

The background of the page is white with large, abstract, overlapping shapes in blue and olive green that sweep across the page from the top left towards the bottom right.

Strathfield Council Policy Register

Contents

Aboriginal Recognition and Protocol Policy.....	3
Access to Information Policy	6
Asbestos Management Policy.....	10
Asset Management Policy.....	72
Business Ethics Policy.....	77
CCTV on Public Land Policy	86
Civic Pride Policy.....	92
Code of Conduct	96
Code of Meeting Practice	149
Community Consultation Policy	198
Companion Animal Management Policy	206
Complaints Handling Policy.....	224
Councillors Expenses and Facilities Policy	233
Disposal of Council Assets Policy.....	252
Election Campaign Guidelines.....	264
Enforcement Policy	267
Financial Assistance Policy	278
Hardship Policy.....	283
Investment Policy	288
Public Interest Disclosures & Internal Reporting System Policy	295
Prevention of Fraud and Corrupt Conduct Policy	311
Privacy Management Plan.....	322
Procurement Policy	337
Records Management Policy	349
Sister City Policy.....	356

Aboriginal Recognition and Protocol Policy

As at September 2017



ABORIGINAL RECOGNITION AND PROTOCOL POLICY

RESPONSIBILITY	Corporate Services		
DATE ADOPTED	7 November 2006	MINUTE	
REVISED	September 2017	REVIEW	2019
ECM No	1352075		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Flag and Flagpole Policy • Code of Meeting Practice 		

1.0 Introduction

1.1 Title and commencement

This policy is titled *Strathfield Council Aboriginal Recognition and Protocol Policy*. This policy was adopted by Council on 7 November 2006. The following amendments have been made:

Date	Type	Minute
1 February 2011	Amendment – change of acknowledgement	06/11
21 August 2017	Administrative	GM approval

1.2 Purpose of the Policy

The purpose of the policy is to recognise Australia's Indigenous people by observance of the protocols and acknowledgements contained in this policy.

2.0 Policy Statement

2.1 Public meeting and event acknowledgment

At the commencement of Council meetings, public meetings and events, the following meeting acknowledgment is read:

“Before we start the proceedings let us respectfully acknowledge the Wangal people who are the Traditional Custodians of the land on which we stand”.

2.2 Aboriginal Flag

The Aboriginal flag will be flown alongside the Australian National Flag on all occasions when Strathfield Council is open for business.

The Aboriginal flag should be flown or displayed with the black at the top and the red at the bottom.

2.3 Council's website

That Council's website includes a section of the Aboriginal history of Strathfield Local Government Area and links to relevant organisations and government agencies.

Access to Information Policy

As at September 2017



ACCESS TO INFORMATION POLICY

RESPONSIBILITY	Corporate Strategy Coordinator		
DATE ADOPTED	1 July 2010	MINUTE	
REVISED	September 2017	REVIEW	2019
ECM No	1352080		
ASSOCIATED DOCUMENTS	Council's Agency Information Guide		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Government Information (Public Access) Act 2009</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>State Records Act 1998</i> 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Access to Information Policy*. This policy was adopted on 29 June 2010 by Council resolution and became operational on 1 July 2010. The following amendments have been made:

Type	Description	Authority
Amendment 1/1/2011	Council's GIPAA Publication Guide replaced and incorporates the access to information guideline. References to the "guideline" are changed to "publication guide" in this policy.	General Manager
Amendment 1/8/2012	Amendment to GIPA Act changed name of Publication Guide to Agency Information Guide. Policy amended accordingly.	General Manager
September 2017	Periodic review	Manager Corporate Services

1.2 Background and Purpose of Policy

Strathfield Council is committed to the following principles regarding public access to documents and information:

- open and transparent government
- consideration of the overriding public interest in relation to access requests
- proactive disclosure and dissemination of information
- respect for the privacy of individuals

1.3 Objectives of the policy

The objective of this policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with Council's Agency Information Guide.

1.4 Coverage of the Policy

This policy applies to councillors and council staff, as well as members of the public.

1.5 Definitions

Record – is any communication or document held by Council.

2.0 Policy

Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums.

Council publishes for inspection documents listed under Schedule 1 of the *Government Information (Public Access) Regulation 2009* held by it, unless there is an overriding public interest not to do so. Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other information as possible publicly available in an appropriate manner, including on the internet. Such information is also available free of charge or at the lowest reasonable cost.

Council's Agency Information Guide identifies the documents and types of information that are available for public access and any restrictions that may apply.

Some documents may require a formal access application in accordance with the *Government Information (Public Access) Act*. Council will assess all requests for access to documents and information in a timely manner and in accordance with relevant legislation. Council's Agency Information Guide sets out the processes for accessing information.

Depending upon the nature of the request and the form of access requested charges may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.

Council will assess requests for access to information with reference to:

- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*

- *Companion Animals Act 1998*

and any other relevant legislation and guidelines as applicable.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more manageable one.

Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of the case.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

Asbestos Management Policy

As at September 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>ASBESTOS MANAGEMENT POLICY</h1>		
RESPONSIBILITY	Environmental Services		
DATE ADOPTED	1 March 2011	MINUTE	44/11
REVISED	September 2017	REVIEW	2019
ECM No	1352081		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> Refer Appendix G of the policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> Refer Clause 3.4 of the policy 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Asbestos Management Policy*. This policy was adopted on 1 March 2011 by Council resolution (minute 44/11). The following amendments have been made:

Date	Type	Minute
30 April 2012	Administrative	Alterations due to new WH&S legislation
3 June 2014	Amendment – policy revised to comply with Model Asbestos Policy for NSW Councils	129/14
7 June 2016	Amendment – policy revised to comply with model standards	164/16

1.2 Council disclaimer

This policy was formulated to be consistent with council's legislative obligations and within the scope of council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.

2.0 Introduction

Strathfield Council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in council workplaces.

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

2.1 Purpose

This policy aims to outline:

- the role of council and other organisations in managing asbestos
- council's relevant regulatory powers
- council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- general advice for residents on renovating homes that may contain asbestos
- council's development approval process for developments that may involve asbestos and conditions of consent
- waste management and regulation procedures for asbestos waste in the LGA
- council's approach to managing asbestos containing materials in council workplaces
- sources of further information.

2.2 Scope

This policy applies to all of the Strathfield Local Government Area.

The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the NSW *Work Health and Safety Regulation 2011*). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW.
- *Code of practice on how to safely remove asbestos* published by WorkCover NSW (catalogue no. WC03561) published by WorkCover NSW.
- Additional guidance material listed in Appendix B.

Detailed information on Council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

3.0 Definitions

Definitions are provided in Appendix C.

4.0 Roles and responsibilities of Council

4.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

4.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.

4.3 Managing waste

Where Council is the appropriate regulatory authority, Council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

4.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where Council is the appropriate regulatory authority or planning authority:

- Demolition work code of practice 2015 (catalogue no. WC03841) Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land.

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which Council has a regulatory role in the safe management of asbestos are listed in Table 1.

Table 1: Situations in which Council has a regulatory role in managing asbestos

Issue	Council's role	Section of policy
Contaminated land	<ul style="list-style-type: none"> Record known asbestos site contamination on section 149 certificates where practicable and for Council workplaces, record on Council's asbestos register. Notify stakeholders of land use planning policy requirements relating to contamination. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> (excluding oversight of removal or remediation work which is the role of SafeWork NSW). 	Sections 5 and 6
Development assessment	<ul style="list-style-type: none"> Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i>. Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9. 	Section 9
Demolition	<ul style="list-style-type: none"> Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i>. Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. 	Section 9
Emergencies and incidents	<ul style="list-style-type: none"> Regulate the clean up of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of SafeWork NSW). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the <i>Protection of the Environment Operations Act 1997</i>. 	Section 7
Naturally occurring asbestos	<ul style="list-style-type: none"> Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for Council workplaces or road works which occur on land containing naturally occurring asbestos. 	Section 5
Residential premises	<ul style="list-style-type: none"> Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings. 	Section 9
Waste	<ul style="list-style-type: none"> Manage waste facilities in accordance with environmental protection legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials. 	Section 10

4.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 2011* and maintaining a safe work environment through Council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in Council premises.

These responsibilities are outlined in part 2.

5.0 Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

Part 1 – ASBESTOS IN THE LOCAL GOVERNMENT: INFORMATION FOR THE COMMUNITY

6.0 Naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the LGA.

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

6.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, Council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, NSW Department of Industry is the lead regulator.

6.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by WorkCover.

The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

6.2.1 Management of naturally occurring asbestos by Council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the Council workplace.

If naturally occurring asbestos is discovered in the LGA, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

7.0 Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

7.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean up notice to the occupier of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the *Protection of the Environment Operations Act 1997*).

Council may also issue prevention notices (under part 4.3 of the *Protection of the Environment Operations Act 1997*) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, Council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by Council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the *Protection of the Environment Operations Act 1997*). Council shall keep records of: tasks undertaken; the hours Council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment Council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the *Environmental Planning and Assessment Act 1979*. That is, Council will apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

Council provides information about land contamination on planning certificates (issued under section 149 of the *Environmental Planning and Assessment Act 1979*) as outlined in section 6.2.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and WorkCover are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

The management of Council workplaces contaminated with asbestos is outlined in section 14.4.

