**

The community bus must be driven by a Council employee. If the driver presents an international drivers licence they will be requested to have the licence sighted by the RTA. The RTA will determine if the overseas/international licence is equivalent to an Australian licence and which level applies. **The driver must have at least an LR drivers licence to be eligible to drive the community bus.**

### **4. Booking Procedure**

Bookings for the community bus are taken by Council's Community Development and Tourism department throughout the year and are processed in order of receipt and depending on the availability of the bus.

### **5. Usage**

The community bus can only be used for the stated purpose. The vehicle can not be used for any activity that may be illegal or improper.

### **6. Care and Control**

Approved drivers must accept responsibility for the care, control and management of the vehicle from the time that it leaves Council until its return. Approved drivers must ensure that the vehicle when left unattended is locked and secure. The vehicle should not be left unattended in a place that is likely to cause inconvenience to other people or the vehicle itself.

### **7. Cleaning**

The bus must be returned in a clean condition. Food and drink is not to be consumed on the community bus. All food and drink must be stowed and moved outside the bus for consumption.

### **8. No Smoking**

In accordance with WR – Smoke free Workplace policy and procedures, no smoking is permitted in Council vehicles including the community bus.

### **9. Fuel**

The bus uses diesel fuel. The bus must be returned with a full tank of fuel and water and oil checked after each use.

#### **10. Log Book**

A log book is kept in the glove box of the community bus. This must be correctly filled out. Details to be included in the log book include mileage, destination, route taken, the number of passengers and any other details as required by Council from time to time.

#### **11. Insurance**

Council undertakes to maintain appropriate insurance of the vehicle together with 3<sup>rd</sup> party personal injury insurance as required by law at all times. Responsibility however will not be accepted for loss or damage to personal effects of users of the vehicle during its use.

#### **12. Accidents/Damage**

Any damage to the bus must be immediately reported to the Support Services Officer on (02) 6828 ~~6100 1399~~.

In an accident involving another party, the driver must exchange driver's licence numbers, registration, name and address and telephone number and note the details of the accident.

Accidents involving injury or serious damage must be reported to the police.

#### **13. Breakdowns**

A card is provided with the bus for road service (NRMA). Phone for road service if the bus needs to be made road worthy. Contact the Support Services Officer on (02) ~~68286100 929 1399~~ for advice if needed.

#### **14. Repairs and Faults**

Repairs and faults (no matter how minor) must be reported to the Support Services Officer upon return of the bus.

#### **15. Traffic Fines and Parking Infringements**

The driver of the bus will pay any traffic fines or parking infringements incurred except where the infringement notice is for vehicle faults.

#### **16. Discretionary Clause**

The General Manager (or their delegate) has the discretion to make bookings outside of these procedures where there are exceptional circumstances.



**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
<u>10<sup>th</sup> November 2022</u>	<u>reviewed</u>	<u>Michael Urquhart – General manager</u>

# Financial Management and Control

WSC – Policy – Financial Management and Control



## FINANCIAL MANAGEMENT AND CONTROL POLICY

Adoption Date: 27 August 2019

Review Date: ~~August-November 2020~~

Responsible Officer: ~~Corporate & Community~~ Chief Financial Officer

### POLICY STATEMENT

WSC is committed to the timely and accurate preparation of all mandated financial reports in a transparent and accurate manner.

### OBJECTIVES:

- To ensure WSC complies with the NSW Local Government Act 1993, the Local Government (General) Regulation 2005 and currently applicable Australian Accounting Standards.
- To provide a clearly defined financial management and control structure for the guidance of all WSC Staff.
- To ensure Council's financial management policy, procedures and guidelines are best practice and meet the highest standard of accountability.
- To ensure all financial reporting requirements are met as and when they fall due.
- To deliver consistently high quality financial information to internal and external stakeholders.

~~Policy Implementation Procedures, Guidelines and Documents~~ Statutory Requirements

NSW Local Government Act 1993 ~~Part 3 and Part 4~~

Local Government (General) Regulation 2021

Local Government Code of Accounting Practice and Financial Reporting 2021/22

Australian Accounting Standards

Financial Management and Control Procedures

Local Government (General) Regulation 2005 Part 9

**Related WSC Policies** Council Policy/Procedure

Code of Conduct

Fraud Control Policy

**Investment Policy**

[Overdraft and Borrowings Policy](#)

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[\*\*Council Resources and Reference Materials\*\*](#)

[Operational Plan](#)

[Long Term Financial Plan](#)

[Fees and Charges](#)

**[Application](#)**

[This policy and procedure applies to all Council staff who carry out Council financial and/or monetary transactional activities in the course of conducting their duties within their employment.](#)

### Administration of the Financial Management and Control Policy

The Chief Financial Officer, under Delegated Authority, is the Responsible Accounting Officer and is to be accountable to the General Manager for the overall financial management of Council funds.

### Review of Policy/Procedures

The Policy/Procedures will be reviewed every two (2) years or at such other time as is necessary, by the Chief Financial Officer and any recommendation will be submitted to the General Manager.

## **Financial Management and Control**

### **1. Bank Accounts**

Council operates ~~three~~ separate accounts ~~being with its main banking partner, Commonwealth Bank of Australia (CBA) including a trust fund account. Other accounts that return a higher rate of return and offer on-call facilities are utilized to maximize Council's return on investment for excess funds.~~

- ~~— General Fund Bank Account~~
- ~~— Trust Bank Account~~
- ~~— Business On-line Saver (BOS) (Sweep Account for excess funds)~~

All money or property received by council in trust must be deposited and held in the Trust Bank Account. All other money and property must be deposited and held in the General Fund Bank Account. Excess funds are transferred to and from the BOS account or other such account to achieve a higher daily return on surplus funds.

### **2. Strategic Planning**

Council must as part of its strategic planning compliance, develop a 10 year financial plan which includes a works program, capital expenditures and recurrent income and expenditures and fees and charges.

#### ➤ Resourcing strategy

- ~~➤ (1) A council must have a long-term strategy (called its **resourcing strategy**) for the provision of the resources required to implement the strategies established by the community strategic plan that the council is responsible for.~~

- ~~(1)~~
- ~~➤ (2) The resourcing strategy is to include long-term financial planning, workforce management planning and asset management planning.~~

#### ➤ Operational plan

~~—~~

~~➤~~

- ~~(1) (4) A council must have a plan (its **operational plan**) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.~~

~~➤~~

- ~~(2)~~ ~~(2)~~ An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

### 3. Investing Council Funds

The investment of Council funds must be made in accordance with Section 625 of the Local Government Act 1993. Investing surplus funds should be made in such a manner to ensure security in safeguarding the preservation of capital and provide a reasonable return, preferably a return above the 90 day BBSW

- ~~—(1)~~ A council may invest money that is not, for the time being, required by the council for any other purpose.

➤~~(1)~~

- ~~(2)~~ ~~(2)~~ Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.

### 4. Annual Financial Reports

Annual Financial reports will be prepared in accordance with the requirements of:

- [Local Government Act 1993 \(NSW\) \(as amended\)](#)
- [Local Government \(General\) Regulation 2021~~2021~~05](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#) (the Code)
- [Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board](#)

### 5. External Auditors

In accordance with Section 422 of the Local Government Act 1993 the Auditor General is to be Council's auditor. The Auditor General is appointed to provide an opinion on council's annual financial reports ([Local Government Act 1993, Chapter 13, Part 3, Divisions 2 and 3 of Local Government Act 1993](#)).

The Auditor General provides Council with a financial control that will assist in:

- strengthening Council's good governance and policy framework
- ensuring financial reports are compliant with legislation and Accounting Standards
- reviewing and improving Council's financial management practices, its accountability for public monies, and financial performance

### 6. Legislative Requirements

Under the provisions of the LGA 1993 the Annual Financial Report must be prepared and audited within the period of four months after the end of that year and must be presented at a council meeting held on or before 5 December after the year end to which the reports

relate. \_The following legislative requirements for financial reports are mandatory for compliance:

### List of legislative requirements – Local Government Act 1993

<a href="#">Section 413(1)</a>	Council must prepare financial reports as soon as possible after <del>year end</del> having regard to requirements of <a href="#">Section 416(1)</a> .
<a href="#">Section 413(2)(c)</a>	Council must prepare a statement on the General Purpose Reports as to its opinion on the reports (prior to sign off by auditor).
<a href="#">Section 415(1)</a>	Council's auditor must audit financial reports as soon as practicable after receipt having regard to requirements of <a href="#">Section 416(1)</a> .
<a href="#">Section 415(3)</a>	The Local Government (Financial Management) Regulation 1999 may prescribe matters that an auditor must consider and provide comment on in auditing council's financial reports.
<a href="#">Section 416(1)</a>	Council's financial reports must be completed and audited within 4 months after <del>year end</del> .
<a href="#">Section 416(2)</a>	Council may make application to the Director General for an extension to that period.
<a href="#">Section 416(3)</a>	A council must make such an application if requested to do so by its auditor.
<a href="#">Section 416(6)</a>	A council must notify its auditor of any application for an extension made under this section and of the outcome of the application.
<a href="#">Section 417(1)</a>	Auditor must prepare two reports to council: <ul style="list-style-type: none"> <li>➤ A report on the general purpose financial report; and</li> <li>➤ A report on the conduct of the audit.</li> </ul>
<a href="#">Section 417(5)</a>	As soon as practicable after receiving the auditor's reports, council must send a copy of the audited financial reports and the auditor's reports to the DLG and ABS.
<a href="#">Section 418(1)(a) &amp; (b)</a>	<ul style="list-style-type: none"> <li>➤ Council must: fix a date for a meeting to present its financial reports, and</li> <li>➤ Give public notice of the date so fixed.</li> </ul>
<a href="#">Section 418(2)</a>	The date for the meeting must be at least 7 days after the date the notice is given, but not more than 5 weeks after the auditor's reports <del>are given</del> to council.
<a href="#">Section 418(3)(a)</a>	The public notice must include: <ul style="list-style-type: none"> <li>➤ A statement that the business of the meeting will include the presentation of the audited financial reports and the auditor's reports; and</li> </ul>
<a href="#">(b)</a>	<ul style="list-style-type: none"> <li>➤ Summary, in the approved form, of the financial reports; and</li> </ul>
<a href="#">(c)</a>	

WSC – Policy – Financial Management and Control

	➤ A statement to the effect that any person <del>may, in accordance with section 420, make</del> submissions (within the time provided by that section and specified in the statement) to the council with respect to the council's audited financial reports or with respect to the auditor's reports.
<a href="#">Section 418(4)</a>	Copies of the audited financial reports and audit reports must be available for public inspection at the council's office from the date of the public notice until 1 day after the meeting.
<a href="#">Section 419(1)</a>	Council must present its financial reports and audit reports at the meeting of council.
<a href="#">Section 420(1)</a>	Any person may make submissions to the council on the financial reports and/or audit reports.
<a href="#">Section 420(2)</a>	Submissions to the council must be in writing and submitted within 7 days after the reports <del>were</del> <del>presented</del> .
<a href="#">Section 420(3)</a>	Copies of any submissions made <del>must be referred</del> to the auditor.
<a href="#">Section 420(4)</a>	Council to take appropriate action in respect to submissions, including advising the Director General of any matter that appears to require amendment to the financial reports.
<a href="#">Local Government (LGGR cl.216(1) &amp; (2))</a>	The Director General can by notice in writing direct the council to amend its financial reports. Any amendments will require council to make public notice of the amendment. Council must specify in the notice that the public can inspect, without fee, the amended reports at council offices.
<a href="#">Section 428(1)</a>	Council must present its Annual Report within 5 months of <del>year end</del> .
<a href="#">Section 428(2a)</a>	Council's Annual Report must include a copy of the council's audited financial reports (these include <del>Special Purpose Financial Reports</del> ).



**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager
July 2019	Reviewed	Greg Ingham – General Manager
August 2019	Formally Adopted	Council
<u>14 November 2022</u>	<u>Reviewed</u>	<u>Shirley Burraston – Acting Chief Financial Officer</u>

# Chemical Spills

WSC – Policy – Chemical Spills



## CHEMICAL SPILLS

Adoption Date:

Review Date:

Responsible Officer: Director [Planning and Regulatory Environmental](#) Services

### POLICY STATEMENT

[Walgett Shire Council](#) will seek to minimise threats to the safety of people and the environment from significant chemical spills by making its resources available to assist with their management.

### OBJECTIVES:

- To work with the Department of Environment and Climate Change, the NSW Police and emergency services to respond in an appropriate manner to avoid threats to the safety of the public, staff or the environment that may arise from significant chemical spills.
- To meet Council's responsibility to ensure compliance with the Protection of the Environment Operations Act 1997.
- To ensure that any expenditure incurred in meeting these objectives is necessary for managing the safety of people and the environment.

### [Statutory Requirements](#)

[NSW Local Government Act 1993](#)

[Protection of the Environment Operations Act 1997](#)

[Protection of the Environment Operations \(General\) Regulation 2022](#)

[Environment Protection and Biodiversity Conservation Act 1999](#)

[Environmentally Hazardous Chemicals Act 1985](#)

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulation 2017](#)

[NSW Workers Compensation Act 1987](#)

### [Related Policy/Procedure](#)

[Emergency Management](#)

[Environmental](#)

[First Aid](#)

[Work Health & Safety Manual](#)

### [Government References](#)

[EPA Liquid Waste Fact Sheet – Responding to spills](#)

### STRATEGIES:

The following management strategies will be applied by WSC with a view to meeting the above objectives:

- [Where it spilt](#)
- [What surface it spilt on](#)
- [What ventilation exists where it spilt](#)
- [The temperature of the spilt site](#)

[4 steps to work place spill response](#)

- ~~Communication-Communicate the hazard immediately regardless of severity.~~
- ~~Control- Once the spill has been communicated to the appropriate parties, control it.~~
- ~~Containment- To ensure the spillage does not spread to adjoining areas.~~
- ~~Clean up- of surface areas and contaminated materials. If hazardous material should be labelled and disposed of to an appropriate licensed waste facility in conformity with Protection of Environment operations act 1997.~~

### Regulatory

Walgett Shire Council will:

1. Make regulatory staff available to work with pollution specialists from the Department of Environment and Climate Change and the NSW Police to address regulatory issues that arise from significant chemical spills.

### Operational

Walgett Shire Council will:

2. Make engineering staff and equipment available at the request of the NSW Police to assist with the management of significant chemical spills.
3. Provide all road crews with suitable spill kits for job sites as per TfNSW guidelines
4. Locate spill kits in Depots for localised spills
5. Provide Chemical training for staff
6. Provide staff training in deploying spill kits

### STRATEGIES:

The following management strategies will be applied by WSC with a view to meeting the above objectives.

1. Isolate the area and notify
  - Warn all people nearby and evacuate the area as necessary.
  - If there a fire or medical attention is needed – dial 000 immediately
  - Notify your manager/supervisor
2. Evaluate the spill and surrounding environment
  - Is the spill toxic, flammable, reactive with other substances or environmental factors? If 'yes' dial 000 immediately.
  - How big is the spill?
  - Are there any surrounding ignition sources which can be controlled?
  - Can the area be ventilated?
3. Confine the spill
  - Use proper Personal Protective Equipment (PPE)
  - Stop the spill at the source
  - Contain any runoff liquids to prevent further contamination
4. Clean up the spill
  - Cordon off the spill area
  - Cover the spill
  - Remove saturated sorbent and dispose of in a safe manner

## WSC – Policy – Chemical Spills

### 5. Record

- File an Incident Report with the Workplace Health and Safety Manager

3. \_\_\_\_\_

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~~Policy Implementation Procedures, Guidelines and Documents~~  
~~Protection of the Environment Operations Act 1997 and associated Regulations~~  
~~Chemical Spill Response Procedures~~

#### ~~Related WSC Policies~~

~~Walgett Shire Council Enforcement Policy.~~

### Procedure Review History

<u>Date</u>	<u>Changes Made</u>	<u>Reviewed By</u>
	<u>Policy Developed</u>	<u>Don Ramsland - General Manager</u>
<u>14 November 2022</u>	<u>Complete Review</u>	<u>Kim Talbert – Director Environmental Services</u>



# CHILD SAFETY AND PROTECTION POLICY AND PROCEDURE

Adoption Date:

Next Review Date: November 2024

Responsible Officer: Manager Community Development

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## POLICY STATEMENT

Walgett Shire Council is committed to fulfilling its duty of care by ensuring all possible steps are taken in prioritising the protection and safety of our young people and children who visit and reside in the Walgett Shire Local Government Area.

## OBJECTIVES:

- To ensure that Council recognises its legal obligations in providing a safe environment for all children and young people when utilising Council services, are partaking in Council operated activities and whilst are on Council premises.
- To promote the health, safety, welfare and wellbeing of children and young people in council activities as well as those residing in the Walgett Shire Local Government Area.
- To ensure all persons, engaged by Council, to work in a child-related role have a valid Working with Children Check clearance number; as per the Child Protection (Working with Children) Act 2012 and Child Protection (Working with Children).
- To ensure Council promptly implements procedures, which are transparent in their undertaking, when investigating and responding to allegations of "reportable conduct" as defined under the Children's Guardian Act 2019.
- To ensure all workers at Council are aware of and sensitive to children with culturally diverse or indigenous backgrounds and their cultural practices, without deviating from this policy; in line with the Anti-Discrimination Act 1977 and the principles of Equal Employment Opportunity.