7.2 Finding out if land is contaminated

A person may request from Council a planning certificate containing advice on matters including whether Council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the *Environmental Planning and Assessment Act 1979*.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When Council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which Council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

Council may issue notices to land owners or occupiers requiring information about land it has reason to believe may be contaminated by asbestos using section 192 and section 193 of the *Protection of the Environment Operations Act 1997*.

7.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the *Contaminated Land Management Act 1997*). Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform Council of contaminated land matters relating to the LGA as required under section 59 of the *Contaminated Land Management Act 1997*.

7.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to Council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean up notice or prevention notice and compliance cost notice as noted in section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B 2(c) of the *Environmental Planning and Assessment Act 1979*). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under section 121M of the *Environmental Planning and Assessment Act 1979*). If a person fails to

comply with the terms of an order, Council may act under section 121ZJ of the *Environmental Planning and Assessment Act 1979* to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace then SafeWork NSW is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

8.0 Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This may include working with state agencies in accordance with the NSW Asbestos Emergency Plan and the Disaster Assistance Guidelines. This can create site contamination issues and potentially expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

8.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, Council may act under the *Environmental Planning and Assessment Act 1979* as outlined in section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to Council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Ensure that any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).

- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

8.2 Advice to the public regarding clean up after an emergency or incident

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where Council is involved in a clean up, Council may consider advising those in neighbouring properties to:

- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
- any other measures recommended by an occupational hygienist following assessment of the situation.

9.0 Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

10.0 Council's process for assessing development

This section applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or Council's complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but is categorised as exempt development under the *Environmental Planning and Assessment Act 1979* and does not require development consent. In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

10.1 Responsibilities for approving development

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either Council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Further information on demolition is provided in section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier's responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in section 9.7.

10.2 Providing advice to home owners, renovators and developers

Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment.
If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact Council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact SafeWork NSW with any queries as SafeWork NSW regulates asbestos removal by workers (as explained in section 9.4). Contact details for Council and SafeWork NSW are provided in Appendix E.

10.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to Council for a planning certificate (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including whether Council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, Council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the NSW *Work Health and Safety Regulation 2011*). This is highly advisable before undertaking major renovations to buildings constructed, or containing materials from prior to 2004.

Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.

Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).

The *Work Health and Safety Regulation 2011* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

10.4 Removing asbestos, refurbishments and demolitions

10.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by SafeWork NSW under the NSW *Work Health and Safety Regulation 2011*. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. SafeWork NSW is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, Council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the *NSW Work Health and Safety Regulation 2011*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW
- notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

10.4.2 Removing asbestos at workplaces

The *NSW Work Health and Safety Regulation 2011* specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. SafeWork NSW is the lead agency for regulating the safe management of asbestos at workplaces.

10.4.3 Obtaining approval for demolition

Demolition work is classified as high risk construction work in the *NSW Work Health and Safety Regulation 2011* and demolition licenses are required for some demolition work. The *Demolition work code of practice 2015* provides practical guidance on how to manage the risks associated with the demolition of buildings and structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to Council as to whether and what type of approval is required. Where a development application is required Council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning and Assessment Regulation 2000* provides mandatory conditions for complying development certificate applications.

Demolition of development that would be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is also exempt development and does not require consent. This includes minor structures such as carports, fences, sheds and the like.

10.5 Exempt or complying development

10.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

This means that there is no ability for Council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

10.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then SafeWork NSW would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to Council as outlined in section 11.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the *NSW Work Health and Safety Regulation 2011* as noted in section 9.4.1 of this policy.

10.6 Development applications

If a proposed building does not meet the requirements of exempt or complying development then the alternative planning approval pathway is a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the requirements of relevant environmental planning instruments and the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

10.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with Council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

10.6.2 Conditions of consent

1. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
2. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
3. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**

10.7 Compliance and enforcement

10.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either the local Council or a private certifier. A private certifier has powers under the *Environmental Planning and Assessment Act 1979* to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a Council is not nominated as the principal certifying authority for a complying development certificate or development application, the Council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the Council and the private certifier will be required.

Council may take action on any development for which Council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where Council receives a complaint about a development for which Council is not the principal certifying authority, Council should consider whether Council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

In relation to naturally occurring asbestos, Council is to verify compliance with environmental planning and assessment legislation and together with the EPA and SafeWork NSW is to coordinate enforcement where non-compliance is suspected.

10.7.2 Compliance strategies

Illegal works include:

- works that are undertaken without a required development consent or complying development certificate
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where Council becomes aware of illegal work involving asbestos or asbestos containing materials, Council will notify SafeWork NSW if the site is a workplace.

The *Environmental Planning and Assessment Act 1979* empowers Council to issue orders to direct specific work be undertaken to comply with a development consent.

Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to 'do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.'

Council may also issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council may audit asbestos-related demolition works which Council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

11.0 Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

11.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by SafeWork NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

11.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

11.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- (a) any part of any vehicle in which the person [transports](#) the waste is covered, and leak-proof, during the [transportation](#), and
- (b) if the waste consists of bonded asbestos material-it is securely packaged during the [transportation](#), and
- (c) if the waste consists of friable asbestos material-it is kept in a sealed container during [transportation](#), and
- (d) if the waste consists of asbestos-contaminated soils-it is wetted down.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste in NSW must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the *Protection of the Environment Operations Act 1997*). Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations). NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing this offence.

11.4 Disposing of asbestos waste at waste facilities

Strathfield Council does not operate waste facilities that accept asbestos waste. Some SITA sites accept asbestos wastes. However, special conditions apply due to health risks associated with handling these wastes. For more information about SITA's acceptance of asbestos please call SITA's Customer Service Centre on 13 13 35 or 1300 651 116.

Persons delivering waste to a landfill site must comply with the following requirements:

- a person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and these offences attract strong penalties.

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*).

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Waste) Regulation 2014* for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

11.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- on the spot fines of up to \$15,000
- prosecution for pollution of land of up to \$1 million for a corporation and \$120,000 for each day the offence continues (under section 142A of the *Protection of the Environment Operations Act 1997*), or
- up to \$1 million, or seven years imprisonment, or both for an individual (under section 119 of the *Protection of the Environment Operations Act 1997*).

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party. Local councils are the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*
- the activity was carried out by a public authority or the state, or
- the site is regulated by a different authority such as the Minister for Planning

A handbook to assist Aboriginal communities to prevent and arrange the clean up of illegal dumping (published by the EPA) is noted in Appendix B.

11.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, Council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 149 certificate).

12.0 Complaints and investigations

Complaints and inquiries may be directed to Council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to SafeWork NSW. Complaints and inquiries regarding licensed premises under the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- Council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping

- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

Complaints about Council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 –MANAGEMENT OF ASBESTOS RISKS WITHIN COUNCIL

13.0 Rights and responsibilities of workers at the Council workplace

13.1 Duties of Council workers at the Council workplace

13.1.1 The General Manager

The General Manager has a duty to exercise due diligence to ensure that Council complies with the NSW *Work Health and Safety Act 2011* and the NSW *Work Health and Safety Regulation 2011*. This includes taking reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

13.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

13.1.3 Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

- high pressured water spray (unless for fire fighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW *Work Health and Safety Regulation 2011*:

- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or
- any other implements that cause the release of airborne asbestos into the atmosphere.

13.2 Responsibilities of Council to Council workers

13.2.1 Council's general responsibilities

Council has general responsibilities under the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*. Accordingly Council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the *NSW Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the *Customs (Prohibited Imports) Regulations 1956*. If plant or other materials are imported from countries where asbestos is not yet prohibited, Council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

13.2.2 Education, training and information for workers

As required by the *NSW Work Health and Safety Act 2011* and *NSW Work Health and Safety Regulation 2011*, Council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of Council business
- ensure workers who Council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, Council shall be provided with access to a copy of this policy and information and training suitable to their role and the activity.

Workers may be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of Council's Asbestos Policy and any relevant procedures, or alternatively workers may note this in Council's electronic record keeping system.

Council may also provide information and training to Council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9.

Topics training may cover are outlined in the Code of practice on how to safely remove asbestos (catalogue no. WC03561).

Education and training will only be provided by appropriately accredited individuals.

Education and training may include both initial induction and ongoing reinforcement on a regular basis. Council may wish to provide examples of how education and training will be delivered and reinforced such as tool box meetings, general in-house training or on Council's intranet.

A record of asbestos training undertaken by each worker will be kept for a minimum of five years after the day the worker ceases to work for Council.

13.2.3 Health monitoring for workers

Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for Council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) and meet the requirements of the *NSW Work Health and Safety Regulation 2011* (part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the *NSW Work Health and Safety Regulation 2011* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

Council is committed to developing a health monitoring plan/ procedures based on the Code of practice on how to safely remove asbestos (catalogue no. WC03561) and part 8.5 Division 1 of the *NSW Work Health and Safety Regulation 2011*.

14.0 Identifying and recording asbestos hazards in the Council workplace

This section outlines how Council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

14.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the *NSW Work Health and Safety Regulation 2011*). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if Council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where Council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent Council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

14.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, Council will indicate the presence and location of the asbestos or asbestos containing material by a label.