## Statutory Requirements

NSW Local Government Act 1993

Child Protection (Working with Children) Act 2012

NSW Child Protection (Working with Children) Regulation 2013

NSW Local Government (State) Award 2020

Children's Guardian Act 2019

Family Law Act 1975

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Offenders Registration) Act 2000

Crimes Act 1900

Commission for Children and Young People Act 1998

Civil Liability Act 2022

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**Related Policy/Procedure**

Code of Conduct  
Equal Employment Opportunity  
Complaints Management  
Counselling and Disciplinary  
Multicultural Policies and Services Program  
Privacy and Personal Information Protection  
Youth Development Strategy  
Community Strategic Plan  
Aboriginal Reconciliation Plan

**POLICY SCOPE**

This policy applies to all workers engaged by Council in any paid or unpaid capacity.

**DEFINITIONS:**

In context of this Policy/ procedure:

**“A reportable conviction”** is a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

**“A reportable allegation”** is an abuse allegation, where it has been alleged that an employee has engaged in conduct, towards a person/s under the age of 18 years, which is required by law to be reported.

**“Abuse allegation”** A term used to refer to different types of harm or maltreatment which someone claims to have taken place. In this document it refers to types of harm or maltreatment that children and young people experience, including; physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.

**“Child”** Someone under the age of eighteen.

**“Child at risk”** A child at risk of harm is one whose:

- basic physical or psychological needs are not being met
- necessary medical care has not been arranged or where the child has been, or is at risk of being, physically or sexually abused or ill-treated
- The child is living in environment of domestic violence and is at risk of serious physical or psychological harm
- Someone has behaved in such a way toward the child that the child has suffered or is at risk of suffering serious psychological harm.

**“Child Related Employment”** Employment that primarily involves direct contact with children where that contact is not directly supervised.

**“DCJ: Investigation Work”** that involves direct contact (physical contact or Face to Face) by a worker with a child or children and that contact is a usual part of and more than incidental to the work, or work in a stipulated child-related role.

**“Mandatory Reporters”** Areas of Council that are covered under the definition of a mandatory reporter as defined in the Children and Young Persons (Care and Protection Act) Section 27, 1998 are legally required to report children at risk of harm.

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**“Prohibited Person”** Someone who has been convicted of a serious sex offence as defined under the Child Protection (Prohibited Employment) Act 1998.

**“Vexatious Complaints”** Allegations of child abuse against staff members that are unfounded (by Colleagues or members of the public).

**“Worker”** Any person who has been requested to partake in a Council activity, including paid employees, Councillors, contractors or sub-contractors, work experience participants, labor hire, volunteers and student placements.

#### **APPLICATION:**

#### **PROCEDURE**

The Manager Community Development /Youth Development Officer or his/her delegate shall act as the Child Protection Officer.

The Human Resources Department will maintain a list of child related positions in consultation with divisions. New positions will be assessed as to their child related status as designated accordingly. The Human Resources Department will ensure policies and procedures are adhered to with regard to employment of prohibited persons.

When an allegation of child abuse is made against an employee arising out of work, the Child Protection Officer shall be notified immediately.

The Child Protection Officer will then notify the Department of Communities & Justice whom will provide advice on conducting an investigation into the allegation, alternatively, the Department of Communities & Justice may conduct the investigation.

The investigation shall be conducted (either internally or externally, depending on the advice given by the Department of Communities & Justice).

Internal investigations will be conducted by the Child Protection Officer with guidance from the Department of Communities and Justice ensuring all relevant parties are heard and that the principles of natural justice are observed as well as Council's policies and procedures.

Results of the investigation shall be provided to the General Manager in report form with all relevant documentation attached. The General Manager shall report the outcome of the investigation to the *Children's Guardian* including any action taken in response to the allegations. Any disciplinary action necessary will be taken in accordance with the disciplinary procedure. Should an employee in a child related position be convicted of an offence that deems them a prohibited person, then they shall notify the General Manager immediately.

Alternatively, if any employee is aware of a colleague who has been convicted of a child related offence then they shall notify the General Manager immediately also. The General Manager upon being notified of an employee being convicted of a child related offence, shall notify the Children's Guardian within 30 days. The Children's Guardian may be involved in any investigation conducted by Council. The Ombudsman will also be responsible for notifying any relevant bodies' of the outcomes of investigations (i.e., Police Department). Matters of vexatious complaints made by Walgett Shire Council employees shall be dealt with under the disciplinary procedure.



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### **Council's Commitment**

Children can only be protected from harm if others take action on their behalf. Council will take action on behalf of a child if warranted.

Staff will comply with Council's commitment, the legislation, this policy, Council's Child Protection Policy and Procedure. Commitment to child safety and wellbeing Council is committed to implementing the NSW Child Safe Standards which are aligned to the National Principles for Child Safe Organizations. All allegations will be accepted in good faith. Once an allegation has been received, speed is the key and the safety and privacy of the child is paramount. All allegations against staff will be fairly and objectively investigated and all legislative reporting requirements will be carried out.

### **Safe Environments**

Council have put into practice several measures to ensure we are providing a safe environment for children and young people.

This includes the processes related to policy adherence, risk, recruitment, communications and council response to issues and complaints. This policy reflects Council's commitment to the child safe standards identified by the Royal Commission (2017) as outlined below:

- Child safety is embedded in institutional leadership, governance & culture • Children participate in decisions affecting them and are taken seriously
- Families and communities are informed and involved
- Equity is upheld and diverse needs are considered
- People working with children are suitable and supported
- Processes to respond to complaints of child sexual abuse are child focused.
- Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Physical and online environments minimise the opportunity for abuse to occur.
- Implementation of the Child Safe Standards is continuously reviewed and improved.
- Policies and procedures document how the institution is child safe. Implementation of this policy will be overseen by the Human Resources Officer and department and coordinated by representatives across Community and Recreation, Library, youth services, other departments within Council where child-related work may be arise.

### **Recruitment & training**

Council will undertake a robust recruitment process, including role advertisement, pre-interview screening, reference checks and effective interviewing to assist in the recruitment of suitable workers. All workers who are engaged in child related work are required to undertake a Working with Children Check as issued by the NSW Office of the Children's guardian.

This is to be renewed every 5 years. Walgett Shire Council is committed to ensuring that all workers engaged in child-related work are equipped with the knowledge, skills and awareness to keep children safe and will provide targeted training and support for individuals in those roles. All workers engaged in child-related work will be required to sign off that they have read, understood and will abide by the child protection policy and code of conduct.

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### **Complaints Management**

Complaints and allegations concerning the welfare, wellbeing and safety of children against Council workers will be managed according to Council's Complaint Policy.

All complaints should be reported immediately, this includes:

- Disclosure of abuse
- Inappropriate behavior around children
- Suspicion of abuse or harm to a child
- All complaints must be reported either verbally or written as per Council's Complaint Policy.
- Any worker can also make a complaint to the Manager Human Resources.

### **Reporting Obligations**

Where there are concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, staff who are 'mandatory reporters' are required to report this to Department of Communities and Justice (DCJ) by phoning the helpline on **132 111**. Mandatory reporters should use the Mandatory Reporters Guide

(MRG) (<https://reporter.childstory.nsw.gov.au/s/>) to help decide whether a child is suspected to be at risk of significant harm.

The MRG covers eight key areas to help you understand if a report should be made and they include: • *Physical Abuse* • *Neglect – Supervision; Environment; Food; Hygiene; Medical Care; Mental Health Care*

*NOTE: Reporters, as well as members of the community, can also report the suspected risk of significant harm to the DCJ helpline.*

As a reporting body Council has obligations to report findings of sexual misconduct and serious physical assault involving children by a child-related worker to the Office of Children's guardian. Under the Child Protection (Working with Children) Act 2012, Council must investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred to determine whether or not the conduct meets the criteria, Council must consider the nature of the conduct itself and the context in which it occurred. If the investigation results in a finding that sexual misconduct or serious physical assault occurred, Council must report this finding to the Office of the Children's Guardian.

### **Mandatory Reporter Guide**

The MRG is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported. A term used to refer to a pattern characterized when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care. Concern/s about a child or young person that are sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. In Addition, it can result from a single act or omission or an accumulation of these.

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***Risk of significant harm*** is the NSW threshold to report child protection concerns to DCJ via the Child Protection helpline.

### **Risk Management**

Council will ensure that child safety is a part of the overall risk management approach. A risk assessment will be undertaken in facilities that have child related services and Council events. Steps that must be taken to complete council's Risk Assessment for child related services are:

- An activity will be identified
- Hazards associated with that activity will then be recorded.
- A risk score for the hazards identified from the risk score matrix should be determined and recoded.
- Determine appropriate risk controls as reasonably practical for hazards identified and recorded
- Finally determine the risk score after controls have been implemented for the hazards in which have been identified

### **Documentation and Record Keeping**

Human Resources department will maintain records of Working with Children Checks, acknowledgement of the workers understanding of their child protection and training undertaken. Records will be electronic and be made available if requested for audit and monitoring purposes. All documentation and/or records of a confidential nature relating to allegations against workers will always be kept private and confidential within the Human Resources Department.

### **Barred Status**

Should the check or continuous monitoring result in a barred status the worker, if currently working in a child-related role, will be removed from that role. Should the worker be an employee of Council then the matter will be referred to the General Manager for determination; which depending on the circumstances may also result in termination of employment. This will be managed in accordance with Council's Human Resources Policies. Support should be made available as Council provides an Employee Assistance Program (EAP) which is available to workers who have had allegations made against them and workers who have been involved in the investigative

### **PROCEDURE - Reportable offence/s**

A reportable allegation or a reportable conviction

#### **The Head of Entity (General Manager)**

Must follow the below steps:

- Notify the Office of the Children's Guardian within seven business days
- Provide information about the allegation, action taken to the alleged victim and their parent/ ~~carer~~ unless the General Manager considers that it is not in the public interest to do so
- By 30 calendar days after the Head of Entity( General Manager) becomes aware of the reportable allegation, provide either a finalized entity report or an update (an

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interim report, reasons the investigation has not been completed and an estimated timeframe for completion)

- Make a finding of reportable conduct if satisfied, on the balance of probability
- Provide information to the Children's Guardian, which may include information about a reportable allegation, the relevant entity's response to a reportable allegation, and systems for preventing and responding to reportable allegations
- Ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation

**Manager Community Development-Youth Development Officer Youth Team Leaders**  
are responsible for:

- Treating all complaints seriously, equitably and confidentially, taking immediate action to investigate and resolve allegations
- Notifying the Head of Entity( GM), Director Corporate/ Community Services , Human Resources Officer of any reportable allegation
- Determining child-related roles within the organisation and for the ongoing management of the process,
- Notifying the Human Resources Manager prior to the engagement of any non-Council employee involved in child-related work so the appropriate verification check and training can be undertaken.

#### **Human Resources Manager**

Is responsible for:

- Verifying workers working with children checks
- Recording of all Working with children check documentation including expiry date
- Supporting Managers to determine child-related roles within the organisation and for the ongoing management of the process

#### **Youth Workers**

Are responsible for:

- Acting in accordance with the Children's Guardian Act 2019
- If working within a child related role the worker must apply and submit clearance to Human Resources Manager or person who engaged them in work for verification or renewal purposes.
- Adhering to Councils Child Protection Policy
- Adhering to the Council's Code of Conduct when engaged in child related work Council & Policy & Procedure Policy / Child Protection Policy
- Immediately Notifying Human Resources Manager if any reportable allegation or conviction of which they become aware.
- Report any concerns about the safety or welfare of a child or young person immediately.

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**COMMUNICATION OF THIS POLICY:**

Walgett Shire Council will communicate this policy and the rationale for it to all employees, suppliers to Council and contractors to Council, and may require that the standards of this policy are incorporated in contracts.

**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent – General Manager
14 November 2022	Complete Review	Michael Urquhart – General Manager





## CHILD PROTECTION PROCEDURE

Approval Date:

Review Date: November 2011

Responsible Officer: Director Corporate and Community Services

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### POLICY STATEMENT

WSC is committed to preventing child abuse and neglect occurring in Council operated activities.

### OBJECTIVES:

- To ensure that Council recognises its legal obligations regarding the health and safety of children: Family Law Act 1975, Children and Young Persons (Care and Protection) Act 1998, Children and Young Persons (Care and Protection) Amendment (Parental responsibility Contracts) Act 2006, Child Protection (Offenders Registration) Act 2000, Crimes Act 1900, Commission for Children and Young People Act 1998, the Ombudsman Act 1974.
- To ensure that the health, safety and welfare of children is maintained at all times during Council operated activities while fostering a safe and positive environment for children and young people.
- To promote the care and protection of children participating in Council activities and provide information and clear direction for employees, Council officials, volunteers and any other person involved in the child related activity.
- To implement strategies that will assist in preventing child abuse, assist in recognising child abuse and neglect, and provide the appropriate notification procedures when reporting alleged abuse.

### Statutory Requirements

Family Law Act 1975  
Children and Young Persons (Care and Protection) Act 1998  
Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)  
Child Protection (Offenders Registration) Act 2000  
Crimes Act 1900  
Commission for Children and Young People Act 1998  
The Ombudsman Act 1974

### Related Policy/Procedure

[Code of Conduct](#)

### Government References

## **Notification Procedures for Allegations of Child Abuse**

### **1. Child Protection Contact**

The Manager Community Development and Tourism is responsible for reporting allegations of child abuse to Department of Community Services (DoCS). In the event that the Manager Community Development and Tourism is unavailable the incident must be reported to the Director Corporate and Community Services who will then make the report to DoCS.

### **2. Mandatory Reporters**

A mandatory reporter is an individual required by law to report to the Department of Community Services when they have reasonable grounds to suspect that a child, or a class of children, is at risk of harm from abuse or neglect and those grounds arise during the course of or from the person's work. Mandatory reporters include those who deliver the following services wholly or partly to children as part of their paid or professional work:

- health care (e.g. doctors, nurses, dentists and other health workers)
- welfare (e.g. psychologists, social workers and youth workers)
- education (e.g. teachers)
- children's services which includes youth workers and library staff
- residential services (e.g. refuge workers)
- law enforcement (e.g. police).

Walgett Shire Council employees involved in the delivery of welfare and children's services are mandatory reporters and this includes any person managing an employee from the above mentioned services.

### **3. Reporting Suspected Abuse or Neglect**

Anyone who suspects, on reasonable grounds, that a child or young person using Council facilities or participating in Council activities is at risk of being neglected, harmed or physically, sexually or emotionally abused should report their concerns to the Manager Community Development and Tourism immediately.

Reasonable grounds does not mean that reporters are required to confirm suspicions or provide solid truth before making a report but should consider ***whether another person, when faced with similar information, would draw the same conclusion.***

### **4. Notification**

On receipt of an allegation of child abuse or neglect, the Manager Community Development and Tourism will seek to obtain written notification by the reporter of the allegation. If the reporter of the allegation is not prepared to make written notification, the Manager Community Development and Tourism should make comprehensive notes. The DoCS Report Checklist as attached (Appendix B) must be completed and a report made to DoCS immediately if required.

### **5. Investigation**

DoCS will assess reports where a child or young person is or may be at risk of harm from abuse or neglect.



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It is **not** the responsibility of Walgett Shire Council to assess allegations.

#### 6. Confidentiality

All matters concerning allegations of child abuse or neglect are to be treated as confidential. The Manager Community Development and Tourism is the contact person for all matters concerning allegations of child abuse or neglect. This is to ensure that the confidentiality of the alleged victim, the alleged offender and the reporter of the allegation is maintained.

#### 7. Child Protection (Prohibited Employment) Act 1998

Under the provisions of the **Child Protection (Prohibited Employment) Act 1998** Walgett Shire Council:

1. **will not** commence employing a person (permanently, causally or voluntarily) in a child-related position without first requiring them to disclose whether or not they are a 'prohibited person'
2. **will not** commence employing, or continue to employ, in child-related employment, a person that has been identified as a 'prohibited person'.
3. **will** undertake Working With Children Checks, through The NSW Commission for Children and Young People, on any person (permanently, causally or voluntarily) to be employed in child-related employment and **will not** commence employing, or continue to employ, in child-related employment, a person that has been identified as a prohibited person as a result of this check.

### **Staff and Volunteers Guidelines**

All Walgett Shire Council staff and volunteers who work with children have a significant responsibility towards the health and [well being](#) of children and will:

- Treat every child with dignity and respect regardless of differences of ethnicity, religion, age, ability, gender, sexual orientation and economic circumstances
- Conduct themselves in a manner consistent with their position as a positive role model to children
- Immediately raise any concerns for the safety or wellbeing of a child in accordance with the Child Protection Policy and Procedures and relevant legislation
- Listen to children, take their concerns seriously and allow them to have a say in the decisions that affect them
- Be visible when working with children
- Avoid being alone with children where possible, and try to ensure that other adults are present when working with children

Staff and volunteers will not:

- Engage in any behaviour that is intended to shame, humiliate, belittle or degrade children
- Use language, make suggestions or offer advice that is inappropriate, offensive or abusive
- Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes
- Take children to their own home or sleep in the same room or bed as a child
- Smack, hit or physically assault children
- Develop sexual relationships with children or relationships with children that in any way be deemed exploitative or abusive
- Act in ways that may be abusive or place a child at risk of abuse
- Behave physically in a manner that is inappropriate or sexually provocative towards a child
- Condone, or participate in, behaviour of children which is illegal, unsafe or abusive
- Act in a way that shows unfair differential treatment, or favouring particular children to the exclusion of others
- Photograph or video a child without the consent of the child and his/her parents or guardians
- Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.

## Appendix A

Table 2.2: Indicators of neglect

In children*	In young people*	In parents or caregivers
<b>Physical</b> <ul style="list-style-type: none"> <li>▶ low weight for age and/or failure to thrive and develop</li> <li>▶ poor primary health care (e.g. untreated sores, serious nappy rash, significant dental decay)</li> <li>▶ poor standards of hygiene (i.e. child consistently unwashed, bad odour)</li> <li>▶ poor complexion and hair texture</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ poor standards of hygiene and self-care</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ may have poor standards of hygiene and self-care</li> </ul>
<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ child not adequately supervised for their age</li> <li>▶ scavenges or steals food; focus is on basic survival</li> <li>▶ longs for or indiscriminately seeks adult affection</li> <li>▶ displays rocking, sucking, head-banging behaviour</li> <li>▶ poor school attendance</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ stays at the homes of friends and acquaintances for prolonged periods, rather than at home</li> <li>▶ cannot access adequate self-care resources such as washing facilities and food</li> <li>▶ poor school attendance</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ unable/unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions</li> <li>▶ leaves the child without appropriate supervision</li> <li>▶ abandons the child</li> <li>▶ withholds physical contact or stimulation for prolonged periods</li> <li>▶ unable or unwilling to provide psychological nurturing – low-warmth parenting</li> <li>▶ has limited understanding of the child's needs</li> <li>▶ has unrealistic expectations of the child</li> </ul>

\*Indicators listed for children may also be evident in young people



Table 2.3: Indicators of physical abuse (1/2)

In children*	In young people*	In parents or caregivers
<b>Physical</b> <ul style="list-style-type: none"> <li>▶ bruises on face, head or neck</li> <li>▶ other bruises or marks which may show the shape of the object that caused it</li> <li>▶ lacerations and welts</li> <li>▶ head injuries where the infant may be drowsy or vomiting, or have glassy eyes, fixed pupils or pooling of blood in the eyes suggesting the possibility of having been shaken</li> <li>▶ adult bite marks and scratches</li> <li>▶ bone fractures, especially in children under three years old</li> <li>▶ dislocations, sprains, swelling</li> <li>▶ burn marks and scalds</li> <li>▶ multiple injuries or bruises</li> <li>▶ child's explanation inconsistent with injury</li> <li>▶ abdominal pain (may be caused by ruptured internal organs)</li> <li>▶ ingestion of poisonous substances, alcohol or drugs</li> <li>▶ general indicators of female genital mutilation (e.g. having a 'special operation')</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ lacerations, welts, bruising, burn marks</li> <li>▶ unspecified internal pains</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ frequent visits with child to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or internal complaints</li> <li>▶ explanation of injury is not consistent with the visible injury</li> </ul>

\*Indicators listed for children may also be evident in young people

Table 2.3: Indicators of physical abuse (2/2)

In children*	In young people*	In parents or caregivers
<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ wears clothing that is inappropriate to the weather conditions, to conceal injuries</li> <li>▶ fears adults, is aggressive, lacks empathy</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ aggressive and violent behaviours toward others, particularly younger children</li> <li>▶ explosive temper that is out of proportion to precipitating event</li> <li>▶ constantly on guard around adults, cowers at sudden movements, unusual deference to adults</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ family history of violence</li> <li>▶ history of their own maltreatment as a child</li> <li>▶ fears injuring their child</li> <li>▶ uses excessive discipline</li> </ul>

\*Indicators listed for children may also be evident in young people

Table 2.4: Indicators of sexual abuse (1/2)

In children*	In young people*	In non-offender parents, caregivers or others	In perpetrator
<b>Physical</b> <ul style="list-style-type: none"> <li>▶ bleeding from the vagina, external genitalia or anus</li> <li>▶ tears or bruising to the genitalia, anus or perineal regions</li> <li>▶ trauma to the breasts, buttocks, lower abdomen or thighs including bite/burn marks</li> <li>▶ sexually transmitted disease</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ adolescent pregnancy and/or reluctance to identify father of child</li> </ul>	<b>Physical</b> nil	<b>Physical</b> nil

\*Indicators listed for children may also be evident in young people

Table 2.4: Indicators of sexual abuse (2/2)

In children*	In young people*	In non-offender parents, caregivers or others	In perpetrator
<b>Social/Psychological</b> <ul style="list-style-type: none"> <li>▶ direct or indirect disclosures</li> <li>▶ describes sexual acts with age-inappropriate knowledge</li> <li>▶ age-inappropriate behaviour and/or persistent sexual behaviour</li> <li>▶ self-destructive behaviour, drug misuse, suicide attempts, self-mutilation</li> <li>▶ runs away from home persistently</li> <li>▶ eating disorders</li> <li>▶ goes to bed fully clothed</li> <li>▶ regression in developmental achievements in younger children</li> <li>▶ has contact with a known or suspected paedophile</li> <li>▶ unexplained money and gifts</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ poor self esteem</li> <li>▶ runs away from home, homelessness</li> <li>▶ particularly negative reaction to adults of only one sex</li> <li>▶ desexualisation (e.g. wearing baggy clothes in order to disguise gender)</li> <li>▶ artwork or creative writing with obsessively sexual themes</li> <li>▶ sexually provocative behaviour</li> <li>▶ engaging in/talking about violent sexual acts</li> <li>▶ knowledge about practice and locations usually associated with prostitution</li> <li>▶ risk-taking behaviours – self-harm, suicide attempts</li> <li>▶ contact with a known or suspected paedophile</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ defers to partner</li> <li>▶ may minimise disclosure</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ controlling attitude and behaviour to children and/or partner</li> <li>▶ inappropriately curtails child's age-appropriate development of independence from the family</li> <li>▶ overly critical of adult partner</li> <li>▶ defends against accusations by claiming the child or young person is lying</li> <li>▶ Encourages/tolerates sexualised behaviour between family members</li> <li>▶ exposes child or young person to prostitution or pornography; or uses a child or young person for pornographic purposes</li> <li>▶ intentionally exposes child or young person to the sexual behaviour of others</li> <li>▶ committed/been suspected of child sexual abuse or child pornography</li> <li>▶ coerces child or young person to engage in sexual behaviour with other children and young people</li> <li>▶ verbal threats of sexual abuse</li> <li>▶ family denies adolescent pregnancy</li> </ul>

\*Indicators listed for children may also be evident in young people

Table 2.5: Indicators of serious psychological harm

In children*	In young people*	In parents or caregivers
<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ feels worthless about life and themselves</li> <li>▶ unable to value others or show empathy</li> <li>▶ lacks trust in people</li> <li>▶ lacks interpersonal skills necessary for age-appropriate functioning</li> <li>▶ extreme attention-seeking</li> <li>▶ takes extreme risks, is markedly disruptive, bullying or aggressive</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ avoids all adults</li> <li>▶ is obsessively obsequious to adults</li> <li>▶ has difficulty maintaining long-term significant relationships</li> <li>▶ is highly self-critical</li> <li>▶ is depressed, anxious, other mental ill-health indicators</li> <li>▶ is self-harming, attempts suicide</li> </ul>	<b>Social/psychological</b> <ul style="list-style-type: none"> <li>▶ constantly criticises, belittles, teases a child or young person</li> <li>▶ ignores or withholds praise and affection</li> <li>▶ excessively criticises a child in comparison to child's peers</li> <li>▶ is persistently hostile and verbally abusive, rejects and scapegoats</li> <li>▶ makes excessive or unreasonable demands</li> <li>▶ believes that a particular child or young person is bad or evil</li> <li>▶ uses inappropriate physical or social isolation as punishment</li> <li>▶ domestic violence involvement such as where weapons are used, significant threats made</li> </ul>

\*Indicators listed for children may also be evident in young people



Table 2.6: Indicators of domestic violence\*

In children**	In young people**	In parents & caregivers	
		In adult victims	In perpetrators
<b>Physical</b> <ul style="list-style-type: none"> <li>▶ preterm and low birth weight baby</li> <li>▶ slow weight gain in infants</li> <li>▶ difficulties with sleeping/eating</li> <li>▶ unexplained physical injuries.</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ unexplained physical injuries</li> <li>▶ eating disorders, such as anorexia and bulimia</li> <li>▶ uses alcohol and drugs</li> <li>▶ psychosomatic complaints</li> <li>▶ higher rates of genital tract infection. *</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ injuries do not fit the cause/history given</li> <li>▶ bite marks</li> <li>▶ unwanted pregnancy or sexually transmitted infection through coerced sex/refusal to use contraceptives *</li> <li>▶ bruising/other injuries, especially if pregnant</li> <li>▶ unexplained miscarriage or stillbirth</li> <li>▶ nutritional/sleep deprivation or disorders</li> <li>▶ alcohol and drug abuse</li> <li>▶ psychosomatic complaints</li> </ul>	<b>Physical</b> <ul style="list-style-type: none"> <li>▶ physical signs of the victim fighting back, such as facial scratches and injuries to hands</li> </ul>
<b>Social/Psychological</b> <ul style="list-style-type: none"> <li>▶ defiant at school, particularly with female teachers</li> <li>▶ aggressive or violent behaviour</li> <li>▶ over-protects mother or fears leaving mother at home</li> <li>▶ concentrates poorly</li> <li>▶ constantly fights with peers</li> <li>▶ frequently absent from school</li> <li>▶ clingy, dependent, sad and secretive</li> <li>▶ regressive behaviour</li> <li>▶ delayed or problematic language development</li> <li>▶ stealing</li> </ul>	<b>Social/Psychological</b> <ul style="list-style-type: none"> <li>▶ depressed</li> <li>▶ suicide attempts</li> <li>▶ takes extreme risks</li> <li>▶ physically and verbally abusive</li> <li>▶ abuses siblings, parents, peers</li> <li>▶ sexually abusive</li> <li>▶ frequently absent from school, and poor academic achievement</li> <li>▶ disruptive</li> <li>▶ homeless or stays away from home for prolonged time</li> <li>▶ socially isolated</li> </ul>	<b>Social/Psychological</b> <ul style="list-style-type: none"> <li>▶ anxious, depressed</li> <li>▶ suicidal thoughts and attempts</li> <li>▶ low self-esteem</li> <li>▶ socially isolated</li> <li>▶ submissive and withdrawn</li> <li>▶ repeat/after hours presentations at emergency departments</li> <li>▶ seldom/never makes decisions without referring to partner</li> <li>▶ fears reprisal</li> <li>▶ frequent absences from work/studies</li> </ul>	<b>Social/Psychological</b> <ul style="list-style-type: none"> <li>▶ presents as the victim of abuse, discrimination or allegation of abuse</li> <li>▶ admits to some violence but minimises its frequency and severity</li> <li>▶ visible rough handling of victim/children/pets</li> <li>▶ impresses as overly concerned about suspected victim</li> <li>▶ threatens to commit acts of violence</li> <li>▶ is unable to control angry outbursts</li> <li>▶ always speaks for partner/children</li> <li>▶ believes he 'owns' partner/children</li> <li>▶ describes partner as incompetent or stupid</li> <li>▶ holds rigidly to stereotypical gender roles</li> <li>▶ jealous of partner, lacks trust in her or anyone else</li> <li>▶ does not allow partner or child to access service providers alone</li> </ul>

\* One indicator in isolation may not imply that domestic violence is occurring. Each indicator needs to be considered in the context of the individual situation and the presence of other indicators.

\*\* Indicators for children may also apply to young people, and vice versa

## Appendix B

### REPORT CHECKLIST

A guide for making a report to DoCS about children and young people at risk of harm



The Children and Young Persons (Care and Protection) Act 1998 came into effect on 18 December 2000.

If you suspect a child or young person might be at risk of harm, this checklist will help you decide if you need to make a report. It will help you to gather the relevant information to make a report under the Act. Please copy this checklist for future reference.

Please check the notes section for more information about each of the questions.

To make a report call DoCS Helpline: 13 DoCS (dial 13 3627) – mandatory reporters only  
132 111 – general public

Ring 000 immediately if there is a life-threatening situation.

#### 1. DEFINITION OF A CHILD OR YOUNG PERSON

(Refer to the notes section for more details)

Do you have current concerns about the safety, welfare or wellbeing of a child, young person or group of children or young people who fall into the following age groups:

- |                              | YES                      | NO                       |
|------------------------------|--------------------------|--------------------------|
| • an unborn infant           | <input type="checkbox"/> | <input type="checkbox"/> |
| • child (0-15 years)         | <input type="checkbox"/> | <input type="checkbox"/> |
| • young person (16-17 years) | <input type="checkbox"/> | <input type="checkbox"/> |

#### 2. CIRCUMSTANCES FOR MAKING A REPORT

(Refer to the notes section for more details)

If you answer YES to all the following questions, you have enough information to make a report.

If you answered NO to any of the questions in this section, you cannot make a report because you do not have enough information. You should discuss other options with your supervisor.

- |                                                                                                                                                                                                                                                                                                       | YES                      | NO                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| • Does the child or young person usually live in NSW OR is the child or young person in NSW now OR did the issues of concern occur in NSW?                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
| • Can you identify the child or young person (full name, age and home address) OR can you describe the child or young person AND their current whereabouts OR give the name of a place they regularly go (eg home, school, youth or sporting club) OR can you identify the group (class) of children? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you have reasonable grounds to suspect that the child or young person is at risk of harm OR is the child or young person homeless?                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> |

#### 3. MANDATORY REPORTERS

(Refer to the notes section for more details)

If you answer YES to the following question, you are a mandatory reporter.

- |                                                                                                                                                          | YES                      | NO                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| As part of your paid or professional work, do you deliver the following services to children OR do you manage any of the following services to children? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Children's services                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| • Education                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> |
| • Law enforcement                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> |
| • Residential services                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> |
| • Community services/welfare                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> |
| • Health care                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
| • Disability services                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| • Out-of-school hours care                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> |

#### 4. RISK OF HARM

(Refer to the notes section for more details)

If you answer YES to one or more questions in this section AND your concerns are about a child, you MUST make a report to DoCS if you are a mandatory reporter. If you are not a mandatory reporter, you can still make a report.

Do you suspect a child or young person is at risk of harm because:

- |                                                                                                                                                                                                                     | YES                      | NO                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| • the child or young person's basic physical needs are NOT being met OR are at risk of not being met?                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child or young person's basic psychological needs are NOT being met OR are at risk of not being met?                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child or young person requires health care AND their parents have failed to arrange for necessary health care AND are unable or unwilling to?                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child or young person has been physically abused or ill-treated OR is at risk of being abused or ill-treated?                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child or young person has been sexually abused or ill-treated OR is at risk of being abused or ill-treated?                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child or young person lives in a household where there is domestic violence AND as a consequence, are they at risk of suffering serious physical harm OR serious psychological harm?                          | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child's or young person's parents/caregivers behaved in such a way towards them that the child or young person has suffered serious psychological harm OR is at risk of suffering serious psychological harm? | <input type="checkbox"/> | <input type="checkbox"/> |
| • the child or young person is homeless?                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |

#### 5. CHILDREN LIVING AWAY FROM HOME WITHOUT PARENTAL PERMISSION

(Refer to the notes section for more details)

If you answer YES to the following question, you MUST make a report to DoCS, even if you are not a mandatory reporter.

- |                                                                                                                              | YES                      | NO                       |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| Are you providing residential accommodation to a child who you believe is living away from home without parental permission? | <input type="checkbox"/> | <input type="checkbox"/> |

#### 6. HOMELESS YOUNG PEOPLE

(Refer to the notes section for more details)

If you answer YES this question you MAY make a report.

- |                                                                               | YES                      | NO                       |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|
| Is a young person homeless AND do you have their permission to make a report? | <input type="checkbox"/> | <input type="checkbox"/> |

## NOTES



### 1. DEFINITION OF A CHILD OR YOUNG PERSON

A child is a person under 16 years of age and a young person is 16 or 17 years old. This is an important distinction because the Act has different provisions for children and young people.

Mandatory reporting requirements only apply to children. You also can report concerns you have about the safety, welfare or well-being of a young person, but this is not a mandatory reporting requirement.

Refer to Section 3 of the Act for definitions of children and young people.

### 2. CIRCUMSTANCES FOR MAKING A REPORT

If you answered YES to all the questions, you have enough information to make a report. If you are a mandatory reporter you **MUST** make the report when your concerns are about a child. There are penalties for failing to make a report when you are a mandatory reporter.

If you answered NO to any of the questions in this section, you can not make a report because you do not have enough information. You should discuss other options with your supervisor.

A report is when a person contacts DoCS to inform us of their concern for the safety, welfare or wellbeing of a child or young person.

A report can be made to DoCS if you suspect a child or young person is at risk of harm. This means you have current concerns about the safety, welfare or wellbeing of a child or young person.

You don't need to be certain, you only need to make sure your concerns are well founded and based on information you know or have from a reliable source. If you are still unsure, it is best to contact DoCS for advice.

You can make a report about:

- a group of children or young people
- an unborn child, where the child may be at risk of harm after his or her birth
- homeless children and young people.

Refer to Sections 23, 24, 25, 120 & 121 of the Act.