14.3 Asbestos register

Council has an asbestos register which can be found on Council's Records Keeping Systems – Dataworks and is maintained by the Council's Buildings and Facilities Coordinator.

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the *NSW Work Health and Safety Regulation 2011* (clauses 425 – 428).

Council will ensure that any worker carrying out or intending to carry out work at a Council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

14.4 Suspected asbestos

If a worker suspects there is asbestos in a Council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, Council may need to respond immediately as outlined in section 15.

15.0 Managing asbestos-related risks in the Council workplace

15.1 Asbestos management plan

Council will prepare an asbestos management plan for asbestos in the council workplace. The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the *NSW Work Health and Safety Regulation 2011* clause 429.

15.2 Management options for asbestos-related risks in the Council workplace

Council's asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is

unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person

- leaving asbestos containing material in situ (deferring action).

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

15.3 Sites contaminated with asbestos that are Council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in Council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

15.4 Demolition or refurbishment of Council buildings and assets

Council will ensure that before any demolition or refurbishment of a Council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

15.5 Removal of asbestos in the Council workplace

Removal of asbestos or asbestos containing materials in the Council workplace will be undertaken in accordance with the:

- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*.

Council may also refer to the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the *NSW Work Health and Safety Regulation 2011* including the requirements to:

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, Council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)inform the person with management or

control of the workplace that the licensed asbestos removal work is to be carried out at the workplace

- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where Council is informed that asbestos removal work is to be carried out at the workplace, Council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the *NSW Work Health and Safety Regulation 2011*.

15.6.1 Removal by contractors

Where Council commissions the removal of asbestos at the workplace, Council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the *NSW Work Health and Safety Regulation 2011* that a licence is not required.

Where Council requires the services of asbestos removalists, Council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material.

Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.

The licensed asbestos removalist is to provide the following documentation prior to carrying out asbestos removal work:

- Asbestos removal control plan
- Public liability certificate of currency
- Workers compensation certificate of currency

SafeWork NSW confirmation details to carry out the removal work

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where Council becomes aware of any breaches by licensed asbestos removalists, Council will report this to SafeWork NSW.

15.6.2 Clearance inspections and certificates

Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.

16.0 Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by Council work and has, or could, become airborne, Council will act to minimise exposure of workers and the wider public to airborne asbestos. Council will:

- *stop works in the vicinity of the asbestos immediately*
- *inform the site supervisor immediately, inform necessary workers and record the incident*
- *evacuate the area*
- *provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident*
- *restrict access to the area and ensure only appropriately trained and equipped Council workers attend the site*
- *exclude the public from the site and provide information to the public if in a public area*
- *wet surfaces to reduce the dust levels*
- *prevent the spread of contamination by using wash down facilities*
- *provide information, training and supervision to all workers potentially at risk*
- *contact SafeWork NSW to report the disturbance. SafeWork NSW must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air*
- *implement an air monitoring program to assess asbestos exposure levels and specific risk control measures.*
- *liaise with or consult the appropriate agencies*
- *seek advice from an occupational hygienist*
- *follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561)*
- *ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation*
- *update the asbestos register and notify workers of any newly identified asbestos locations.*

17.0 Council's role in the disposal of asbestos waste

17.1 Responding to illegal dumping

Where Council commissions the removal of illegally dumped asbestos material or suspected asbestos material, Council will ensure this is undertaken in accordance with section 14.6.2.

Where Council becomes aware of illegally dumped asbestos material outside of Council's jurisdiction, Council will promptly notify the relevant authority.

17.2 Transporting and disposing of asbestos waste

Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

18.0 Advice to tenants and prospective buyers of Council owned property

Council may provide advisory notes to tenants and prospective buyers of Council owned property that is likely to contain asbestos.

Council may request that tenants in Council property:

- advise Council of any hazards relating to asbestos
- minimise damage to asbestos containing material
- co-operate with Council in facilitating any risk management work arranged by Council
- act on advice from Council to minimise risks from asbestos.

19.0 Implementing Council's asbestos policy

19.1 Supporting documents

The implementation of this policy is supported by Council's Conditions of Consent.

Council also has several internal documents that support this policy

- *asbestos register*
- *complaints handling procedures*
- *Council's existing risk assessment matrices and a risk controls checklist for asbestos*
- *incident report form*
- *maintenance and inspection schedules for council owned assets*
- *risk register*
- *safe work method statements/ safe operating procedures (SOPs) for asbestos handling and removal for council employees*

19.2 Communicating the policy

This is a publicly available policy. The policy is to be made available via:

- Council's Customer Service Centre at 65 Homebush Road Strathfield
- Council's website at <http://www.strathfield.nsw.gov.au>
- Council's electronic record keeping system ECM.

All employees shall receive information about the policy at induction from the People & Performance Coordinator.

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, Council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW *Work Health and Safety Regulation 2011*) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, Council.

19.3 Non-compliance with the policy

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

The appropriate supervisor, manager, director, or the General Manager, shall take action in the case on non-compliance with the policy and this may include providing education and training, issuing a verbal or written warning, altering the worker's duties, or in the case of serious breaches, terminating the worker's services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

20.0 Variations to this policy

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

Appendices

Appendix A – General information and guidance

1.0 What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at

www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

[http://www.health.gov.au/internet/main/publishing.nsf/content/FB262D7C35664103CA257420001F2D74/\\$File/asbestos.pdf](http://www.health.gov.au/internet/main/publishing.nsf/content/FB262D7C35664103CA257420001F2D74/$File/asbestos.pdf)

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2.0 Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. The map provided in Appendix L gives an indication of areas in NSW known to have naturally occurring asbestos.

Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining
- other excavation or construction activities
- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos.

The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

Inside

- insulation materials in heaters and stoves
- interior walls and sheeting
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may have moved to wall cavities, cornices and sub-floor areas)

- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances eg irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools – reinforcing marble swimming pools
- ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- bitumous waterproof membrane on flat roofs
- brake disc pads and brake linings
- cloth, tapes, ropes and gaskets for packing
- electrical switchboards and duct heater units
- fillers and filters
- fire doors
- lagging on pipes such as heater flues
- lift motor rooms
- pipes, casing for water and electrical/ telecommunication services
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- structural beams of buildings
- yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.

2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

3.0 Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure
- using compressed air on asbestos containing materials
- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs
- handling asbestos cement conduits or boxes
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- maintenance or servicing of materials from vehicles, plant or equipment.
- checking, removing or replacing ceiling insulation which contains asbestos.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying
- inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building
- site and construction work
- other excavation activities
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.

4.0 Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some cases, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.

Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)
www.epa.nsw.gov.au/illegaldumping/resources.htm

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW)
www.safework.nsw.gov.au/formspublications/publications/Pages/Choosinganasbestosconsultant.aspx

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arcansw.asn.au or by emailing: email@arcansw.asn.au. An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on **13 10 50**.

Asbestos waste

Advice about safely disposing of household asbestos waste can be found at:
www.epa.nsw.gov.au/managewaste/house-asbestos.htm

Asbestos waste disposal facility search function on the Asbestos Safety and Eradication Agency website:
www.asbestossafety.gov.au/search-disposal-facilities

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)
www.epa.nsw.gov.au/illegaldumping/resources.htm

Illegally Dumped Asbestos Clean Up Program (IDACUP): Council may become involved in clean up activities of illegally dumped asbestos waste. Where the responsible party is unknown, unavailable, unwilling (despite a legal obligation to do so) or unable to pay for clean up within the timeframe required to avoid or at least minimise harm to the environment or public health, Council may apply for funding under the IDACUP. Information about the IDACUP is available at www.environment.nsw.gov.au/grants/IDACUP.htm

Regional Illegal Dumping (RID) Squads: are regionally based teams that specialise in dealing with illegal dumping. The squads are funded by the EPA and the member local councils who opt to work together and pool resources to tackle illegal dumping.

RIDonline is a statewide illegal dumping database and reporting tool to assist councils and the EPA develop a comprehensive picture of the extent of illegal dumping in NSW. Members of the community can assist by reporting illegal dumping online through the RIDonline App, available for the public to download in February 2016.

For more information on illegal dumping and safely disposing of asbestos waste visit the EPA website:
www.epa.nsw.gov.au

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW)
www.safework.nsw.gov.au/data/assets/pdf_file/0017/18323/asbestos_recycled_construction_demolition_waste_2772.pdf

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2015 (EPA). www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Environment and EPA)
www.epa.nsw.gov.au/resources/clm/gu_contam.pdf

Emergency management

Guidance Material: Asbestos and Fire-damaged Buildings, 2015 (EPA)

www.epa.nsw.gov.au/resources/waste/asbestos/150044-asbestos-fire-damaged-buildings.pdf

NSW Asbestos Emergency Plan: The NSW Asbestos Emergency sub plan details the specific arrangements for the coordinated funding and management of asbestos debris during and following a larger scale emergency, being an event that requires a significant and coordinated response, where the presence of asbestos containing material in the community poses a significant risk to public health and safety.

www.emergency.nsw.gov.au/publications/plans/sub-plans/asbestos.html

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)

Available via email by contacting the enHealth Secretariat: enHealth.Secretariat@health.gov.au

Health

Asbestos and health risks fact sheet, 2007 (NSW Health)

www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx

Further advice concerning the health risks of asbestos can be obtained from your local public health unit.