### 3. MANDATORY REPORTERS

A mandatory reporter is someone who is required by law to make a report to DoCS if they have current concerns about the safety, welfare or wellbeing of a child. A child is a person under 16 years of age. There are penalties for failing to make a report.

A mandatory reporter is any person who delivers the following services to children as part of their paid or professional work:

- health care (eg doctors, nurses, dentists and other health workers)
- welfare (eg psychologists, social workers and youth workers)
- education (eg teachers)

- children's services (eg childcare workers, family day carers and home-based carers)
- residential services (eg refuge workers)
- law enforcement (eg police)
- disability services (eg respite service worker, therapist)
- out-of-school hours care (eg worker in a centre which provides care for school aged children less than 13 years old, someone who provides this service in their own home)

You are also a mandatory reporter if you hold a management position, either paid or voluntary, in any of these services and your duties include direct responsibility for, or direct supervision of, the provision of these services.

If you are not a mandatory reporter, you can also make a report.

Refer to section 27 of the Act and clause 7 of the Children and Young Persons (Care and Protection) Regulation for more details about mandatory reporters.

### 4. RISK OF HARM

The questions outline the reasons that make you concerned about the safety, welfare and wellbeing of a child or young person.

If you answer YES to one or more questions in this section AND your concerns are about a child, you **MUST** make a report to DoCS if you are a mandatory reporter.

Risk of harm means you have current concerns about the safety, welfare and wellbeing of a child or young person for any of the following reasons:

- the child or young person's basic physical or psychological needs are not being met or at risk of not being met (neglect)
- the parents/caregivers have not arranged necessary medical care for the child or young person, and are either unable or unwilling to do so
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- the child or young person is living in a household where there have been incidents of domestic violence, and as a consequence, is at risk of serious physical or psychological harm
- the parent or caregiver has behaved in such a way towards the child or young person that they have suffered, or are at risk of suffering serious psychological harm
- a child or young person is homeless and at risk of harm.

Current concerns simply means at the time of making the report you were concerned about the safety, welfare or wellbeing of the child or young person.

The following section gives more explanation and general guidance about what constitutes risk of harm. Further details can be found in Section 23 of the Act.



**i. THE CHILD OR YOUNG PERSON'S BASIC PHYSICAL OR PSYCHOLOGICAL NEEDS ARE NOT BEING MET OR AT RISK OF NOT BEING MET (NEGLECT).**

Neglect occurs where there is *risk of harm* or actual harm to a child or young person caused by the failure to provide the basic physical and emotional necessities of life.

A key indicator of neglect is where the care of a child or young person is continually being ignored.

**Neglect of basic physical needs:**

Occurs when a person, whether or not the parent of the child or young person, fails to provide the basic staples of life to an adequate degree without reasonable excuse. These basic staples include the following:

- Food
- Physical shelter
- Safety from harm (which includes issues of adult supervision)
- Hygiene
- Clothing

**Neglect of basic psychological needs:**

Occurs when a child or young person is not receiving sufficient or appropriate interaction or stimulation from their parents/caregivers. This usually means that the child or young person fails to achieve appropriate attachments with their parents/caregivers. Their ongoing intellectual, emotional and physical development may also be affected.

**ii. THE PARENTS/CAREGIVERS HAVE NOT ARRANGED NECESSARY MEDICAL CARE FOR THE CHILD OR YOUNG PERSON, AND ARE EITHER UNABLE OR UNWILLING TO DO SO.**

This occurs when a child or young person is at *risk of harm* because they have not received medical care which they need. Their parents or caregivers cannot or will not arrange the medical care for the child or young person.

**iii. THE CHILD OR YOUNG PERSON HAS BEEN, OR IS AT RISK OF BEING, PHYSICALLY OR SEXUALLY ABUSED OR ILL TREATED.**

**Physical abuse:**

Physical abuse can be recognised as an assault or a non-accidental injury to a child or young person by a parent or person who is responsible for them. It includes injuries which are caused by excessive discipline, severe beating or shaking, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, attempted suffocation or strangulation.

Physical assault is a hostile act by an adult towards a child or young person. An assault may occur even if the adult has not meant to harm, or has the consent of the child or young person. Assault can include pushing, shoving, throwing objects, spitting, hitting, smacking and threatening behaviour (either verbal or action).

**Sexual abuse:**

Sexual abuse is any sexual act or sexual threat imposed on a child or young person. Adults or older children who sexually abuse children or young people exploit the child or young person's dependency and immaturity. Coercion, either physical or psychological, is intrinsic to child sexual abuse and differentiates child sexual abuse from consensual peer sexual activity.

**iv. THE CHILD OR YOUNG PERSON IS LIVING IN A HOUSEHOLD WHERE THERE HAVE BEEN INCIDENTS OF DOMESTIC VIOLENCE, AND AS A CONSEQUENCE, IS AT RISK OF SERIOUS PHYSICAL OR PSYCHOLOGICAL HARM.**

Domestic violence is violent, abusive and intimidatory behaviour by one person against another in a personal, intimate relationship. Domestic violence occurs between two people where one has power over the other causing fear and physical and/or psychological harm. Domestic violence can have a profound effect on children and young people. Some of the forms of domestic violence are:

- Physical assault
- Sexual assault
- Psychological abuse
- Social abuse (ie: being stopped from seeing your friends and family, being isolated socially or geographically against your will), and
- Economic abuse (having no access to or control over money and other resources).

**v. THE PARENT OR CAREGIVER HAS BEHAVED IN SUCH A WAY TOWARDS THE CHILD OR YOUNG PERSON THAT THEY HAVE SUFFERED, OR ARE AT RISK OF SUFFERING SERIOUS PSYCHOLOGICAL HARM.**

Serious psychological harm is behaviour by a parent, or person close to the child or young person which destroys their confidence and self-esteem resulting in serious emotional deprivation or trauma.

Psychological abuse involves serious impairment of a child's or young person's social, emotional, cognitive, intellectual development and/or disturbance of their behaviour.

Parenting practices which can cause serious psychological harm include:

- High criticism/low warmth
- Domination of children
- Ongoing scapegoating
- Ongoing social isolation
- Excessive, inappropriate or inconsistent discipline
- Child/young person being the butt of degrading or derisive statements
- Inconsistent, inappropriate and unrealistic expectations

**vi. THE CHILD OR YOUNG PERSON IS HOMELESS AND AT RISK OF HARM**

A child or young person may be at *risk of harm* when homeless. This may occur if the child or young person does not have access to food or shelter or if they are living in a situation where they are unsafe.

A child or young person is homeless if they are living without family assistance in any of the following circumstances:

- No accommodation at all, 'roofless'
- Only temporary or transient accommodation
- Emergency, refuge or crisis accommodation

Other long term supported accommodation for homeless people such as hostels or transitional accommodation.

A child or young person who is living in accommodation where they do not have access to basic utilities (power, running water) may also be regarded as homeless.

For further details about homelessness, see sections 120 and 121 of the Act.

## 5. CHILDREN LIVING AWAY FROM HOME WITHOUT PARENTAL PERMISSION

If you answer YES to the question, you **MUST** make a report to DoCS, even if you are not a mandatory reporter.

If you are providing accommodation for a child, or for someone you think is probably under 15 years, and they are living away from home without parental permission, you must advise DoCS. This applies to a child living in your home or if you provide an accommodation service to children, such as in a refuge.

*For more details about children living away from home without parental permission, please refer to Section 122 of the act.*

## 6. HOMELESS YOUNG PEOPLE

If you answer YES to this question you **MAY** make a report to DoCS. However, in these situations, mandatory reporters are not obliged to make a report to DoCS.

*For more details about homeless young people, please refer to Section 121 of the Act.*

## 7. MAKING A REPORT TO DoCS

To make a report, call DoCS Helpline. This is our centralised initial assessment and referral service. A Child Protection Caseworker will take information from you and guide you through the reporting process, as well as provide you with any relevant information you require.

To make a report, a confidential number has been set-up specifically for mandatory reporters – 13 DOCS (dial 13 3627). Your clients and the general public need to call DoCS Helpline on the general number 132 111 to make a report.

When making a report, please have available all relevant information that you or your organisation has about the child's or young person's situation and family structure. This includes their full name, age and contact details.

In order to make an initial assessment of the risk of harm to the child or young person, the Caseworker will ask about the following issues:

- Is the child or young person residing in NSW or did the issues of concern occur in NSW?
- Can you describe them and their current whereabouts or a place that they regularly go?
- Do you suspect, on reasonable grounds, that the child or young person is at risk of harm or is the child or young person homeless?

If there is a life-threatening situation you should ring 000 immediately.

You may be contacted later for further information about your report. You will only be asked for information that is directly relevant to making this report or which helps us make an initial assessment of the case.

## 8. MORE INFORMATION ABOUT THE NEW ACT

A hard copy of the Act can be purchased from Salmat Government Book Shop on 1300 656 986.

## TO MAKE A REPORT

DoCS Helpline takes reports of child abuse from across NSW for the cost of a local call, 24 hours a day, 7 days a week.

All calls to our Helpline are answered by specialised child protection staff.



### MANDATORY REPORTERS ONLY

**13 DoCS**  
(dial 13 3627)

### GENERAL PUBLIC

**132 111**

NSW Department of Community Services  
June 2005

**Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager



Superseded

# Multicultural Engagement and Services

WSC - Procedure – Multiculturalism



## **MULTICULTURALISM ENGAGEMENT & SERVICES POLICY & PROCEDURE**

Approval Date:

Next Review Date: ~~November 2011~~ 24

Responsible Officer: ~~Director Corporate and Community Services~~  
Manager Community Development

### **POLICY STATEMENT**

Walgett Shire Council is committed to providing equitable and accessible services, facilities and activities for the wider community and people from culturally and linguistically diverse backgrounds so that they can fully participate in economic, social and cultural life.

### **OBJECTIVES:**

- To ensure that Council complies with the 1998 Commonwealth Government's *Charter of Public Service in a Culturally Diverse Society* and the Community Relations Commission and Principles of Multiculturalism Act 2000.
- To provide a framework for establishing efficient and effective strategies for facilitating understanding and harmony, within the community, and for the provision of services to culturally and linguistically diverse residents, which encourage cultural expression.
- To increase the level of participation of culturally and linguistically diverse residents by providing activities that are affordable and accessible to the whole community.
- To provide clear guidelines for collaborative opportunities between Walgett Shire Council and multi-cultural groups, where such cooperation would build and enhance the services provided with the Walgett Shire Local Government Area.
- To ensure that resources and training are available to Council staff for improved communication between staff and people from cultural and linguistic backgrounds.

### **Objective**

Council will continue to commit to establishing efficient and effective strategies for facilitating understanding and harmony within the community and the provision of services and facilities to the culturally and linguistically diverse residents.

### **Council Policy Reference**

Multiculturalism Policy

### **Statutory Requirements**

Local Government Act 1993

Local Government (General) Regulation 2005 21

Community Relations Commission and Principles of Multiculturalism Act 2000

Multicultural NSW Act 2000



Annual Reports (Departments) Regulation 2005 15  
Charter of Public Service in a Culturally Diverse Society  
[Anti-Discrimination Act 1977](#)  
[Racial Discrimination Act 1975](#)  
[Disability Discrimination Act 1992](#)  
[Human Rights and Equal opportunity Commission \(HREOC\) Act 1986](#)  
[Occupational Health and Safety Act 2000](#)

#### **Related Policy/Procedure**

[Code of Conduct](#)  
[Counselling and Disciplinary](#)  
[Child Safety and Protection](#)  
[Bullying and Harassment](#)  
Aging and Disability  
Community Consultation  
Cultural Activities  
Library Services  
[Equal Employment Opportunity](#)  
[Work Health and Safety Manual](#)

#### **Government References**

DLG – Implementing the Principles of Multiculturalism Locally: A Planning framework for Councils  
~~WSC Multicultural Policies and Services Program (MCPSP)~~  
[Charter of Public Service in a Culturally Diverse Society – Commonwealth of Australia 1998](#)  
[Multicultural NSW – Multicultural Policies and Services Program Framework](#)

#### **Multicultural Principles**

The multicultural principles are as follows

- All individuals in New South Wales, irrespective of their linguistic, religious and ancestral backgrounds, should demonstrate a unified commitment to Australia, its interests and future.
- All individuals in New South Wales should recognise the importance of shared values governed by the rule of law within a democratic framework.
- The people of New South Wales are of different linguistic, religious and ancestral backgrounds who, either individually or in community with other members of their respective groups, are free to profess, practise and maintain their own linguistic, religious and ancestral heritage.
- All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.
- All individuals in New South Wales should have the greatest possible opportunity to—
- contribute to, and participate in, all aspects of public life in which they may legally participate, and
- make use of, and participate in, relevant activities and programs provided or administered by the Government of New South Wales.
- All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

## **Multiculturalism** **Council's commitment**

Walgett Shire Council and its staff will work to embrace the diversity of our multicultural community. Council will implement the following principals in planning, delivering and supporting our Multi Cultural people.

The Multi-Cultural Policies/Services Program (MPSP) (formerly LEAPS) outcomes and strategic direction are based on four key principles:

### **Supporting and promoting Leadership**

All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate.

### **Advocating and supporting Community Harmony**

All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

### **Creating and ensuring Access and Equity**

All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.

### **Economic and Cultural Opportunities**

All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

## **PROCEDURES**

### **Advocating and supporting our communities Multiculturalism as a strength through:**

- Continued engagement with community groups representing people from non-English speaking backgrounds. Councillors, senior council staff and key stakeholders are involved in setting overall multicultural objectives and in determining key performance indicators and benchmarks to evaluate progress of groups and partnerships with Council and other service providers throughout out Local Government Area.
- Senior staff to attend meetings with other agencies and non-government bodies. Regularly liaise with Lightning Ridge Transcultural Community representatives.
- Involvement and consultation with groups representing multi-cultural backgrounds in all Strategic Plans recognise the diverse nature of its community
- Senior staff regularly attend meetings concerning multicultural issues and activities

### **Advocating and supporting Community Harmony by:**

- All members of the community are aware of Council programs services
- Funding for multicultural activities allocated in Budget- Harmony Day festivities
- Guidelines and Forms are developed to ensure that facilities such as parks, public space, halls and Council-owned equipment are accessible for use by ethnic community groups
- Include an analysis of culturally and linguistically diverse population characteristics and demographics in Council's planning documents
- Council participates in, promotes and assists key multicultural festivals and events in partnership with ethnic communities

- Council staff attend meetings relating to multiculturalism

**Advocating, Creating and ensuring Access and Equity by:**

- Guidelines and Forms are developed to ensure that facilities such as parks, public space, halls and Council-owned equipment are accessible for use by ethnic community groups.
- Including an analysis of culturally and linguistically diverse population characteristics and demographics in Council's planning documents
- Local libraries assist in addressing ethnic community needs in language and cultural maintenance, literacy and English language services.
- All information developed or received regarding environmental issues are distributed to all members of the community.
- Place language identification signs in each customer service area, Collarenebri Agency, Libraries and VIC
- Identify and consult with relevant multicultural community agencies and networks

**COMMUNITY**

**1. Partnerships**

Participation in decision making by members of culturally and linguistically diverse backgrounds (CALD) is vital to ensuring that present and future services and facilities provided by Council are available to all members of the community and this can be achieved by:

- Forming links and partnerships with multi-cultural communities in the delivery of its services.
- Ensuring that appropriate consultation processes are in place so that service gaps can be identified and addressed in forward planning. Consultation must be in accordance with CC – Community Consultation, with language assistance and interpreters provided if required.

**2. Signage and Translator Services**

- Council will arrange for interpreter and translator services in the delivery of its services if necessary.
- Language identification signs will be placed in each customer service area and the Council Agency to assist staff in identifying the language spoken.
- The Community Relations Commission provides on-site interpreting services on a state wide basis. The service is a 24 hour operation, with local call access from anywhere in the State. All agencies and Councils are charged for interpreter services, according to the Commission's fee schedule. Further information can be obtained from the Language Services division on 1300 651 500.
- The Lightning Ridge & Region Transcultural Community Council (LRRTC) should be contacted to assist with interpreting and translating and to provide support to customers.
- Auslan can be contacted for Signage Services.
- TTY (Telephone Text) can be contacted for the Deaf Community, if TTY is not available call National Relay Service (NRS) on 13 36 77.
- All customer service staff will be provided with training to assist in using the language identification signs and on the use of the translator interpreter service.

## COUNCIL

### 3. ~~Resources and~~ Staff Training

- Adequate budgeting resources will be allocated to support the strategies within MCPSP and these procedures.
- ~~• The Manager Community Development and Tourism will be responsible for implementing the MCPSP and so the position description should incorporate cultural and linguistic competencies. The position descriptions of other identified positions will also be reviewed and updated to incorporate cultural and linguistic competencies.~~
- Training programs on effective service delivery will be provided for Council staff who deal with clients in a direct service environment. Managers and senior staff will be provided with the training to ensure that cultural and religious sensitivity is considered in policy development and planning. Council will also explore the possibility of shared training packages and programs with other local agencies as a method of promoting cultural awareness across the community.
- Staff training will be provided to Council staff on EEO and Council policies and procedures addressing multiculturalism in accordance with WR – Staff Training.
- ~~• Newly appointed Council staff will be provided with information on Multiculturalism as part of the induction process.~~
- The Manager Community Development ~~and Tourism~~ (or delegate) will attend relevant agency and non agency meetings when issues of multiculturalism are addressed to ensure that any issues related to council services or facilities can be actioned or addressed in an efficient manner.

### 4. Reporting Requirements

- The Annual Report should include details of activities and programs undertaken to promote access and services to people from CALD backgrounds in accordance with the principles of multiculturalism and the council's performance in relation to access and equity activities outlined in its Management Plan.
- Council's achievements as contained in the MCPSP should be included in the Annual Report.
- The MCPSP will be reviewed and the outcomes reported to Council on an annual basis. The report will include achievements, outstanding actions and any recommended changes.
- Specific multicultural initiatives will be identified in corporate planning and strategic planning documents, where appropriate.

### 5. ~~Programs and Services~~

- ~~• Barriers to service delivery will be identified when delivering a service or facility to the community. Barriers include when someone is not aware of a council service, has difficulty communicating with Council staff and elected members or does not use a service because it does not meet their needs.~~
- ~~• Access issues relating to resources such as parks, halls, public space and libraries will be addressed.~~
- ~~• Particular attention may need to be given to engaging multi-cultural community groups by providing appropriate information on Council's environmental policies,~~

~~particularly with regard to water usage, water safety (swimming pools and rivers),  
waste management and other local issues (for example, use of pesticides).~~

**Procedure Review History**

<u>Date</u>	<u>Changes Made</u>	<u>Approved By</u>
<u>2011</u>	<u>Complete Review</u>	<u>Ray Kent - General Manager</u>
<u>November 2022</u>	<u>Additional info and changes – MCD GMC</u>	

## Pesticide Use Notification Plan

WSC – Policy/Procedure - Pesticide Use Notification Plan



# PESTICIDE USE NOTIFICATION PLAN POLICY/PROCEDURE

Approval Date: 28 July, 2015  
Review Date: [24 Nov. 2022](#) ~~July, 2017~~  
Responsible Officer: [Urban Manager](#) ~~Urban Manager~~

### Objective

To notify members of the community of pesticide applications it makes or allowed to be made by Council to public places that it owns or controls.

### Council Policy Reference

Work Health and Safety

### Statutory Requirements

NSW Local Government Act 1993

Pesticides Regulation 2009

Work Health and Safety Act 2011

[APVMA, the Australian Pesticides and Veterinary Medicines Authority.](#)

### Related Policy/Procedure

Work Health and Safety



## 1. INTRODUCTION

This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2009 (the Regulation). The plan sets out how Walgett Shire Council will notify members of the community of pesticide applications it makes or allows to be made to public places that it owns or controls.

The majority of pesticide use consists of applying herbicides for weed control and pesticides for insect and spider control. Further information can be obtained by contacting Walgett Shire Council's urban infrastructure services department on (02) 8828 6149-8449, or by visiting Council's website at [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au).

## 2. PUBLIC PLACES COVERED BY THIS PLAN

Walgett Shire Council proposes to use or allow the use of pesticides in the following outdoor public places that it owns or controls in the Walgett Shire Council Local Government Area:

- public gardens
- parks
- playgrounds
- sporting fields and ovals
- showgrounds
- public land owned or controlled by Walgett Shire Council, including:
  - road verges and reserves
  - laneways and pathways
  - road, utility or other easements accessible to the public
  - drains
  - commons
  - crown land
- swimming pools and bore baths

Although not required by the Regulation, this notification plan will also provide information on how notice will be provided to the community of pesticide use in the interiors of the following Walgett Shire Council buildings or throughout the listed facilities:

- Walgett Shire Council Chambers
- Walgett Library and Tourist Information Centre
- Walgett Shire Former Chambers
- Walgett Masonic Lodge
- Walgett Youth Centre
- Lightning Ridge Library
- Lightning Ridge Tourist Information Centre
- Lightning Ridge Youth Centre
- Lightning Ridge HACC Centre
- Collarenebri Agency
- Collarenebri Town Hall
- Burren Junction Town Hall
- Rowena Town Hall
- Carinda Town Hall



Walgett Shire Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

Public places	Regular user groups	Level of use of public place	Type of pesticide use
<b>Public gardens</b>	Unknown visitors and tourists.	Medium	Spot herbicides or insecticides
	Residents including school and pre-school groups	Low	Broad scale selective or non-selective herbicides Spray ant control
<b>Parks</b>	Unknown visitors and tourists.	Medium	Spot herbicides or insecticides
	Residents including school and pre-school groups	Low	Broad scale selective or non-selective herbicides Broad scale insecticides Spray ant control
<b>Playgrounds</b>	Unknown visitors and tourists.	Medium	Spot herbicides or insecticides
	Residents including school and pre-school groups	Low	Broad scale selective or non-selective herbicides Broad scale insecticides Spray ant control
<b>Sporting fields and ovals</b>	School Groups	Medium	Spot herbicides or insecticides
	Sporting Groups including Little Athletics, Soccer clubs, Junior and Senior Rugby League Clubs, Senior and Junior Rugby Union Clubs, Cricket Clubs	High	Broad scale selective or non-selective herbicides Broad scale insecticides Spray ant control
<b>Road verges and reserves</b>	Motorists	High	Broad scale selective or non-selective herbicides
	Pedestrians	Medium	Spray ant control
	Drovers	Low	
<b>Laneways and pathways</b>	Local traffic	Medium	Spot herbicides
	Pedestrians	Medium	Broad scale selective or non-selective herbicides
<b>Easements accessible to the public (e.g. road, water, sewer)</b>	Pedestrians	Low	Broad scale selective or non-selective herbicides Broad scale insecticides Spray ant control
<b>Drains</b>	Pedestrians	Low	Broad scale selective or non-selective herbicides Broad scale insecticides Spray ant control

Public places	Regular user groups	Level of use of public place	Type of pesticide use
Showgrounds	Show Society Pony Club Campdraft & Rodeo Jockey Club	Low	Broad scale selective or non-selective herbicides Broad scale insecticides Spray ant control Rodenticides
Commons	Drivers	Low	Broad scale selective or non-selective herbicides
Crown land	Sporting Groups Visitors and Tourists Residents Pedestrians	Low	Broad scale selective or non-selective herbicides Broad scale insecticides
Interiors of public buildings	Staff Residents Visitors and Tourists Schools	High	Spot herbicides or insecticides Broad scale insecticides Spray <del>termiticides</del> Bait <del>termiticides</del> Spray ant control Bait bird control Rodenticides
Swimming pool and bore baths buildings and grounds	Staff Residents Visitors and Tourists Schools	High	Spot herbicides or insecticides Broad scale selective or non-selective herbicides Broad scale insecticides Fungicides Spray ant control

### 3. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Walgett Shire Council will provide notice of pesticide use in public places, including special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Walgett Shire Council's assessment of:

- the level of usage of public places where pesticides may be used.
- the extent to which members of the public who are most likely to be sensitive to pesticides (e.g. young children, sick, pregnant and elderly people) and are likely to use these areas regularly.
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground).
- type of pesticide used.

Council does not intend to provide notice other than by way of this description in this plan (or general information on Council's website), where it is not legally required to record the usage of pesticides or herbicides.

This being where a pesticide or herbicide is:

- ordinarily used for domestic purposes (including home gardening), and
- widely available to the general public at retail outlets (for example, at supermarkets), and

- c) being spot weed control applied by wand or hand-held applicator, and less than 20 litres or 20 kilograms of "ready-to-use" product or 5 litres or 5 kilograms of concentrated product is being applied at the labelled dosage rate,
- d) ~~where~~ there isn't a requirement on the product label or a legal statute requiring notification.

Examples (not a comprehensive listing) include:

- o ~~applications~~ of glyphosate to control grass growing between pavers, at the base of fence posts or signs, footpaths.
- o ~~applications~~ of garden chemicals to control insects, and invertebrate pests found on roses, shrubs, bushes, and trees.
- o ~~use~~ of pesticides and herbicides for the minor control of indoor and outdoor insect pests using baits or aerosol spray cans.

Notice of pesticide use will be provided by a combination of:

- signs
- information on Council's website (which will describe programmed, reactive and emergency pesticide use in public places)
- letters
- fax and email
- letterbox drops
- door knocking
- ~~phone~~ contact.

Council will also allow persons and organisations to nominate to have their details placed on a central register which would allow them to be notified of certain types of pesticide uses in particular places, as described in this section of the plan.

The decision as to what combination of notification will be given is an operational matter and will be determined particular to each public place.

**Special notification measures for pesticide use in public places adjacent to sensitive places:**

Clause 27 of the Pesticides Regulation defines a sensitive place to be any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home

*Prior to the use of pesticides adjacent to a sensitive place Council shall inform management of the sensitive place by:*

- signs
- letters / fax and/or email
- ~~phone~~ contact.

**Emergency Applications**

In cases where emergency pesticide applications in public places are required to deal with biting or dangerous pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard), notice will be provided as per the Non-Sensitive Area Notifications requirements.

Where broad\_scale spraying is required at short notice (~~eg~~, plague locust control) and public notification is not possible, special precautions will be taken to prevent the public encountering pesticides (~~eg~~, road or facility closures).

#### Interiors of public buildings

For interiors of buildings owned or controlled by Walgett Shire Council, phone contact will be made and signs will be provided to the occupant at least 72 hours prior, for the following pesticide uses:

- Broad scale insecticides
- Spray ~~termiticides~~
- Bait ~~termiticides~~
- Rodenticides

#### Buildings and grounds of local authority swimming pools

For buildings and grounds of swimming pools, owned or controlled by Walgett Shire Council, phone contact will be made and signs will be provided to the ~~manager~~ Manager at least 72 hours prior, for the following pesticide uses:

- Broad scale selective or non-selective herbicides
- Broad scale insecticides
- Fungicides
- Spray ant control
- Spray ~~termiticides~~
- Bait ~~termiticides~~
- Rodenticides

#### Pesticide contractors and lessees of public places

Where Walgett Shire Council uses contractors to apply pesticides on its behalf, they shall provide notification as per these procedures.

Where persons or organisations hold an existing lease with Walgett Shire Council and that remains a public place: the lessee will provide notice.

#### WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 14 of the Pesticides Regulation, notice of pesticides uses will include the following information:

- the full product name of the pesticide to be used, and
- the purpose of the use, clearly setting out what pest or pests are being treated, and
- the proposed date/s or date range of the pesticide use, and
- the places where the pesticide is to be used, and
- contact telephone number and email address of the Council ~~officer~~ Officer who people can contact to discuss the notice, and
- ~~any warnings~~ regarding re-entry to or use of the place, if specified on the pesticide product label or the APVMA<sup>1</sup> permit.

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<sup>1</sup> The Australian Pesticides and Veterinary Medicines Authority (APVMA), the national government body responsible for assessing and registering (or otherwise approving) all pesticide products in Australia and for their regulation up to and including the point of retail sale.



## PESTICIDE USE NOTIFICATION FORM

Product Name	
Purpose of Use	
Proposed Dates for Treatment	Between ____ / ____ / ____ and ____ / ____ / ____
Area to be Treated	
Sensitive Places Effected	
Special measures for Sensitive Places	
Any warnings regarding re-entry	
Contact Person	<a href="#">Urban Manager Roy White</a>
Contact Telephone Number	02 6828 <a href="#">43996100</a>
Contact Email Address	<a href="mailto:admin@walgett.nsw.gov.au">admin@walgett.nsw.gov.au</a>

Note: 1) Full product name must be stated  
 2) Purpose of use e.g.: weed control, ant control etc.  
 3) Date - must be at least 3 days in advance  
 4) Area, park name, street name, (if need be identification of section of road or street).

A copy of this form is to be given to the Executive Assistant to the General Manager for inclusion in Council's weekly newspaper columns and placed on Council's website.

#### 4. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Walgett Shire Council will advise residents of this plan and its contents by:

- ~~making~~ a copy of the plan available for viewing, free of charge, at its main office at 77 Fox Street, Walgett.
- placing a copy of the plan on the its website
- placing a notice in the Walgett Spectator and the Lightning Ridge News
- placing a notice in the NSW Government Gazette

#### 5. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every three years or when circumstances require a review of the plan. The review will include:

- a report on progress of implementing the plan
- public consultation on the notification methods outlined in the plan, by way of Council report, exhibiting a plan for comment with proposed amendments, calling for public submissions
- recommendation for alterations (if applicable) to the plan

#### 6. CONTACT DETAILS

Anyone wishing to contact Walgett Shire Council to discuss the notification plan or to obtain details of pesticide applications in public places should contact:

~~Ray White~~

~~Towns Services Coordinator~~[Urban Manager](#)

Walgett Shire Council

77 Fox Street

Walgett NSW 2832

Ph. 02 6828 ~~43096100~~

Fax. 02 6828 1608

[admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)

or access the website [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au)

## 7. Procedure Review History

Date	Changes Made	Approved By
21/8/07	Procedure Adopted	CM 225/07
28/7/2014	Procedure reviewed and adopted	
<a href="#">2 Nov 2022</a>	<a href="#">Procedure review and updated</a>	



# Noise and Hearing Loss

WSC – Policy – Noise & Hearing Loss



## NOISE & HEARING LOSS POLICY

Adoption Date:

Next Review Date: **November 2023**

Responsible Officer: WHS Officer~~WHS Officer~~, HR Manager~~HR Manager~~

### STATEMENT

Walgett Shire Council is committed to adhering and complying with Safe Work Australia's approved Code of Practice for Managing Noise and Preventing Hearing Loss at Work as approved under section 274 of the Work Health and Safety Act 2011.

This policy will apply to all work and workplaces within the Walgett Shire Council where there is the potential for exposure to noise that can contribute to hearing loss.

### AIM

The aim of the policy is:

- Wherever workable, noise levels of existing plant will be reduced by engineering means to achieve the above objective
- Where it is not immediately possible to reach the objectives by engineering means, exposure duration will be restricted
- Noise limits will be specified for new plant and equipment so that noise levels in working areas are reduced to the point where hearing protectors are unnecessary.
- Ensure that all new plant purchased conforms to the requirements of the Local Government (State) Award ~~2010~~**2020**
- Ensure that all persons are equipped with personal hearing protection as required
- Provide training in the use of personal hearing protection
- Document regular sound level checks throughout the shire.
- Provide a framework through which the Policy can be enforced.

### OBJECTIVE

The objective of this policy is to reduce the exposure of the employee, visitors, contractors and Council to the possibility of a compensation or damages claim associated with hearing loss.

Ensuring that the noise a worker is exposed to at the workplace does not exceed the exposure standard for noise.

Ensuring that no employee's 8-hour average noise exposure level exceeds 85 dB(A).

Ensuring that no employee is exposed to impulse noise with a level exceeding 140dB(C) Peak.

Provide audiometric testing to all new staff, and to all workers who frequently require the use of personal hearing protection.

## DEFINITIONS

- "Policy" means Noise and Hearing Loss
- Decibel (dB) is the unit for measuring sound levels
- LAeq,8h means the 8 hour equivalent continuous A-weighted sound pressure level in decibels, referenced to 20 micropascals, determined in accordance with AS/NZS1269.1
- LC<sub>peak</sub> means the C-weighted peak sound pressure level in decibels, referenced to 20 micropascals, determined in accordance with AS/NZS1269.1 It usually relates to loud sudden noises such as gunshot or hammering. LC peak values above 140dB(C) can cause immediate damage to the hearing.
- Hazardous noise in relation to hearing loss means noise that exceeds the exposure standard for noise in the workplace.
- Risk Control means taking action to first eliminating health and safety risks through the use of the hierarchy of controls

## PROCEDURES

- Identify the source of the noise that may contribute or cause hearing loss utilizing an approved to Australian Standards sound check device/meter.
- Perform a risk assessment to determine level of risk and controls needed to eliminate the risk
- Implement risk control measures
- Review risk controls effectiveness annually.
- Ensure relevant policy is reviewed annually

## Policy Implementation Procedures, Guidelines and Documents

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Local Government (State) Award [2020-2020](#)
- Safe Work Australia Code of Practice, Managing Noise and Preventing Hearing Loss at Work, December 2011

## Related WSC Policies

- Code of Meeting Practice
- Councils Access to Information and their Interaction with Council Staff Policy

## Procedure Review History

Date	Changes Made	Approved By
Ongoing	Draft	
November 2022	<a href="#">Policy review</a>	<a href="#">General Manager</a>

## Minor Claim Compensation

WSC - Procedure – Minor Claim Compensation Procedure



### Minor Claim Compensation Procedure

Approval Date:

Review Date:

Responsible Officer: Chief Financial Officer

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#### **POLICY STATEMENT**

WSC is committed to reduce Council's exposure to public liability claims arising in the course of providing services to the community.

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#### **OBJECTIVES:**

- To establish guidelines for the settlement of minor compensation claims made against the Council for amounts below the excess under its public liability insurance cover.
- To make provisions to arrange the payment as an ex-gratia payment without admission of liability.
- To ensure transparency and consistency in settlement of minor claims.