Renovation and development

Asbestos: A guide for householders and the general public, Environmental Health Standing Committee (enHealth), Australian Health Protection Principal Committee, Canberra, 2013 (available at:

www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board)

www.bpb.nsw.gov.au/sites/default/files/public/Finalbuildingapproch.pdf

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW

www.safework.nsw.gov.au/_data/assets/pdf_file/0015/15216/how-to-manage-control-asbestos-workplace-code-of-practice-3560.pdf

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW

www.safework.nsw.gov.au/_data/assets/pdf_file/0016/15217/how-to-safely-remove-asbestos-code-of-practice-3561.pdf

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)

www.tenants.org.au/publish/factsheet-26-asbestos-lead/index.php

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

www.housing.nsw.gov.au/NR/rdoonlyres/F4E1131F-2764-4CB1-BC07-98EB6C594085/0/Asbestos.pdf

Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by WorkCover NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*.

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. actinolite asbestos
- a. grunerite (or amosite) asbestos (brown)
- b. anthophyllite asbestos
- c. chrysotile asbestos (white)
- d. crocidolite asbestos (blue)
- e. tremolite asbestos
- f. a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

- g. work involving the removal of asbestos or asbestos containing material, or
- h. Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by

or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- i. a certification in relation to the specified VET course for asbestos assessor work, or
- j. a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

complying development certificate

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- k. the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- l. the removal of power, light or telecommunication poles.

development means:

- m. the use of land
- n. the subdivision of land
- o. the erection of a building
- p. the carrying out of a work
- q. the demolition of a building or work
- r. any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

development application means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- s. the Ambulance Service of NSW
- t. Fire and Rescue NSW

- u. the NSW Rural Fire Service
- v. the NSW Police Force
- w. the State Emergency Service
- x. the NSW Volunteer Rescue Association Inc
- y. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- z. an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- aa. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- bb. contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- cc. not involved in the removal of the asbestos
- dd. not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:

- ee. to carry out air monitoring during Class A asbestos removal work
- ff. to carry out clearance inspections of Class A asbestos removal work
- gg. to issue clearance certificates in relation to Class A asbestos removal work, or
 - in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the NSW *Work Health and Safety Act 2011*

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:

- hh. is less than three micrometres wide
- ii. more than five micrometres long
- jj. has a length to width ratio of more than 3:1.

specified VET course means:

- kk. in relation to Class A asbestos removal work – the following VET courses:
 - remove non-friable asbestos
 - remove friable asbestos, or
- ll. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- mm. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
- nn. in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- oo. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- pp. any component of a structure
- qq. part of a structure
- rr. volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or

- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- ss. an employee, or
- tt. a contractor or subcontractor, or
- uu. an employee of a contractor or subcontractor, or
- vv. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- ww. an outworker, or
- xx. an apprentice or trainee, or
- yy. a student gaining work experience, or
- zz. a volunteer, or
- aaa. a person of a prescribed class.

workplace a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training

Appendix E – Relevant contacts

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759
Helpline: 1800 006 196
Email: info@adfa.org.au
Website: www.adfa.org.au

Asbestos Diseases Research Institute

Phone: (02) 9767 9800
Email: info@adri.org.au
Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9338 1635
Email: admin@aioh.org.au
Website: www.aioh.org.au

Dust Diseases Authority

Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: DDAenquiries@icare.nsw.gov.au
Website: www.icare.nsw.gov.au

Environment Protection Authority (EPA)

Phone: (02) 9995 5000
Environment line: 13 15 55
Email: info@epa.nsw.gov.au
Website: www.epa.nsw.gov.au/epa

Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact:

Asbestos Removal Contractors Association NSW

PO Box Q1882
Queen Victoria Building
NSW 1230
Email: email@arcansw.asn.au
Website: www.arcansw.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting SafeWork NSW's Certification Unit Phone: **13 10 50**

Civil Contractors Federation (CCF)

Phone: (02) 9009 4000
Email: ccfnsw@ccfnsw.com
Website: www.ccfnsw.com/

Local Government NSW

Phone: (02) 9242 4000
Email: lgnsw@lgnsw.org.au
Website: www.lgnsw.org.au

NSW Ombudsman

Phone: (02) 9286 1000
Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW

Phone: 131 601

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333

Website: www.hia.com.au/

Local Government Training Institute

Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000

Website: www.comet-training.com.au/site

Master Builders Association (MBA)

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

SafeWork NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885

Website: www.safework.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

There are no waste management facilities in the Strathfield Local Government Area that accept asbestos waste. Some SITA sites accept asbestos wastes. However, special conditions apply due to health risks associated with handling these wastes. For more information about SITA's acceptance of asbestos please call SITA's Customer Service Centre on 13 13 35 or 1300 651 116.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is listed below and also available on the EPA website at: <http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm>

Jacks Gully Waste and Recycling Centre	1300 651 116	275 Richardson Road, Spring Farm, NSW 2750
Elizabeth Drive Landfill Kemps Creek	1300 651 116	1725 Elizabeth Drive, Kemps Creek, NSW, 2178
Blaxland Waste Management Facility	(02) 4780 5000	Attunga Road, Blaxland, 2774
Eastern Creek Waste Management Centre	1300 65 1116	Wallgrove Road, Eastern Creek, 2766
Genesis Xero Waste - Landfill and Recycling	(02) 9832 3333	Honeycomb Dr, Eastern Creek (off Wonderland Dr), 2766
Horsley Park Waste Management Facility	(02) 9620 1944	716-56 Wallgrove Rd, Horsley Park, 2175
Kimbriki Recycling and Waste disposal centre	(02) 9486 3512	Kimbriki Rd, Terrey Hills, 2084
Lucas Heights Waste & Recycling Centre	1300 65 1116	New Illawarra Rd, Lucas Heights, 2234
Wetherill Park Resource Recovery Facility	1300 65 1116	20 Davis Rd, Wetherill Park, 2164

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: <http://www.epa.nsw.gov.au/managewaste/house-asbestos-land.htm> Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.

Appendix G – Asbestos-related legislation, policies and standards

- *Demolition work code of practice 2015* (catalogue no. WC03841)*Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Code of practice for demolition work* published by Safe Work Australia, 2012
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014**Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*
- *Workers' Compensation (Dust Diseases) Act 1942.*

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Environment (DPE)

DPE's primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

Whilst DPE does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (ie it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Dust Diseases Authority (DDA)

The Dust Diseases Authority provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDA's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependants
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education.

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*. Clauses 77 through to 81 of the *Protection of the Environment Operations (Waste) Regulation 2014* set out the special requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Maritime Services and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by SafeWork NSW with senior officials from:

- Department of Industry
- Department of Planning and Environment
- Dust Diseases Authority
- Environment Protection Authority
- Local Government NSW
- Ministry of Health
- Office of Emergency Management
- Office of Local Government.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website: www.safework.nsw.gov.au.

Local Government NSW (LGNSW)

Local Government NSW (LGNSW) is the peak body for councils in NSW. LGNSW represents all NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

In 2012, LGNSW commenced a project funded by SafeWork NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgnsw.org.au

NSW Department of Industry

The NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) leads the state government's contribution to making NSW:

- a fertile place to invest and to produce goods and services, and thereby
- create jobs and opportunities for our citizens

The NSW Department of Industry also has responsibilities for:

- skill formation and development to match industry demand
- partnering with stakeholders in stewardship and sustainable use of the state's natural resources; and
- supporting economic growth in the regions.

Within the Division of Resources & Energy in the Department, the Geological Survey of NSW teams of field geologists, geophysicists, mineral geoscientists and palaeontologists and geospatial specialists produce a range of maps. Geological mapping records the distribution of rock types and location of structures at or near the Earth's surface. The maps have applications to land use assessment, engineering construction, environmental management and natural hazard risk assessment.

The Geological Survey of NSW prepared the state-wide mapping of naturally occurring asbestos (NOA) in NSW for the Heads of Asbestos Coordination Authorities.

NSW Ministry of Health

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be

aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

Office of Fair Trading and the Building Professionals Board (BPB)

NSW Fair Trading safeguards the rights of all consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace.

NSW Fair Trading is establishing a Loose-Fill Asbestos Implementation Taskforce responsible for overseeing and implementing the NSW Government Voluntary Purchase and Demolition Program for properties containing loose-fill asbestos insulation. The Loose-Fill Asbestos Implementation Taskforce will be in place until work is completed on the purchase and demolition of all properties that choose to participate in the Program.

The Building Professionals Board (BPB) is now part of Fair Trading and oversees building and subdivision certification. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

Office of Local Government

The Office of Local Government is responsible for local government across NSW. The Office's organisational purpose is to 'Strengthen Local Government' and its organisational outcome is 'Fit for the future councils leading strong communities'.

The Office has a policy, legislative, investigative and program focus in matters ranging from Local Government finance, infrastructure, governance, performance, collaboration and community engagement. The Office strives to work collaboratively with the Local Government sector and is the key adviser to the NSW Government on Local Government matters.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at: www.SafeWorkNSW.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx

National organisations

Asbestos Safety and Eradication Agency

The Asbestos Safety and Eradication Agency was established in 2013 to provide a national focus on asbestos issues which go beyond workplace safety to encompass environmental and public health issues. The agency's objective is to eliminate asbestos-related disease in Australia.