#### **Objective**

To establish guidelines for the settlement of minor compensation claims against the Council for amounts below the excess under its public liability insurance cover

#### **~~Council Policy Reference~~**

~~Minor Claim Compensation Policy~~

#### **Statutory Requirements**

[Local Government Act 1993](#)

#### **Related Policy/Procedure**

Public Liability Compensation Policy

#### **Application**

Applicable to all minor compensation claims

## **1. Eligibility**

Where a compensation claim is made against the Council that is less than the excess under public liability insurance cover, the claim should be accepted only under the following conditions;

- (a) Where a completed and duly signed deed of release form (attached) has been obtained by the claimant ~~(Releasee)~~.....
- (b) Where it would appear on the balance of probabilities that a legal liability would arise if the matter proceeded to a Court

## **2. Types of Claims**

Following minor claims will be considered under this procedure;

- (a) Damage or injury suffered by public in the course of Council Operations
- (b) Damage or injury suffered by public while using Council assets
- (c) Any other claim that the General Manager considers as falling under this procedure

## **3. Claim settlement**

Duly signed deed of release form should be referred to the General Manager for approval and payment will be made only at the discretion of the General Manager upon reviewing the circumstances of the claim, on a case by case basis.

## Appendix A – Deed of Release

### Walgett Shire Council

#### Deed of Release

CLAIM NO: \_\_\_\_/20\_\_

THIS DEED is made the day of \_\_\_\_\_.

#### **1. PARTIES**

1.1 \_\_\_\_\_, of \_\_\_\_\_ ("the Claimant")

1.2 Walgett Shire Council of PO Box 31, Walgett, NSW 2832 ("the ~~releasee~~Council")

#### **2. RECITALS**

2.1 The ~~Releaser-Claimant~~ suffered injuries to their person/or property on \_\_\_\_\_ at \_\_\_\_\_ adjacent to \_\_\_\_\_.

2.2 The Claimant has claimed damages from the Council on the basis that it was negligent.

2.3 The Council denies liability to compensate the ~~Council~~Releaser.

2.4 The Parties have agreed to resolve this claim.

#### **3. AGREEMENT**

3.1 In full settlement of the claim (including any claims for interest and costs), the Claimant will on an ex-gratia and without admission of liability basis pay the ~~Claimant~~Releaser the sum of \_\_\_\_\_, ("the Settlement Moneys") less any amount the Claimant is required to pay.

3.2 In consideration of the ~~Council's~~Releasee's promise to pay in accordance with clause 3.1; the ~~Claimant~~Releaser releases the ~~Council~~Releasee from the claim.

3.3 Neither the Claimant nor anyone acting in the name of or on behalf of the ~~Claimant~~Releaser will bring or continue any other claim or proceeding against the Council, or against any officer, agent or employee of the ~~Council~~Releasee, that is in any way connected with the incident that gave rise to the claim.

3.4 The Claimant will continually indemnify the Council, and any officer, agent or employee of the ~~Council~~Releasee, against any claim or proceedings that anyone else brings in the ~~Claimant~~Releaser's name or on the Claimant's behalf or as successor or assignee of the ~~claimant~~Releaser.

3.5 Neither the Council nor the Claimant will disclose any details about the settlement with-out the other party's written consent. This does not apply to a disclosure required by law or made to a professional advisor.

DULY executed by the parties on the above date.

SIGNED SEALED AND

DELIVERED BY THE CLAIMANT \_\_\_\_\_ (signature)

In the presence of: \_\_\_\_\_ (signature)

Name \_\_\_\_\_ (print)

Address \_\_\_\_\_ (print)

SIGNED SEALED AND

DELIVERED by the duly authorized

Agent of THE [COUNCILRELEASEE](#) \_\_\_\_\_ (signature)

Name \_\_\_\_\_ (print)

Position \_\_\_\_\_ (print)

In the presence of: \_\_\_\_\_ (signature)

Name \_\_\_\_\_ (print)

Position \_\_\_\_\_ (print)

# Work Health and Safety Manual

Walgett Shire Council Work Health and Safety Manual.



**WALGETT SHIRE COUNCIL**

## **Work Health and Safety Manual**

### **Scope**

This Manual will apply to all Management, Workers, Contractors, Visitors and Volunteers of Walgett Shire Council and requires the full cooperation and assistance of all personnel. This Manual will apply to all sites where Walgett Shire Council performs work.

Any work that is carried out by Walgett Shire Council or for Walgett Shire Council must comply with the relevant sections of the Work Health and Safety Act 2011 & Work Health and Safety Regulations 2017 and relevant Codes of Practice.



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### **Responsibility of Councillors**

Under the provisions of the *Local Government Act 1993* Councillors, as elected representatives, have no direct responsibility for the day to day operations of Council. Councillors, as the governing body, have however the following statutory corporate responsibilities that have implications for the capacity of the corporate body to meet its obligations under the Act and the Regulation.

Section 232 of the Local Government Act 1993 defines the role of a Councillor:

- To direct and control the affairs of council in accordance with (the) Act
- To participate in the optimum allocation of the council's resources for the benefit of the area
- To play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions
- To review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.

As such a Councillor must seek to promote an organisational environment that reinforces Council's statutory obligations to ensure a safe and healthy workplace.

Councillors must be committed to ensuring that in undertaking their corporate responsibilities that attention is given to the organisational objectives for occupational health and safety. Council, when adopting the Management Plan, will consider the practical implications for health and safety with regard to the following matters:

- The statement of principal activities which Council proposes to undertake (Section 403(1) of the Local Government Act 1993)
- The activities to be undertaken by Council (Section 403(2) of the Local Government Act 1993)
- Identified human resources activities, including the provision of resources for training programs relating to work health and safety requirements (Section 403(2) of the Local Government Act 1993)
- The performance review of the General Manager (Section 338(1) of the Local Government Act 1993)

At all times Councillors must:

- Follow Council's relevant safety procedures while at a Council workplace;
- Demonstrate a commitment to promoting a safe Council workplace;
- At an individual level, through demonstrated support of Council's commitment to promoting a safe Council workplace, will be a positive role model for occupational health and safety.

### **Responsibility of the General Manager**

The General Manager is responsible for the day to day management of Council. The General Manager must implement the decisions of Council without undue delay whilst ensuring that they are undertaken in a safe manner.

With regard to Work Health and Safety, the General Manager is responsible for:

- ensuring that there is an appropriate risk management system in place to meet the statutory obligations of Council under the Act and the Regulation;
- ensuring the policy framework to promote a safe and healthy workplace is in place, at all levels of Council, for all Council employees;
- developing Council's Work Health and Safety Policies and Procedures;
- ensuring that the health and safety of non-employees who may be at the Council workplace are addressed;

- promoting the health, safety and welfare of all employees and others at the workplace;
- ensuring the financial resources and expertise are available to develop and maintain an effective occupational health and safety system;
- providing effective leadership to promote organisational compliance with statutory obligations under the Act and the Regulation;
- as part of the periodic reporting on the implementation of the Council's Management Plan, information on the Council's Work Health and Safety performance is provided to Council;
- in determining the performance review criteria for senior staff ensure that WHS performance targets are incorporated into their staff appraisals;
- convening consultation with staff to ensure that arrangements are in place to enable Council employees to be involved in identifying hazards, contribute to risk assessments and assist in developing risk management procedures;
- ensuring there is demonstrated commitment and effective management of the Work Health and Safety policies and procedures and improvement in performance by all Council Directors.
- ensuring that all accidents and near misses are thoroughly reported, recorded and investigated and where necessary remedial action implemented.
- ensuring that the following occurs:
- SafeWork NSW is notified as soon as practical of any non-disturbance accident which has occurred at a Council workplace (clause 38 Work Health and Safety Act 2011);
- that subject to the exceptions stated in the Act appropriate arrangements are made not to disturb the area of the accident (clause 39 (3) Work Health and Safety Act 2011);
- SafeWork NSW is notified as soon as practical of any matter, other than a non-disturbance accident, which is required to be notified under the provisions of the Regulation which has occurred at a Council workplace (clause 699 of the Work Health and Safety Regulation 2017).

#### **Responsibility of Senior Staff/Directors**

Senior staff are identified in accordance with Section 332 of the Local Government Act 1993 and are employed under performance based contracts (Section 338). Senior staff as part of their obligation have specific responsibilities with regard to the development and implementation of the Council's Work Health and Safety policies and procedures. It is a responsibility shared with the General Manager. In particular the responsibilities of senior staff are to:

- co-operate with the General Manager to assist in developing a strategic approach to promoting a safe Council workplace;
- inform and advise, as appropriate, the General Manager on Work Health and Safety matters relevant to the operational responsibilities;
- ensure that within their operational responsibilities there are appropriate arrangements for workplace hazards to be identified;
- with regard to the identified workplace hazards ensure risk assessments have been undertaken;
- as appropriate, from time to time, review the risk assessments to verify they are adequate and reflect the reality of the workplace;
- review the arrangements for workplace consultation to ensure that it has taken place and is in accordance with the agreed procedures for Work Health and Safety workplace consultation;
- review the effectiveness of the approved risk control measures;

- assess the degree of compliance with approved risk control measures;
- if required indicate additional measures as are considered necessary.
- at the appropriate managers' meetings report on the operational area's contribution to the Council's Work Health and Safety performance;
- in reviewing the performance of managers ensure that health and safety criteria are incorporated into the staff appraisal as part of promoting a safer Council.

At all times Senior Staff will:

- satisfy themselves that the operational areas for which they are responsible have adequate resources, skills and expertise to undertake their tasks in a safe manner;
- ascertain that in undertaking their tasks neither employees of Council or other persons who are at the workplace are exposed to unsafe work conditions;
- ensure the adopted risk management procedures are appropriate;
- ensure that managers are supervising the risk management procedures;
- ensure breaches of risk management procedures are subject to investigation and appropriate disciplinary action.

At the individual level senior staff are required to:

- observe the Council's relevant safety procedures while at a Council workplace;
- demonstrate leadership and commitment to promoting a safe Council workplace;
- through their day-to-day activities set a high standard of commitment for Work Health and Safety matters;
- set a high standard of behaviour as an example for other Council employees

#### **Responsibility of Managers**

Managers within Council are employees who exercise a managerial function and are not employed as senior staff. As part of their obligation Managers have particular responsibilities with regard to assisting in the development and implementation of the Council's Work Health and Safety policies and procedures. It is a responsibility shared with Senior Staff and the General Manager. Managing Work Health and safety is inherent in the overall role of the Manager.

The responsibilities of Managers are:

- to review the performance of their operational area of responsibility to ensure compliance with the Council's risk management procedures;
- as required provide information on the operational area's contribution to the Council's Work Health and Safety performance;
- in undertaking the performance review of staff where necessary draw attention to the need to improve performance with regard to implementing Work Health and Safety policies and procedures;
- as necessary provide guidance and support to senior staff to assist them to improve the safety performance of their operational areas.
- At all times the Managers will:
- satisfy themselves that the operational areas for which they are responsible have the capacity to undertake the tasks in a safe manner;

- ensure that all foreseeable hazards have been identified;
- ensure the approach adopted for determining risk assessment is suitable for producing dependable assessments;
- ensure that the proposed risk management procedures represent practical solutions to controlling the assessed risks ;
- with regard to the proposed risk management procedures, ensure Council has the resources, technical expertise and skills to enable staff to implement the proposed measures;
- where necessary arrange for Council employees to undertake appropriate training to undertake the risk management procedures;
- ~~when~~ considering the risk management procedures to be adopted by Council, ensure that consideration is given to other persons who are not employees of Council and who may be at the workplace.

Managers are not to tolerate breaches of risk management procedures. In the circumstances that a manager observes a breach of risk management procedures the manager is required to:

- insist the breach of the risk management procedure cease immediately;
- instruct the employee(s) or other person(s) as to the appropriate procedures;
- review the circumstances in which the breach occurred to check as to why it was necessary to depart from a procedure;
- subject to the risk management procedure still being considered suitable for the task take steps to remind other staff that proper procedures must be followed;
- if the breach continues consider further training of staff;
- ~~if~~ necessary refer to the relevant Director for possible disciplinary action in accordance with the disciplinary procedures under the award.

At the individual level managers are required to:

- ensure that the Council's hazard identification, risk assessment and risk management procedures are appropriate for the undertaking of the operational tasks for which they are responsible;
- while at a Council workplace ensure the Council's risk management procedures are observed;
- provide support and guidance to supervisors to assist them to promote a safer Council workplace;
- demonstrate a commitment to supporting a safe Council workplace;
- establish a high standard of commitment for Work Health and Safety matters;
- ~~be~~ a good role model for employees.

### **Responsibilities of Supervisors**

Supervisors within Council are employees of Council who exercise a direct supervisory role over other staff at the workplace and are accountable to managers. At the practical level, Supervisors have responsibilities with regard to the implementation of the Council's Work Health and Safety policies and procedures. It is a responsibility shared with their Manager. The specific responsibilities of Supervisors are:

- to ensure that before commencing a task or project that, in consultation with the involved Council employees, all foreseeable hazards have been identified;



- with regard to the identified hazards that there has been an assessment of the risks undertaken;
- to be satisfied that the approach adopted for undertaking the risk assessments is suitable for producing dependable risks assessments;
- in consultation with Council employees and the appropriate manager, risk management procedures be developed to control the risks to an acceptable level;
- be satisfied that the adopted risk management procedures represent workable solutions for controlling the assessed risks;
- with regard to the proposed risk management procedures ensure that there is available the resources, technical expertise and skills to enable staff to undertake risk management procedures in a safe manner;
- where necessary advise the appropriate manager of any identified training requirements to enable Council employees to carry out the relevant risk management procedures;
- in reviewing the hazards identification, risk assessment, and the risk management procedures to be adopted by Council consideration will be given to other persons who are not employees of Council and who may be at the workplace.

If a Supervisor observes a breach of risk management procedures the Supervisor is required to:

- instruct the employee(s) to cease the unauthorised practice;
- instruct the employee as to the appropriate risk management procedures to be followed;
- review with the employee their understanding of the appropriate risk management procedures to be followed;
- ensure that the employee is aware of their obligation to follow the approved risk management procedures;
- make it clear to the employee that failure to follow risk management procedures could be considered to be breach of the law;
- remind the employee that proper procedures must be followed;
- if the breach continues consider which additional measure may be required to ensure that the proper risk management procedures are followed at all times;
- if necessary refer it to the appropriate manager for possible disciplinary action in accordance disciplinary procedures under the award.

At the individual level Supervisory staff are required to:

- ensure that Council staff under their supervision have the knowledge and appropriate skills to safely undertake the operational tasks for which they are responsible;
- review the performance of their operational area of responsibility to ensure compliance with the Council's risk management procedures;
- at the workplace at all times, the adopted risk management procedures are observed by Council's employees;
- as required provide support and practical guidance to Council employees to enable them to undertake their tasks in a safe manner consistent with the Council's adopted risk management procedures;
- by personal example demonstrate a commitment to promoting a safe Council workplace;



- be a good role model for employees.

### Responsibility of Council Employees

Council employees have a critical contribution to ensuring a safe Council workplace. Their responsibilities are as follows:

- to assist Council supervisors and managers in identifying hazards at the workplace;
- to participate in the assessment of the risks associated with the identified hazards;
- to be involved in the development and review of risk management procedures;
- at the workplace to ensure, by their individual actions, that they do not place themselves or other persons at risk of harm or ill-health;
- at the workplace not to, by way of omission or negligence, place themselves or others at the risk of harm or ill-health;
- be aware of and follow the Council's adopted risk management procedures when undertaking tasks and projects;
- follow the reasonable directions of supervisors and managers with regard to safety;
- do not interfere or misuse any device or equipment which has been provided as a part of a risk control measure;
- report as soon as practical and without delay to supervisors any matter which relates to hazard identification or risk assessment which effects the Council capacity to ensure a safe and healthy workplace;
- report, as soon as practical, and without undue delay any matter which indicates that the risk management procedures are inadequate to control a risk;
- report as soon as practical and without undue delay to supervisors any incidents or near misses which relate to Work Health and Safety at the Council workplace;
- in the event of a non-disturbance accident not to disturb or interfere with the accident scene other than to:
  - ❖ rescue a person from the scene of the incident, or
  - ❖ take such steps as are necessary to prevent further harm to employees, or
  - ❖ render the scene of the accident safe for the purpose of inspection and if required WorkCover investigation;
- if requested respond and render assistance to any person who is working at a Council workplace who is suffering injury or illness.

At the individual level Council employees are required to:

- co-operate with Council as far as necessary to assist Council to comply with the statutory obligations under the Act and the Regulation;
- report immediately any unsafe work practices to their supervisors;
- report immediately any unsafe workplace condition which could place employees and other persons at risk;
- at all times follow the adopted risk management procedures;
- be a good role model to other employees.

### Responsibility of Volunteers

While a volunteer undertaking tasks on behalf of Council is not considered to be an employee covered by a contract of employment, Council will apply the same standards with regard to the health and safety of volunteers as if they were employees of Council.

Before volunteers are permitted to undertake an activity on behalf of Council a risk assessment of the activity will be undertaken to ensure the following:

- the activity is suitable for volunteers and does not place risk to their health and safety;
- the volunteer has the physical capacity to undertake the activity;
- the volunteer has the knowledge and skills required to undertake the activity in a safe manner.

When satisfied that the activity is appropriate for volunteers Council is to ensure the following matters are addressed before the activity is commenced:

- the potential hazards have been identified;
- a risk assessment has been completed;
- consultation has been undertaken with the volunteers regarding safe work methods;
- appropriate risk management procedures have been developed;
- volunteers have been provided with information, instruction and training with regard to risk management procedures;
- any plant or equipment to be used by volunteers is safe;
- there is in place a system of work for the safe handling, use, storage and transport of plant, equipment or any substances to be used in the activity;
- at the location for the activity there are safe means of entry and exit which are identified to the volunteers;
- arrangements are in place for the appropriate monitoring and supervision;
- records are kept of attendance, tasks undertaken and any incidents including near misses.