The agency has broad functions under its legislation, including:

- reporting on the implementation of the National Strategic Plan on Asbestos Awareness and Management (NSP); reviewing and amending the NSP as required and promoting the NSP
- providing advice to the Minister about asbestos safety
- liaising with all levels of government, agencies or bodies about the implementation of the NSP; as well as asbestos safety in general; and
- commissioning, monitoring and promoting research about asbestos safety.

The agency administers the National Asbestos Exposure Register which was created to record the details of members of the community who may have been exposed to asbestos. Registration forms are online at <https://www.asbestossafety.gov.au/national-asbestos-exposure-register>.

The agency also maintains a national database for asbestos disposal facilities, which members of the public can search to identify their nearest facility that accepts asbestos waste, available online at <https://www.asbestossafety.gov.au/search-disposal-facilities>

Councils interested in finding out more about the agency, updating information listed on the disposal database, or receiving information, flyers or brochures for distribution within the LGA should contact the agency at enquiries@asbestossafety.gov.au.

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Website: www.health.gov.au/internet/main/publishing.nsf/content/ohp-environ-enhealth-committee.htm

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces.

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local council, owner of property or NSW Police – crime scene following a minor incident	Local council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring asbestos part of a mineral extraction process	NSW Department of Industry	Local council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	NSW Department of Industry EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local council

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: <ul style="list-style-type: none"> • identification • in situ management • removal requirements • disposal requirements. 	Local council Private Certifiers	WorkCover NSW EPA
Site contaminated due to past uses	Local council	WorkCover NSW EPA
Licensed removal work required	WorkCover NSW	Local council Private Certifiers
Removal does not require a licensed removalist	Local council Private Certifiers	WorkCover NSW (workers)
Transport or waste disposal issues	Local council	EPA
Derelict property with fibro debris	Local council or Multi- agency	Multi- agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local council	EPA WorkCover NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	WorkCover (worksites) EPA and Local council (non-worksites)	
Waste transported by vehicle	EPA	WorkCover
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid council development consent	Local council (consent required to dispose onsite) (section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Customs and Border Protection Service	WorkCover NSW Department of Education, Employment and Workplace Relations

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	WorkCover NSW	Australian Customs and Border Protection Service Australian Competition and Consumer Commission (Imported Goods)
Risks to the health of workers	WorkCover NSW	
Asbestos management and asbestos going to be removed	WorkCover NSW Department of Trade and Investment, Regional Infrastructure and Services (mine sites)	
Risks to the health of the public from worksites	WorkCover NSW (Risks to workers) Local council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	WorkCover NSW	
Transport or waste disposal issues	EPA	WorkCover NSW Local council
Asbestos contaminated clothing going to a laundry	WorkCover NSW	EPA Local council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local council

Appendix J – Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Source: NSW Government, 2011, *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*.

Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)

Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

Source:

NSW Taskforce Report: Loose-Fill Asbestos Insulation in NSW Homes (2015)

http://www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/Tenants_and_home_owners/Loose_Fill_Abestos_Taskforce_Report.pdf (accessed October, 2015).

Asbestos containing materials that may be found in various settings (non-exhaustive list)

A

Air conditioning duct, in the exterior or interior acoustic and thermal insulation

Arc shields in lift motor rooms or large electrical cabinets

Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats

Asbestos ceiling tiles

Asbestos cement conduit

Asbestos cement electrical fuse boards

Asbestos cement external roofs and walls

Asbestos cement in the use of form work for pouring concrete

Asbestos cement internal flues and downpipes

Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers

Asbestos cement pieces for packing spaces between floor joists and piers

Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc

Asbestos cement render, plaster, mortar and coursework

Asbestos cement sheet

Asbestos cement sheet behind ceramic tiles

Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards

Asbestos cement sheet internal walls and ceilings

Asbestos cement sheet underlay for vinyl

Asbestos cement storm drain pipes

Asbestos cement water pipes (usually underground)

Asbestos containing laminates, (such as Formica) used where heat resistance is required

Asbestos containing pegboard

Asbestos felts

Asbestos marine board, eg marinate

Asbestos mattresses used for covering hot equipment in power stations

Asbestos paper used variously for insulation, filtering and production of fire resistant laminates

Asbestos roof tiles

Asbestos textiles

Asbestos textile gussets in air conditioning ducting systems

Asbestos yarn

Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)

Bituminous adhesives and sealants

Boiler gaskets

Boiler insulation, slabs and wet mix

Brake disc pads

Brake linings

C

Cable penetration insulation bags (typically Telecom)

Calorifier insulation

Car body filters (uncommon)

Caulking compounds, sealant and adhesives

Cement render

Chrysotile wicks in kerosene heaters

Clutch faces

Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings

Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation

Electric hot water services (normally no asbestos, but some millboard could be present)

Electric light fittings, high wattage, insulation around fitting (and bituminised)

Electrical switchboards see Pitch-based

Exhausts on vehicles

F

Filler in acetylene gas cylinders

Filters: beverage wine filtration

Fire blankets

Fire curtains

Fire door insulation

Fire-rated wall rendering containing asbestos with mortar

Fire-resistant plaster board, typically on ships

Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry

Flexible hoses

Floor vinyl sheets

Floor vinyl tiles

Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations

Limpet asbestos spray insulation

Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings
Pipe insulation including moulded sections, water-mix type, rope braid and sheet
Plaster and plaster cornice adhesives
Pipe insulation: moulded sections, water-mix type, rope braid and sheet
Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings
Refractory tiles
Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts
Sealant or mastik on windows
Sealants and mastik in air conditioning ducting joints
Spackle or plasterboard wall jointing compounds
Sprayed insulation: acoustic wall and ceiling
Sprayed insulation: beams and ceiling slabs
Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels
Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing
Tapered ends of pipe lagging, where lagging is not necessarily asbestos
Tilux sheeting in place of ceramic tiles in bathrooms
Trailing cable under lift cabins
Trains: country – guards vans – millboard between heater and wall
Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods
Woven asbestos cable sheath

Source: *Environmental health notes number 2 guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services).

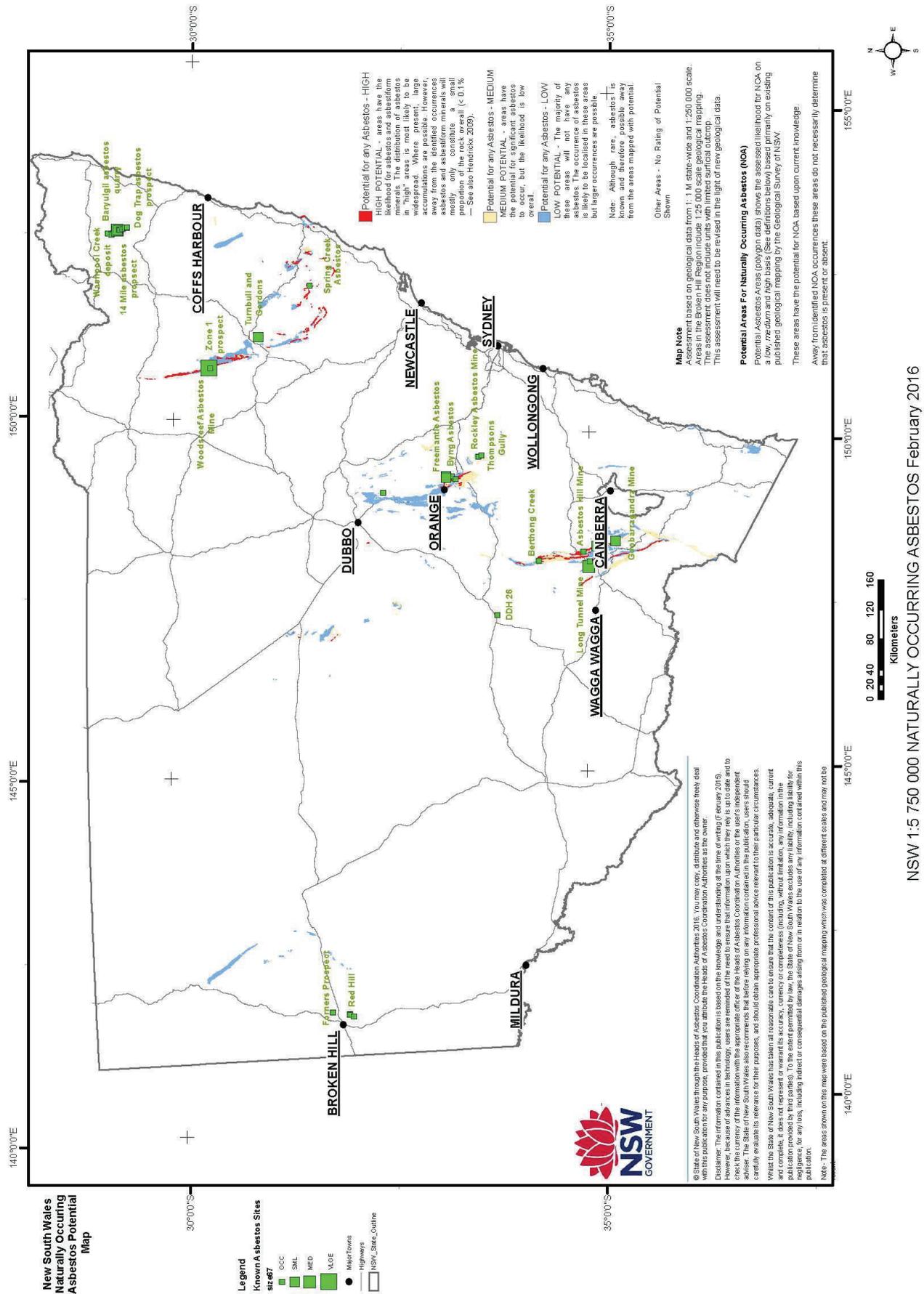
http://www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	<p>Can remove any amount or quantity of asbestos or asbestos containing material, including:</p> <ul style="list-style-type: none"> • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust • any amount of non-friable asbestos or asbestos containing material.
Class B	<p>Can remove:</p> <ul style="list-style-type: none"> • any amount of non-friable asbestos or asbestos containing material <p>Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material.</p> <ul style="list-style-type: none"> • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. <p>Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.</p>
No licence required	<p>Can remove:</p> <ul style="list-style-type: none"> • up to 10 m² of non-friable asbestos or asbestos containing material • asbestos containing dust that is: <ul style="list-style-type: none"> ○ associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material ○ not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50.