Council also has the responsibility to ensure volunteers are provided with appropriate training which, depending on the activity, may include the following:

- WHS induction training;
- hazard identification;
- first aid;
- responding to an emergency;
- use of communication equipment;
- on-the-job training in specific risk management procedures as required.

While undertaking activities on behalf of Council, volunteers have responsibilities for health and safety. In particular volunteers, through their actions or omissions, are not to place themselves or other persons at risk while undertaking Council related activities. Depending upon the nature of the activity the responsibilities for volunteers may include the following:

- be aware of and follow the approved risk management procedures for the activity;
- follow the directions of the person in charge of the activity;
- use plant or equipment in accordance with the correct procedures;
- bring to the attention of the appropriate person any matter which could affect the safe undertaking of the activity;
- [report](#) to the appropriate person as soon as practical any incidents or near misses which relate to health and safety of the voluntary activity.

#### **Duty to Other Persons**

In addition to Council's obligations with regard to employees, Council has a duty to protect a wider range of persons than employees. Others at the workplace could include:

- contractors and their employees;
- subcontractors and their employees;
- visitors, whether invited or otherwise, who are legally at the place of work
- elected Councillors who may be on official business;
- regulatory officers on official business;
- [members](#) of the public who are at the workplace.

#### **Responsibilities of Visitors to Council Workplace**

Given the wide range of services provided by Council there is a particular obligation to ensure persons at a Council workplace are not placed at risk of harm or ill-health. While the visitor is on the Council premises they are also at a workplace for Council employees. Council is required to take into consideration not just employees but all persons who could be at a Council workplace.

On the part of the visitor to the Council workplace, there are also obligations. As part of managing the risks to visitors to a Council workplace visitors are required to:

- inform the person in charge of the operational area of their presence;
- indicate to the person in charge of the operational area the nature of the work or tasks to be undertaken;
- make themselves aware of the Council's relevant safety measures to the undertaking of the tasks;
- ensure they have checked on the emergency exits and procedures for the area;
- follow the reasonable directions to observe safety procedures;
- avoid doing anything which creates a hazard to others at the workplace;
- not, by omission or neglect, cause a hazard to be created or a risk to be increased at the workplace;
- at the direction of the person in charge of the area, cease an unsafe work practice;
- co-operate with Council employees to promote a safe and healthy Council workplace for all;
- not interfere with any equipment or device provided as a risk management measure;
- [report](#) to the person in charge.

### Council's Approach to Risk Management Procedures

Walgett Shire Council will provide a clearly defined risk management framework that will provide the highest possible level of protection based upon the hierarchy of controlling risks. This framework is identified in AFM – Risk Management and Insurance procedures. In accordance with the statutory requirements the following approach will be undertaken to manage risks and to achieve the lowest level of risk that in the circumstances is reasonably practical for Council to achieve at the workplace:

- Council will seek to **eliminate** the identified hazard.
- If elimination of the hazard is not attainable then the next best option for Council will be to consider the **substitution** of the hazard which is less harmful to employees.
- In seeking to apply substitution of the hazard the principle of hazard minimisation will be followed in that the substituted hazard must present a lesser hazard than the hazard which has been substituted.
- If substitution does not reduce the risks to an acceptable level then Council will seek to consider **isolating** Council employee(s) from the hazard.
- In the event that it is not practical to isolate the Council employee from the hazard, or the isolation method provides a level of protection which is considered inadequate, then Council will seek to manage the risk through the application of appropriate **engineering controls** to reduce the risk to an acceptable level.
- In the event that the application of engineering controls are by themselves inadequate to lower the level of risk to an acceptable level then Council will seek to lessen the risk to an acceptable level through the application of appropriate **administrative** measures.
- The use of personal protective equipment (PPE) is to be considered as the last resort measure. Before adopting the use of PPE Council will ensure all other measures have been considered which, either singly or in combination, have been unable to establish an acceptable level of protection for the employee.

### Responsibilities and Risk

Council must ensure a risk management approach is adopted to controlling hazards at the workplace. In particular Council is to ensure there is in place arrangements for the following matters to be addressed:

- identification of workplace hazards;
- consultation with staff in regard to the identified hazards;
- an assessment of the risks associated with the identified hazards;
- documented risk management procedures are developed and adopted to control the hazards;
- information, instruction and training is available to enable staff to implement the adopted risk management procedures;
- the risk management procedures are monitored and as required reviewed and revised.

### Risk Assessments Required by Legislation

In addition to the risk assessments that are carried out as a result of internal processes, the Work Health and Safety Regulation 2011 specifically requires the following risk assessments to be completed:

- Controller of premises to assess risks
- Asbestos – risk assessment and control

- Manual handling – assessment of risks
- Plant – designer to assess risks
- Plant – manufacturer to assess risks
- Plant – hirer or lessor to assess risks

#### **Council Premises**

Council will ensure that any premises controlled by Council and used by Council employees as a place of work are safe and without risks to health and safety.

In addition any premises which Council leases to other parties for use by that party as a place of work will be subject to the requirement that it is safe for the use of employees as a place of work.

#### **Plant Used by Council Employees**

Council will ensure that any plant, equipment and appliance used by Council employees and under the control of Council is safe and without risks to Council employees when properly used.

In addition any plant, equipment and appliance which Council hires or loans to other persons, for whatever purpose, for the use of that party, will be subject to the requirement that it is safe for the use of the party.

#### **Substances used by Council Employees**

Council will ensure that any substances used by Council employees and under the control of Council are safe and without risks to the health of Council employees and other persons at the workplace when properly used.

Any substances which Council permits other parties to use at a Council workplace will be subject to the requirement that it is safe for use at the workplace with respect to Council employees and other person who may be at the workplace, either at the time of use or at any time subsequent to the use of the substance.

Where appropriate when complying with the Work Health and Safety Act 2011, Council will also consider the requirements of:

- the Pesticide Act 1999, and
- the Work Health and Safety Regulation 2017

With regard to control of premises, plant or substances Council acknowledges that it may cover the following situations:

- where Council has only shared control of the premises, plant or substances, and
- ~~where~~ where Council has, under any contract or lease, an obligation to maintain or repair the premises or plant.

For example, where Council employees have a work location which is in premises shared by other parties, Council is responsible for the work location consistent to the extent that Council has control over the premises.

#### **Associated Legislation**

Council is required to take into consideration other relevant legislation.

Council must, where appropriate, take into consideration:

- *Coal Mines Regulation Act 1982*;
- *Dangerous Goods Act, 1975*;
- *Mines Inspection Act 1901* (covers quarries, bitumen hot mix, plants etc.).

Council acknowledges that it is important to take the following into consideration:

- associated legislation does not act in an exclusionary manner, and
- associated legislation is to be observed in addition to the Act, and
- the Act or Regulation takes precedence over the association regulation in the event of any inconsistency.

In addition to the defined associated legislation there are other statutes relevant to health and safety which are not specifically addressed.

#### **When Does Work Health & Safety Act 2011 Apply?**

The obligations of the Act apply throughout the time an employee is at their place of work. With regard to volunteers it applies to them during the period they are undertaking tasks on behalf of Council in their capacity as a volunteer. With regard to 'other persons' and the public at the workplace the obligations apply when they are at a Council place of work.

#### **Approved Industry Codes of Practice**

Council, in fulfilling its statutory obligation to ensure a safe workplace, will give particular attention to any approved industry code of practice which is appropriate and relevant to undertaking and completion of the activities.

As a minimum Council will ensure that all activities will meet the standards set by any relevant and appropriate approved industry code of practice.

#### **Australian Standards**

If an Australian Standard has been incorporated into the work Health and Safety Regulation 2017, it is obligatory for Council to comply with it. Australian Standards are considered to provide practical guidelines which reflect a minimum standard which Council will seek to achieve. Where possible Council will be guided by the appropriate Australian Standard.

#### **Voluntary Industry Code**

A voluntary industry code, in the absence of any other specific statutory requirement, an Approved Industry Code of Practice, or an Australian Standard, provides a benchmark which a prudent employer would seek to attain. It can contribute to setting the standard a 'reasonable' employer would achieve. In the absence of any other specific requirement Council will, where appropriate, adopt a relevant voluntary industry code of practice. An industry code of practice establishes what the prudent employer would do and to that extent sets a useful benchmark. An example of a voluntary industry code is the Road Transport Authority code for traffic management at or adjacent to roadway construction or repair sites.

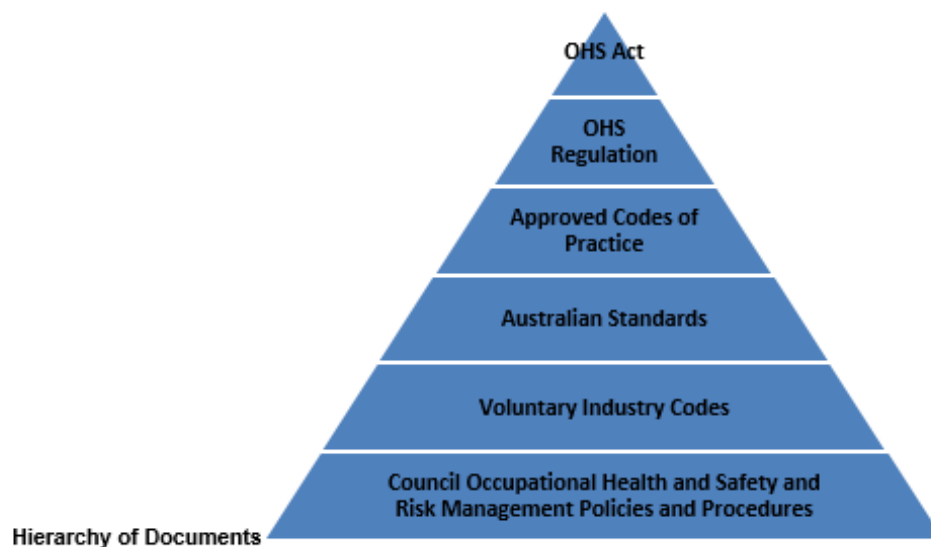


### **Council Work Health and Safety and Risk Management Policies**

Work Health and Safety and risk management policies can, in the absence of any other guidelines, provide a benchmark as to how Council may discharge its obligations. In the absence of any other specific statutory requirement, an Approved Industry Code of Practice, an Australian Standard, or a voluntary industry code, where appropriate Council will follow Work Health and Safety policies.

### **Hierarchy of Documents**

The following documents are to be followed in descending order of priority. Any alleged failure to follow a procedure is a potential offence under the legislation for the legislation above the dotted line. Below the dotted line any alleged failure to follow a procedure may be used as evidence of a failure to exercise all due diligence.



### **Contractor Safety**

There are a large number of contractors employed by Council including plant and equipment operators and construction contractors. Each of these will introduce hazards and risks into the workplace. Any hazards and risks that already exist will affect contractor staff and therefore it is vital that the employer and contractor consult and liaise with one another as to the risk control measures that each needs to introduce to protect the other's staff.

### **Council's Responsibility**

- Council has a responsibility for ensuring that the contractor carries out any works required in a safe and competent manner:
- The council may share liability for:



- accidents or injuries to members of the public where the contractor is responsible for the causative source;
  - accidents or injuries to its own staff where the contractor is responsible for the causative source;
  - accidents or injuries to the contractor's staff where the council is responsible for the causative source.
- Council's obligation is to ensure that the contractor was competent and the systems and practices the contractor used were suitable for the purpose.
- Council should create an approved contractor list through which only contractors that have been through the detailed appraisal and assessment regime detailed below will be entitled to tender for work. Even though contractors are on this list, they can be removed at any time and especially at the time of a regular audit.
- All contracts for the supply of goods and services shall take into consideration the Council's purchasing policy and procedures.
- A tender specification shall include the Work Health and Safety risks identified. Each tender specification shall identify the areas of legislation, procedures and records, safe work method statements, site rules, training levels and personal protective equipment that the contractor shall comply with as well as provide formal documentation as evidence of compliance within a contract safety plan, as appropriate.
- Council shall develop a standard set of tender conditions that lay down all the WHS criteria expected.
- References and assessment of previous job history by each tender/contractor shall be examined.
- Each tender shall be fully evaluated against the selection criteria with special emphasis on the risk control measures that are to be implemented in the discharge of the contract.
- The contract may also include conditions that permit Council to terminate the contract for failure to comply with Work Health and Safety requirements as set out in the contractual agreement.
  
- A full inspection of the contractor's Work Health and Safety systems must be carried out. The areas that will require inspection include, amongst others:
  - Policy
  - Roles and responsibilities
  - Documents control
  - Hazard identification and risk assessment
  - Safe work method statement
  - Skills and competencies
  - WHS induction
  - Workers Compensation and rehabilitation
  - Hazard reporting
  - Electrical
  - Hazardous substances

- Lifting gear
- Plant
- Personal protective equipment
- Fire protection
- Tool box talks/consultation
- First aid
- Accident investigation

#### **Principal Contractor (including sole contractor appointments)**

The requirements imposed on a Principal Contractor are in addition to any requirements placed upon them as employers or self-employed persons under Work Health and Safety legislation (except for demolition work or asbestos removal work where other requirements apply and high risk construction or construction work where the cost exceeds \$250,000).

#### **Appointment Requirements for a Principal Contractor**

The requirement to have a Principal Contractor is determined by the Work Health and Safety Regulation 2017.

Where:

- any high risk construction work as defined in WHS Regulation 2011, and/or
- construction work is undertaken and the cost of the work exceeds \$250,000, or
- demolition work or asbestos removal work for which a licence is required under Chapter 8 of the WHS Regulation 2011 to carry on the business of that work is undertaken (regardless of the cost of the work).

An owner of a place of work must:

- appoint a Principal Contractor for the construction work carried out by or on behalf of the owner;
- authorise the Principal Contractor who is appointed to exercise such authority of the owner as is necessary to enable the Principal Contractor to discharge the responsibilities imposed on a Principal Contractor by this Part.

A person cannot be appointed as a Principal Contractor unless the person is responsible for the construction work at all times until the work is completed.

If a Principal Contractor is not appointed in relation to demolition work or asbestos removal work referred to above, the employer carrying out that work is taken to be the Principal Contractor for the work. If Council does not appoint a Principal Contractor for the construction work, Council is taken to be the Principal Contractor for the construction work. Council can appoint itself as the Principal Contractor for the construction work.

Council must ensure that signs stating the name and telephone numbers including an after-hours emergency telephone number of the Principal Contractor are placed on each construction site and clearly visible from outside the site.

The cost of any construction work is:

- the cost of the work as assessed for the purposes of the payment of any fee for approval to carry out the work under the Environmental Planning and Assessment Act 1979, or
- if there is no such cost assessed, the contract price for carrying out the work, or

- if there is no such contract price, the value of the work carried out.

#### **Principal Contractor Work Health and Safety Induction Training**

A Principal Contractor for a construction project must not direct or allow another person to carry out construction work on the construction project unless the Principal Contractor is satisfied that the person has undergone WHS induction training.

A Principal Contractor for a construction project must:

- identify any change in the construction site and in the activities performed by each person carrying out construction work at the construction site that might affect the health or safety of any person on the construction site;
- if any such change is identified, ensure that each person carrying out construction work at the construction site undergoes WHS induction training including general health and safety induction training, work activity based health and safety induction training and site specific health and safety induction training;
- do whatever is necessary to enable the person to work safely despite changes to the construction site.

#### **Principal Contractor Records**

A Principal Contractor for a construction project must keep for at least three years, after the project is completed, a record of each person carrying out construction work. Each record should contain:

- a copy of any relevant statement of WHS induction training or a statement indicating that the Principal Contractor is satisfied that the relevant WHS induction training has been undertaken;
- a brief description of the site specific training that has been undertaken by the person in accordance with this Part for the site at which the construction work is carried out.

#### **Principal Contractor Work Health and Safety Management Plan**

Where construction work is undertaken and the cost of the work exceeds \$250,000 the Principal Contractor for the construction work must ensure that:

- a site specific Work Health and Safety Management Plan is prepared for each place of work at which the construction work is to be carried out before the work commences;
- the plan is maintained and kept up-to-date during the course of the work.

The Work Health and Safety Management Plan must include:

- a statement of responsibilities listing the names, positions and responsibilities of all persons who will have specific responsibilities on the site for work health and safety;
- details of the arrangements for ensuring compliance with the requirements for work health and safety induction training;
- details of the arrangements for managing work health and safety incidents, including the identity of and contact details for the person or persons who will be available to answer Safework NSW enquiries
- preparation for, response to and recovery from work health and safety incidents;
- any site safety rules and details of the arrangements for ensuring that all persons at the place of work (whether employees or visitors) are informed of the rules;
- safe work method statements for all work activities assessed as having safety risks.

The Principal Contractor must ensure that a copy of the Work Health and Safety Management Plan is available for inspection during the course of the construction work by:

- any person working at the place of work concerned and by any person about to commence work at that place;
- the WHS Officer Rehabilitation Coordinator, a member of the WHS committee, or Council representative.

The Principal Contractor must ensure that copies of any parts of the Work Health and Safety Management Plan that are relevant to a subcontractor are provided to the subcontractor before the subcontractor commences work at the place of work concerned.

The Principal Contractor must ensure that if any change is made to the Work Health and Safety Management Plan during the course of the construction work, a copy of any part of the plan that has been changed and that is relevant to a subcontractor is provided to the subcontractor as soon as practicable after the change is made.