Appendix L – Known areas of naturally occurring asbestos



NSW 1:5 750 000 NATURALLY OCCURRING ASBESTOS February 2016

Asset Management Policy

As at September 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>ASSET MANAGEMENT POLICY</h1>		
RESPONSIBILITY	Asset Engineer		
DATE ADOPTED	3 April 2012	MINUTE	57/12
REVISED	September 2017	REVIEW	2019
ECM No	1352083		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Office of Local Government Planning and Reporting Manual and Guidelines (2013) • International Infrastructure Management Manual Version 3.0 (2006) 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2005</i> 		
ASSOCIATED GUIDELINES			

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Asset Management Policy*. This policy was adopted on 3 April 2012 by Council resolution (minute 57/12). The following amendments have been made:

Date	Type	Minute
2 December 2014	Revision	320/14

1.2 Background and Purpose of Policy

The charter of local government established in the *Local Government Act 1993* provides a set of principles that guide councils in the carrying out of their functions. In connection with asset management, the charter states that Council must:

- provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- have regard to the long term and cumulative effects of its decisions
- bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- engage in long-term strategic planning on behalf of the local community.

The purpose of this policy is to guide the strategic management of Council's assets to ensure the sustainability, equity and affordability of Council's service delivery for present and future Strathfield communities.

In 2009, the *Local Government Act* was amended to establish the integrated planning and reporting framework, which requires that council develops resourcing strategies, including asset management, to support strategies set out in the Community Strategic Plan and Delivery Program. Underpinning the planning and reporting framework is the need for council to take a long-term view when making decisions and the need to consider social, economic and environmental and civic leadership outcomes, also known as the 'quadruple bottom line (QBL)'. Asset Management Strategies must include an Asset Management Policy.

1.3 Objectives of the policy

The objectives of the policy is to set out a framework for implementing consistent asset management processes and ensure that adequate provision is made for long-term and sustainable asset management, which requires that:

- assets are managed in accordance with relevant legislation, best practice, appropriate accounting standards and reporting requirements
- assets management reflects the community's vision and priorities and is integrated with Council's Community Strategic Plan and Delivery Program
- an asset 'whole of life cost' approach is taken to asset management in the development of operational, maintenance, renewal, augmentation and investment
- asset management is measured against defined levels of service
- "quadruple bottom line" (QBL) sustainability outcomes are considered in development of strategies and policies.

1.4 Coverage of the Policy

This policy applies to all assets owned or controlled by Council and forms part of the resourcing strategy which supports Council's Community Strategic Plan 'Strathfield 2025' whilst meeting the outcomes of the integrated planning and reporting framework in accordance with the *Local Government Act* and Office of Local Government's Integrated Planning and Reporting Guidelines and Manual.

1.5 Definitions

"Asset" is a physical component of a facility which has value and enables services to be provided¹. For the purposes of this policy Council 'assets' are infrastructure assets and include but are not limited to:

- buildings
- roads and associated infrastructure
- drainage and stormwater infrastructure
- public open space and facilities such as playgrounds and sportsfields

“Asset Management” is the combination of management, financial, economic, engineering, and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective mannerⁱⁱ.

“Asset Management Strategy” is a strategy for asset management covering the development and implementation of plans and programs for asset creation, operation, maintenance, rehabilitation/replacement, disposal, and performance monitoring to ensure that the desired level of service and other operational objectives are achieved at optimum costⁱⁱⁱ.

“Level of Service” is the defined service quality for a particular service against which service performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, statutory functional requirements, environmental, acceptability and cost^{iv}.

“Life Cycle” is the cycle of activities that an asset (or facility) goes through while it retains an identity as a particular asset ie from planning and design through to decommissioning or disposal^v. It should be noted that infrastructure assets may have an indeterminate life and as such this definition may not apply.

“Strathfield 2025” is Council’s Community Strategic Plan. This plan is Council’s highest level plan that identifies the community’s priorities and aspirations for the future and the plan strategies for achieving these goals.

“Sustainability” for the purposes of this policy means Quadruple Bottom Line (QBL) - economic, environmental, social and civic leadership considerations that underpin Council’s strategic and resourcing strategies.

2.0 Policy Statement

Strathfield Council owns and/or operates a significant portfolio of assets. As custodian of the assets, Council is responsible for establishing and implementing optimal asset management strategies and practices that enable the assets to be sustained and related levels of service acceptable to the community to be provided at the minimal life cycle cost (LCC) whilst controlling exposure to risk and loss.

In order to achieve this, Council is committed to the following principles:

- Asset management strategy and planning will integrate with and support the vision, desired outcomes and objectives of the Community Strategic Plan “Strathfield 2025”, Delivery Program and Council policies and procedures.
- Development of asset management strategies will reflect the infrastructure requirements of present and future members of our community.
- ‘Whole of life’ costs will be used as basis for making decisions regarding asset acquisition, use, replacement, maintenance and disposal. Life cycle costs will be

considered in all decisions relating to new services and assets as well as upgrading existing services and assets.

- Council provided infrastructure will be planned, designed, constructed, costed and maintained to ensure that the management of the infrastructure is sustainable.
- That third party agreement for use of Council's infrastructure such as Council facilities will include provisions that recognise and support sustainable management of the relevant asset.
- That a strategic and systematic approach to asset management that meets legislative requirements, embraces industry standards and best practice will be applied throughout Council.
- Councillors are responsible for ensuring that sufficient resources are applied to manage Council's assets and the longer term and cumulative effect of decision making is considered when determining Council policy, plans and strategies.
- The General Manager and/or authorised officers are responsible for the managing the assets in accordance with this Policy, Council's adopted Asset Management Strategy, and related Asset Management Plans.
- Assets will be accounted for in accordance with the requirements of the appropriate accounting standards and reporting requirements
- Council will develop and review its Asset Management Plans on a minimum four year cycle.
- Council will maintain and update its asset management system (AssetFinda) with comprehensive information of all infrastructure assets.
- Council's asset management capabilities will be regularly reviewed and improved through necessary advances in technology, systems and processes and training

ⁱ *International Infrastructure Management Manual Version 3.0 (2006)*

ⁱⁱ *Manual (2006) as in n.1 above*

ⁱⁱⁱ *Manual (2006) as in n.1 above*

^{iv} *Manual (2006) as in n.1 above*

^v *Manual (2006) as in n.1 above*

Business Ethics Policy

As at September 2017



BUSINESS ETHICS POLICY

RESPONSIBILITY	Corporate Services		
DATE ADOPTED	6 February 2007	MINUTE	20/07
REVISED	September 2017	REVIEW	2019
ECM No	1352084		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Access to Information Policy • Code of Conduct • Complaints Handling Policy • Gifts and Benefits Policy • Media and Corporate Presentation Policy • Procurement Policy • Records Management Policy • Secondary Employment Policy • Sponsorship Policy • Work Health & Safety Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Independent Commission Against Corruption (ICAC) Act 1998</i> • <i>Local Government Act 1993</i> • <i>Work Health and Safety Act 2011</i> • <i>Privacy and Personal Information Act (PPIPA) 1998</i> • <i>Public Interest Disclosures Act 1994</i> 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Business Ethics Policy*. This policy was adopted on 6 February 2007 by Council resolution (minute 20/07). The following amendments have been made:

Date	Type	Minute
6 February 2007	Adoption	20/07
6 April 2010	Revision	88/10
24 August 2012	Policy amended as legislation changed eg OH&S and Protected Disclosures Acts were replaced and/or amended.	Administrative amendment
7 May 2013	Policy amended due to adoption of new Code of Conduct	85/13
September 2017	Periodic revision	Administrative amendment

1.2 Background and Purpose of Policy

This policy outlines the ethical standards required of tenderers, suppliers, consultants and contractors engaged by Strathfield Council. This policy guideline exists concurrently with the legislative, regulatory and other policy requirements, notably Council's Code of Conduct, which controls or affects the business of Council.

1.3 Objectives of the policy

The objectives of this policy are to:

- set out the ethical standards expected of Council's suppliers and business partners
- encourage compliance with Council's ethical standards
- provide guidance on complaints and reporting processes

1.4 Coverage of the Policy

This policy applies to councillors and council staff as well as tenderers, suppliers, contractors and consultants and their sub-contractors/employees.

2.0 Policy Statement

2.1 Preamble

Strathfield Council is committed to conducting business professionally at all times and to the highest ethical standards, so that the community has confidence and trust in Council's business dealings, services and decision making.

Strathfield Council is committed to our Code of Conduct that set outs the standards for ethical behaviour of Council officials, which includes Councillors and Council employees. Council expects all council officials and representatives to act honestly, transparently and responsibly in their decision making and business partnerships. It is also expected that Council's business partners, including suppliers, tenderers, contractors and consultants, understand our requirements and comply with these standards of behaviour in their dealings with Council.

2.2 Council's values and commitments to our community

In addition to the principles in the *Local Government Act*, Strathfield Council has adopted a statement of values which expresses our commitment to servicing the community.

- Integrity: We will maintain our reputation for honesty and integrity and our ability to fulfil our promises. It is this concept by which all our actions are based and by which we are happy for our actions to be judged.
- Respect: We show respect to those we deal with both inside and outside of the Council
- Teamwork: We approach all our work as a team, sharing our skills and resources for our client's benefit. We value the health and safety of our people.
- Professionalism: We value our clients and are accountable for the work we do with them.

These values are reflected in our actions and decision making processes.

2.3 What you can expect from Strathfield Council

In all business dealings Council expects Councillors and staff to observe the highest standards of ethical, probity and professional conduct. This includes:

- acting honestly and with impartiality at all times
- conforming with all legal obligations
- not engaging in practices that give one party an improper advantage over another
- being prepared to attest to probity, and not engaging in any form of collusive practice, including offering or taking inducements, gifts, benefits or fixing of prices etc
- protecting confidential information
- clearly specifying all requirements and criteria for evaluation and responding promptly to requests for advice and information
- immediately disclosing and managing potential conflict of interests
- being responsible for our own safety and that of others
- enhancing and protecting the environment
- reporting to Council's General Manager any suspected breaches of these ethical standards.

2.4 What we expect from our business partners

Strathfield Council requires that all private sector providers of goods and services observe the following principles when doing business with Council:

- act ethically, fairly and honestly in all dealings with the Council
- respect the conditions set out in documents supplied by Council, including complying with relevant Council policies and procedures
- abstain from collusive practices and not act secretly or fraudulently
- provide accurate and reliable advice and information when required
- declare actual, potential or perceived conflicts of interest as soon as you become aware of them
- respect the obligation of Council staff to abide by Council's Code of Conduct and other policies
- take all reasonable measures to prevent the disclosure of confidential Council information.
- refrain from lobbying or canvassing Councillors or members of staff during the tender process
- refrain from offering Council employees, Councillors and/or members of their immediate families any cash or cash like gifts, financial or other inducements which may give any impression of unfair advantage.
- refrain from discussing Council business or dealings in the media, except with Council's consent.
- assist the Council to prevent unethical and fraudulent practices in our business relationships.
- deliver value for money
- report to Council's General Manager any suspected breaches of these ethical standards

2.5 Why you need to comply

Strathfield Council requires all business partners to comply with this policy. Compliance with our policy will assist our suppliers of goods and services to advance their business objectives and interests in a fair and ethical manner.

Business partners who engage in any unethical or illegal (including corrupt) behaviour could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matters being referred for criminal investigation

Consequences for Councillors, staff and volunteers not complying with Council's Code of Conduct may include:

- loss of civic office
- investigation
- disciplinary action
- dismissal
- potential criminal charges

3.0 Additional things you need to know

3.1 Gifts or Benefits

Anyone wanting to do business with Council must understand that business practices common in the private sector such as offering of gifts, benefits and incentives is not permitted at Strathfield Council.

Under no circumstances will a gift of cash or cash-like gift such as gift vouchers, credit cards, debits cards with credit on them, memberships or entitlements to discounts be accepted.

As offering of gifts and benefits may be perceived as an attempt to unfairly influence decisions and services, Council expects Councillors and Council staff to decline gifts or benefits.

Council employees and councillors who are offered any gift or benefit must immediately inform the General Manager in writing.

Gifts and benefits are recorded in Council's Gift Register and Benefits Register.

3.2 Conflicts of Interests

If an actual, perceived or potential conflict of interest in your work with Council exists or arises, you must disclose it to the Council. A conflict of interest arises if your financial, business or personal interests or those of other people close to you such as family or personal relationships or your affiliation with groups or associations, conflict with your obligations to the Council.

3.3 Media and Public Comments

You must not make any public comment or statement that would lead anyone to believe that you are expressing the views or policies of Council.

This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

3.4 Communications

All communication between Council and its business partners should be clear, direct and accountable to minimise the risk of perception of inappropriate conduct.

3.5 Confidentiality of Information

All Council information must be treated as confidential unless otherwise indicated in writing.

In dealing with Council information:

- you must take care to maintain the security of any confidential or personal information you become aware of in your work with the council.
- you must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with the Council. Personal information is any information about an individual that discloses identity or where identity can be reasonably ascertained
- no one should access, use or remove from Council workplaces or premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- any breach of the security, or misuse, of the council's confidential or personal information must be reported to the Council's General Manager.

Council officials are required to protect confidential information, only use confidential information for the purpose it is intended to be used and not use confidential information for the purpose of securing a private benefit for themselves or any other person.

Requests for access to Council information will be managed in accordance with Council's *Access to Information Policy* and associated procedures.

3.6 Use of Council Resources

Council's equipment, resources and information should only be used for its proper official purpose.

3.7 Contracting Employees

All contracted and sub-contracted employees are expected to comply with Council's *Business Ethics Policy*. If you employ sub-contractors in your work for Council you must make them aware of this policy.

3.8 Intellectual Property Rights

In business relationships with Council, parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

3.9 Harassment and Discrimination

Council officials and its business partners must not harass, discriminate against, or support others who harass and discriminate against other contractors, employees or members of the public. This includes, but is not limited to, harassment and discrimination on the grounds of gender, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, sexuality or transgender.

3.10 Sponsorship

Strathfield Council seeks and receives requests for financial and/or in kind sponsorship from organisations, businesses or individuals to support specific events, promotions or other activities of Council. All sponsorship arrangements must comply with Council's *Sponsorship Policy*. It is essential that any sponsorship does not limit the Council's ability to carry out its functions fully and impartially nor will sponsorship influence a Council decision.

3.11 Secondary Employment

Council's business partners should not make offers of employment to Council staff, which may be publicly perceived to obtain an unfair advantage.

Council staff are not permitted to engage in outside employment or business that:

- conflicts with official duties
- interferes with Council work
- adversely affects work performance
- involves using confidential information or Council resources obtained through work with Council.

Council employees must be approved by the General Manager for any form of secondary employment. Failure to obtain approval may result in disciplinary action or dismissal of employment.

3.12 Tendering

Council's tendering process does not permit applicants to canvass or lobby councillors or contact council staff other than the advertised contact person. Any action or contact that may be considered as an attempt to influence a decision of Council's staff or councillors shall disqualify the relevant tender applicant.

4.0 Complaints

Complaints regarding Council service should be lodged in accordance with Council's *Complaint Handling Policy*. Complaints regarding matters relating to contractual arrangements with Council should be raised in the first instance with the Manager responsible for the operational administration.

If these remain unresolved, complaints can be forwarded to Council's General Manager.

4.1 Reporting breaches of this policy

Council encourages the reporting of corrupt conduct, maladministration, fraud or serious waste of public funds. Council undertakes to deal with all reports or enquiries in a prompt, professional and confidential manner. Reports regarding Council's ethical standards should be made to:

The General Manager.
Strathfield Council
PO Box 120
STRATHFIELD NSW 2135

Further information on Council's policies, including the Code of Conduct can be obtained from Council's Customer Service Centre at 65 Homebush Road Strathfield, website: www.strathfield.nsw.gov.au, phone: (02) 9748 9999, fax: (02) 9764 1034 or email: council@strathfield.nsw.gov.au

Alternatively reports of any suspected corruption can be made to Independent Commission Against Corruption (ICAC) or for maladministration to the NSW Ombudsman.

4.2 Protected Disclosures

Disclosures about corrupt conduct, maladministration or waste of public funds are protected under the *Public Interest Disclosures Act 1994*.

Persons who report unethical behaviour that is conduct covered by this Act can seek protection from any reprisal or detrimental action.

DECLARATION OF BUSINESS ETHICS

Council's Business Ethics Policy provides an outline of the ethical framework within which Council operates. It reinforces Council's values for conducting business as well as stating what Council expects from its public sector and business partners.

As a prospective business partner, it is a requirement that you have reviewed Council's Business Ethics Policy and understand the need to abide by it when conducting business with, or on behalf of, Council.