#### **Principal Contractor Control over Subcontractors**

Where:

- construction work is undertaken and the cost of the work exceeds \$250,000;
- high risk construction work is undertaken and the cost of the work does not exceed \$250,000;
- demolition work or asbestos removal work for which a licence is required under Chapter 8 Work Health and Safety Regulations 2017, to carry on the business of that work is undertaken (regardless of the cost of the work);

The Principal Contractor for the construction work must ensure that each subcontractor, before commencing work at a place of work, provides the Principal Contractor with a written safe work method statement for the work to be carried out by the subcontractor.

The Principal Contractor must ensure that a subcontractor is directed to comply with:

- the safe work method statement that the subcontractor has provided;
- the requirements of the work Health and Safety Act 2011 and the work Health and Safety Regulation 2017.

If the subcontractor does not comply, the subcontractor must be directed to take action immediately to comply with the safe work method statement or other legal requirements. If a risk to the health or safety of a person arises because of the non-compliance, the subcontractor must be directed to stop work immediately and not to resume work until the safe work method statement or those requirements, or both, are complied with, unless an immediate cessation of work is likely to increase the risk to health and safety, in which event the subcontractor must be directed to stop work as soon as it is safe to do so.

#### **Lack of Subcontractor**

If there are no subcontractors for the construction work, the Principal Contractor must:

- undertake an assessment of the risks associated with the work to be carried out and prepare a written safe work method statement that includes a copy of the assessment of risks;
- maintain and keep up to date the statement;
- ensure that the work is carried out in accordance with the statement;
- if a risk to the health or safety of a person arises because of non-compliance with the statement, ensure that work is stopped immediately and not resumed until the statement is complied with (unless an immediate cessation of work is likely to increase the risk to health and safety, in which event the Principal Contractor must stop the work as soon as it is safe to do so).

### **Principal Contractor's Hazardous Substances Register**

Where:

- construction work is undertaken and the cost of the work exceeds \$250,000, or
- demolition work or asbestos removal work for which a licence is required under Chapter 8 Work Health and Safety Regulation 2011 to carry on the business of that work is undertaken (regardless of the cost of the work)

The Principal Contractor for the construction work must ensure that:

- a register of hazardous substances at a place of work at which construction work is carried out is kept and maintained during the course of the work;
- the register is readily accessible to all persons working at the place of work; copies are kept during the course of the work of any records of atmospheric monitoring or health surveillance in relation to the place of work;
- copies are kept of any reports written during the course of the work;
- a risk assessment prepared in relation to risks associated with exposure to a hazardous substance at the place of work is reported.

If more than one subcontractor is using hazardous substances at the place of work, the Principal Contractor must ensure that the register of hazardous substances kept contains details of all hazardous substances being used at the place of work.

### **Duties of Principal Contractors as Controllers of Work Premises, Plant or Substances**

The Principal Contractor who has control of premises used by people as a place of work must ensure that the premises are safe and without risks to health.

The Principal Contractor who has control of any plant or substance used by people at work must ensure that the plant or substance is safe and without risks to health when properly used.

The duties of the Principal Contractor:

- do not apply to premises, plant or substances used only by employees of the person;
- do not apply to premises occupied only as a private dwelling or to plant or substances used in any such premises;
- extend to the means of access to or exit from a place of work;
- apply only if the premises, plant or substances are controlled in the course of a trade, business or other undertaking (whether for profit or not) of the person.

A person who has control of premises, plant or substances includes:

- a person who has only limited control of the premises, plant or substances (in which case any duty under this section applies only to the matters over which the person has control);
- a person who has, under any contract or lease, an obligation to maintain or repair the premises, plant or substances (in which case any duty under this section applies only to the matters covered by the contract or lease).

### **Employees of Contractors**

In addition to the training required by the general requirements, specific induction training must be given by the Principal Contractor, as detailed above.



As well as the requirements to safeguard the work health and safety of employees, contractors must ensure that employees are provided with sufficient information, instruction, training and supervision to carry out their work in accordance with the rules and procedures of their company and clients.

Employees must be provided with the required personal protective equipment at no cost to themselves and suitable arrangements should be in place to manage this equipment.

#### **Subcontractors**

The requirements imposed on a subcontractor are in addition to any requirements placed upon them as employers or self-employed persons have under work health and safety legislation (except for demolition work or asbestos removal work where other requirements apply).

#### **Responsibilities of Subcontractors**

##### Where:

- construction work is undertaken and the cost of the work exceeds \$250,000, or
- demolition work or asbestos removal work for which a licence is required under Chapter 8 Work Health and Safety Regulation 2017 to carry on the business of that work is undertaken (regardless of the cost of the work).

A subcontractor must not commence construction work at a place of work unless the subcontractor:

- has been provided by the Principal Contractor for the construction work with a copy of the parts of the work Health and Safety Management Plan for the place of work that are relevant to the subcontractor;
- has completed induction training with respect to work health and safety as specified in the Work Health and Safety Management Plan for the place of work.

In addition to these requirements, where high risk construction work is undertaken and the cost of the work does not exceed \$250,000, the sub contractor must have undertaken an assessment of the risks associated with the work to be carried out. A written safe work method must be provided to the Principal Contractor that includes a copy of the assessment of risks. An employee of the subcontractor must not commence working at a place of work at which construction work is carried out unless the employee has completed induction training with respect to occupational health and safety as specified in the Work Health and Safety Management Plan for the place of work.

A subcontractor must maintain and keep up-to-date the subcontractor's safe work method statement for a place of work and must provide the Principal Contractor with any changes made to the safe work method statement.

A subcontractor must provide the Principal Contractor for the place of work with any information known to or records held by the subcontractor concerning hazardous substances or atmospheric monitoring or health surveillance that is required by this Regulation to be entered in the register of hazardous substances or kept for the place of work.

#### **Ensuring Compliance**

On a regular basis, the Contract Manager shall carry out an on-site safety inspection using an appropriate checklist to ensure that

- the Contractor is complying with the all site rules and completing the work in the manner prescribed;
- a review is made of any hazards and complaints that are made, especially safety non-conformances and the time frame in which such non-conformances have been actioned;
- all documentation shall be reviewed to ensure that it remains current and up to date;

- employees of the Contractors will be questioned to determine the level of induction training that has been carried out and to ensure that any licenses that need to be obtained have been via the correct authorities;
- a review is made of the Contractor accident report book to ensure correct reporting procedures and actions relating to the cause of the accidents;
- Safety audits are carried out with the Contractor;
- the contract is reviewed. This will be carried out on a regular basis depending upon the length of the contract period.

#### Dealing with Breaches of Contractor Safety

Breaches of the contract shall be notified to the Contractor in writing for action. There should be a procedure in place for tracking breaches of contract to ensure that they are rapidly remedied and that suitable control measures are implemented to prevent the breaches recurring.

In the worst-case scenario, the Contractor may be removed from the contract and the approved suppliers list.

#### Consultation

Walgett Shire Council supports workplace consultation through, and encourages staff participation in, an active Work Health and Safety Committee reflecting Council commitment and desire for a representative group to come together in a co-operative way to improve the employer's systems for managing health and safety.

The WHS Act 2011 provides that consultation requires:

- The sharing of relevant information about WHS and welfare with employees;
- That employees be given the opportunity to express their views and to contribute in a timely fashion to the resolution of WHS and welfare issues at their place of work;
- That the views of employees are valued and taken into account.

The Code of Practice outlines that effective consultation can result in:

- improved management decisions through gathering a wider source of ideas about WHS;
- greater employee commitment to WHS through a better understanding of WHS decisions and employee ownership of the outcome of the consultation;
- greater openness, respect and trust between management and employees through developing an understanding of each other's point of view;
- higher employee morale and job satisfaction through the employer demonstrating that employee views are valued and taken into account;
- healthier working environments and increased productivity;
- opportunities for learning through sharing of information, concepts and ideas;
- reduced injury and disease with consequent savings to the employer, employees and the general community.

Employee participation enables the employee to contribute to determining how the work can be undertaken safely.



### Effective Consultation

Consultation with regard to work health and safety is:

- promoting a pro-active safety culture based on providing opportunities for employees to contribute to hazard identification, risk assessment and preparing risk management procedures with regard to their workplaces;
- the sharing of relevant information with regard to hazards and risks which impact on workplace safety for all persons at the Council workplace (including any contractors or volunteers that are involved in the work);
- before making a decision which relates to workplace safety the views of the employees are taken into consideration;
- the development of appropriate consultative arrangements based on the inclusion of all Council employees.

Open communication between employees and their employer is important for safety success. Council will:

- ask questions;
- raise safety concerns;
- make safety recommendations;
- be a part of the problem-solving process.

Management will implement consultation arrangements to ensure employees have the opportunity in the following circumstances to make their views known:

- when hazards arising from the workplace are being identified;
- when hazards arising from the system of work are being considered;
- when hazards arising from the operation of plant are being considered;
- when hazardous substances are being used at the workplace;
- when risk assessments are being undertaken with regard to any identified hazards arising from the workplace;
- when considering the introduction of risk management procedures to control the identified hazards;
- when altering any risk management procedures previously adopted by Council;
- when terminating any risk management procedures previously adopted by Council whether or not the procedures were previously subject to consultation;
- when considering changes to Council's premises which may affect the health, safety and welfare of Council employees;
- when considering decisions as to the introduction or changes to any facilities provided for the welfare of Council employees.

### Consultative Arrangements

The Act requires that an employer consult about whether WHS consultation is to be undertaken by means of a WHS Committee, WHS Representative or other agreed arrangement or a combination of these. Therefore before adopting any formal consultative arrangements Council will ensure views of Council employees are sought on the following matters:

- the duty to consult;

- the purpose of consultation;
- role of employees as an WHS Representative or member of the WHS Committee;
- an employee's right to request union representation for the purpose of consultation on WHS consultative arrangements;
- the basis for the determination of workgroups;
- the possible location and activities of the Council's workgroups;
- which models of consultation are available to Council employees;
- the composition of an WHS Committee if considered to be an appropriate mechanism;
- procedures for the election and resignation of any WHS Committee members;
- timetable for the WHS Committee elections;
- arrangements for filling, by election, casual vacancies;
- notification for meetings including frequency of ordinary meetings and provision for calling a special meeting;
- arrangements for communicating between members of the committee and the employees who elected them with regard to:
  - raising a workplace safety issue;
  - minutes of meetings on WHS matters;
  - outcomes of workplace issues raised by the workgroup;
  - procedures for identifying and resolving workplace work health and safety issues.

Before concluding the consultation about the options for work health and safety, Council will also seek the views of the following:

- employee representative bodies who have members at the Council workplace;
- the current WHS Committee.

The Code of Practice maintains that the WHS Committee:

- allows a planned and structured discussion about WHS matters;
- encourages a cooperative approach between an employer and their employees;
- brings together a group of employee and employer representatives to collectively discuss and develop ways of improving the systems for managing safety;
- encourages the development and retention of a body of expertise, including Committee minutes and reports.
- The merits of an WHS Representative may include that it provides:
  - an easily identifiable point of contact for individual employees seeking to provide input about WHS matters;
  - a direct link to employees in the workgroup that elected the WHS Representative;
  - direct feedback to the employer.

### Employer Nominations

The General Manager, on behalf of Council, will nominate to any agreed forum of management representatives with sufficient responsibility to consult on an issue and authority to agree or recommend an appropriate course of action. In making the nomination the General Manager will ensure management representatives have direct knowledge of the safety issues at the workplace.

### Undertaking Consultation in the Workplace

Persons elected by employees to be either an Work Health and Safety Representative, or employee member of an Work Health and Safety Committee, or both, have the following functions:

- to keep under review the risk management procedures at the workplace from which they have been elected;
- to notify the appropriate manager of any health or safety matter that could effect the Council's capacity to fulfill a statutory duty under the WHS Act 2011 or WHS Regulation 2017;
- to assist in the review of risk management procedures;
- undertake from time to time work health and safety inspections of the workplace;
- as necessary, to make recommendations on risk management procedures;
- to assist in the investigation of any matter that could be a risk to the health and safety of any persons at a Council workplace;
- to assist in the resolution of workplace health and safety issues;
- to assist in the development of arrangements for recording workplace hazards and incidents;
- to review and make recommendations on the training of Council employees in risk management procedures;
- to review and make recommendations in regard to the training of persons who are elected to either an WHS Committee or as a workgroup WHS Representative.

In addition the WHS Representative or WHS Committee member can:

- request to accompany a SafeWork Inspector as an observer on an inspection of the workgroup place of work;
- request to be present during any formal report by a SafeWork Inspector to Council in regard to a health and safety matter concerning the workgroup;
- at the request of an employee of the workgroup accompany the employee during an interview by the employer on any work health and safety issues;
- be an observer during any Council internal investigation into any of the following:
  - ❖ an accident involving injury and or damage to plant or equipment; or
  - ❖ a near miss that could have resulted in injury or damage to plant or equipment; or
  - ❖ a non-disturbance occurrence at a Council workplace; or
  - ❖ any accident or matter which is required to be notified to SafeWork NSW in accordance with the provisions of WHS Regulation 2017.

### Effective Workplace Consultation

To facilitate effective consultation Management will provide the following to elected WHS Representatives and/or WHS Committee members:

- reasonable access to employees and the workgroups they represent for the purpose of undertaking consultation at the workplace;
- during working hours reasonable access to facilities to assist in conducting workplace consultation;
- where necessary to facilitate consultation with other employers and their employees where non-council employees are working at a Council workplace;
- not to suffer a financial disadvantage due to participation in the consultation process or attendance at a meeting held in accordance with the consultative arrangements.

#### **Work Health and Safety Committees**

The Code of Practice outlines:

- WHS Committee meetings should do more than discuss the latest WHS hazards and incidents that have been identified. They should be providing input and expertise into the ongoing refinement and improvement of the employer's system for managing safety.
- Employees and supervisors should be encouraged to resolve everyday WHS issues. Where issues are unable to be resolved at this level, only then should the WHS Committee become involved. The role of the WHS Committee should move beyond routine hazard spotting and suggesting corrective action to include making recommendations about how systems of work can be put in place to avoid hazards arising.

The requirements for Council WHS Committees good practice are:

- all designated workgroups can elect one member to the WHS Committee;
- the election of employees as WHS Committee members must be conducted in a method consistent with democratic principles;
- if a majority of employees request an employee representative body may conduct the election of WHS Committee members;
- the period of election as an WHS Committee member will be for two years unless by agreement there is a change to the consultative arrangements then it may be less than two years;
- subject to the details of the agreement new elections will take place as early as practical;
- a member of an WHS Committee can stand for re-election to represent their workgroup;
- ~~management~~ WHS Committee representatives and deputies are to be nominated by the General Manager of Council. The person must have the authority to act on behalf of the General Manager;
- the number of nominated management WHS Committee members will not exceed the number of elected employee WHS Committee members;
- the Chairperson is to be elected from the elected representatives of the WHS Committee but is not to be a management representative;
- all members of the WHS Committee are eligible to vote for the election of the Chairperson;
- the WHS Committee will adopt its own rules and procedures for the conduct of its meetings;
- in adopting its rules and procedures the WHS Committee will not adopt any procedure which is inconsistent with the WHS Act 2011, the WHS Regulation 2017; the Code of Practice on Consultation;
- a copy of the adopted rules and procedures are to be made available at each designated workgroup;
- after each election, not being a by-election for a casual vacancy, the WHS Committee is to review the adopted rules and procedures for meetings;

- the WHS Committee may change its adopted rules and procedures in the light of a review;.
- it may be decided that alternate members are elected (for employee representatives) or appointed (for management representatives) to attend meetings in the absence of the member.

The WHS Committee also has the following functions:

- assisting in the development of arrangements for recording hazards and accidents to promote improved WHS;
- making recommendation on WHS training for Committee members;
- making recommendations on WHS training for employers.

#### Training for Members of WHS Committee

WHS representatives and WHS Committee members will undertake appropriate work health and safety consultative training. To ensure it meets its obligations Council will seek to:

- ensure all elected WHS representatives and management representatives are given the opportunity to attend an appropriate course of training;
- an appropriate training course is a course which has been accredited in accordance with provisions of the WHS Regulation 2017;
- ensure all reasonable costs and expenses incurred by the employee in attending the approved course will be met by Council;
- ensure no employee suffers a financial loss with regard to wages or salaries as a result of attending an approved training course to undertake their role as an WHS representative or member of an WHS Committee.

#### Volunteers

Volunteers make a valuable contribution to the community. When determining the consultative arrangements attention will be given to providing an opportunity to consult with volunteers wherever possible.

#### References

Work Health and Safety Act 2011  
Work Health and Safety Regulation 2017  
WorkCover Risk Management Guide 2001 No.425  
WorkCover Code of Practice for Risk Assessment  
WorkCover Six Steps to Occupational Health and Safety No.217  
Local Government Act 1993  
Local Government (State) Award 2014

#### Revision Register

Edition	Issue Date	Review Date	Authorised by	Position
1	March 2016	March 2017	Don Ramsland	General Manager
2	January 2019	January 2020	Greg Ingham	General Manager
3	May 2020	May 2021	Michael Urquhart	Acting General Manager
4	July 2021	June	Michael Urquhart	General Manager
5	November 2022	October 2023	Michael Urquhart	General Manager