DECLARATION

I, _____
(name and position of person making declaration)

of _____
(name of firm, company, partnership, corporation, association or other organisation or entity)

have reviewed Council's Business Ethics Policy and declare that

(name of firm, company, partnership, corporation, association or other organisation or entity)

and any parent, subsidiary or franchisee of

(name of firm, company, partnership, corporation, association or other organisation or entity)

agree to abide by the principles contained therein

(Signature of person making declaration)

(Date)

CCTV on Public Land Policy

As at September 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>CCTV ON PUBLIC LAND POLICY</h1>		
RESPONSIBILITY	Community Services Manager		
DATE ADOPTED	7 February 2012	MINUTE	13/12
REVISED	September 2017	REVIEW	2019
ECM No	1352087		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Access to Information Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Government Information (Public Access) Act 2009</i> • <i>Local Government Act 1993</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>State Records Act 1998</i> • <i>Surveillance Act 2007</i> • <i>Workplace Surveillance Act 2005</i> 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Strathfield Council Privacy Management Plan • NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places (2014) 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *CCTV on Public Land Policy*. This policy was adopted on 7 February 2012 by Council resolution (minute 13/12). The following amendments have been made:

Date	Amendment	Authority
29 May 2014	Administrative amendments	Policy Officer
15 May 2017	Revision	General Manager

1.2 Background and Purpose of Policy

Closed Circuit Television (CCTV) is one of several measures designed to assist law enforcement to help improve safety and combat anti-social behaviour in public places in the Strathfield Local Government Area.

The purpose of the policy is to set out Council's approach for the use of CCTV in public places in the Strathfield LGA.

Council reserves the right to remove CCTV or relocate based on results of evaluation and review.

1.3 Objectives of the policy

The objectives of the policy are to:

- provide policy guidance with respect to the lawful and effectual management and operation of the Closed Circuit Television (CCTV) network that is owned and operated, by Strathfield Council.
- to provide assistance in deterring or identifying incidents, offenders and patterns of illegal activity
- to assist the Police and other duly authorised regulatory authorities in the identification and apprehension of offenders
- to promote a safer environment for those who live, work in or visit the Strathfield LGA.

1.4 Coverage of the Policy

This policy applies to all CCTV installations, whether fixed or mobile, operated and managed by Strathfield Council within the Strathfield Local Government Area (LGA).

1.5 Supporting Documentation

The operational guidelines for use of CCTV in the Strathfield LGA will be set out in the *Strathfield Council CCTV Code of Practice and CCTV Standard Operating Procedures (SOP)*. The Code is developed in reference to the *NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places (2014)*.

1.6 Definitions

The following definitions apply to terms used in this policy

Closed circuit television is defined as a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. The transmission of closed circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems. A hand held or fixed video cassette recorder is not included in this definition unless it is connected to a transmission system.

Law Enforcement Agency is defined in the *Workplace Surveillance Act 2005*.

Public land is land owned or managed by Strathfield Council. It may also refer to sites owned and managed by State Agencies such as State Rail.

Video surveillance is defined as surveillance by a closed circuit television system for direct visual monitoring and/or recording of activities on premises or in a place.

1.7 Implementation

Council and/or General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

2.0 Policy Statement

2.1 Principles

This Policy is based on the following principles:

- a) CCTV will operate fairly, within the applicable legislative requirements and only for the purposes for which it is established or which are subsequently agreed to in line with the Code of Practice.
- b) CCTV will be operated with regard for the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
- c) The public interest in the operation of CCTV will be recognised by ensuring the security and integrity of operational procedures.
- d) Signage will exist to inform the public that a CCTV system is operating. Signage will comply with the provisions set out in the *Australian Standards (AS) 4806.1-2006 Closed Circuit Television (CCTV) Management and operation*, *AS 2342-1992 Development, testing and implementation of information and safety symbols and symbolic signs* and the *Surveillance Act 2007*.
- e) The public will be provided with clear information about the CCTV program and how it is being operated.
- f) Regular review and evaluation of the CCTV program will be carried out to ensure that the key objectives of reducing crime and increasing safety are being met.
- g) Information recorded should not exceed that which is strictly necessary to fulfil the aims and objectives outlined in this policy.
- h) Access to CCTV monitoring equipment will be restricted to authorised staff and/or contractors and will be protected from unauthorised access.
- i) Police access to CCTV from Strathfield Council will be subject to a Memorandum of Understanding (MOU) with the Flemington and Burwood Local Area Command (LAC) of the NSW Police Force.
- j) Due to CCTV systems scheduling requirements, recorded footage is available for limited periods (minimum ten (10) days) and is regularly overwritten. A record of footage will be maintained only if required in relation to the investigation of an incident, for court proceedings or subject to a request for information release under relevant legislation.

2.2 Assessment

In order to determine suitability and likely effectiveness of the CCTV program, Council will consider the following issues:

- analysis of crime data including incident reports relevant to the proposed CCTV location
- assessment of proposed site(s) eg suitability for placement of CCTV, visibility, lighting, permissions and consents under relevant planning instruments
- assessment of potential benefits of CCTV placement in promoting community safety

- consideration of privacy impacts, especially relating to private properties
- duration of CCTV placement eg installation and removal
- consultation with relevant law enforcement agencies
- community consultation processes
- integration with other community safety measures eg community education and awareness
- availability of information to the public on the CCTV program and how it is being operated.

An implementation plan will be developed for each CCTV placement which sets out purpose, objectives, costs, timeframes, public notification and operational issues.

Regular review and evaluation of the CCTV program will be carried out to ensure that the key objectives are being met.

2.3 Evaluation and Review

Council will evaluate the effectiveness of CCTV site locations by assessment against the objectives of the CCTV project or site selection by assessing whether the system had an impact on targeted crime type by using available statistics and other data such as complaints, feedback, incident reports etc.

Evaluation will consider cost-benefit of CCTV operation and whether other crime prevention strategies would be more practical and effective.

Council reserves the right to remove CCTV or relocate based on results of evaluation and review.

2.4 Access to Information

Information contained in the CCTV footage held by Council is to be collected for a law enforcement purposes and shall only be disclosed to persons or bodies who have a legitimate and lawful right or interest in receiving such information in accordance with relevantly applicable access to information legislation. In that regard, it should be noted that whilst a legal firm provides legal services, it is not a law enforcement body.

In addition, as CCTV footage contains personal information, it will only be disclosed by Strathfield Council for law enforcement purposes to the extent required or permitted at law. It is condition of disclosure that such footage only be used for law enforcement purposes.

2.5 Record Keeping

Recorded material will be retained for a designated time period unless required in relation to the investigation of crime or for court proceedings.

Records supplied as evidence will be retained in accordance with the *State Records Act 1998* and Council's records keeping policies and procedures.

2.6 Monitoring and Breaches

There is no compliance reporting required for this policy.

Civic Pride Policy

As at September 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>CIVIC PRIDE POLICY</h1>		
RESPONSIBILITY			
DATE ADOPTED	7 June 2016	MINUTE	165/16
REVISED	September 2017	REVIEW	2019
ECM No	1352090		
ASSOCIATED POLICIES	•		
ASSOCIATED LEGISLATION	•		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Strathfield 2025 – Community Strategic Plan • Delivery Program and Operational Plan • Council Service Standards • Council Customer Service Charter • Community Access Plan 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Civic Pride Policy*. This policy was adopted on 7 June 2016 by Council resolution (minute 165/16).

1.2 Background and Purpose of Policy

Through community engagement, the Strathfield community have expressed their strong support for programs and policies that promote and encourage civic pride in the Strathfield area. The Strathfield Community Strategic Plan – *Strathfield 2025* includes a strategy (3.3.1) to “develop and promote a sense of place and civic pride in Strathfield”.

Civic pride strategies are embedded in a wide range of Council programs and services as set out in Council’s Delivery Program and Operational Plan.

This purpose of the policy is to describe the principles and programs that support and encourage civic pride in the Strathfield area to meet the strategic goals endorsed by the Strathfield community.

1.3 Objectives of the policy

The objectives of the policy are to:

- promote strong, harmonious and resilient communities
- support and maintain high quality amenity and sustainable environment
- promote awareness of place and the sense of belonging
- recognise community achievements

1.4 Coverage of the Policy

The policy applies to all Council services and functions.

1.5 Implementation Strategy

This policy should be referenced in the preparation of Council's Delivery Program and Operational Plan activities, projects and services.

Strathfield Council's Community Strategic Plan identifies developing and promoting a sense of place and civic pride as an important strategy for the Strathfield area. It is recognised that civic pride outcomes can only be achieved with Council and community working together to improve Strathfield's community wellbeing and sense of place and to maintain the unique characteristics of the Strathfield area. This is achieved by Council, working with the local community, and:

- supporting and promoting diversity, access and participation by the community in events and activities involving learning, recreation, leisure, celebration and commemoration.
- enabling democratic and open government by providing opportunities for members of the public to take part in Council's decision making processes and equitable access to information and services.
- recognising community achievements through local award and honour programs
- encouraging participation of volunteers in community, cultural, environmental and recreational programs and events to assist and support initiatives and activities that build strong and resilient communities.
- maintaining and improving community access to public spaces, community facilities and infrastructure.
- compliance with regulations, policies and programs that improve safety, cleanliness, public health, accessible and attractive streets, parks and open spaces.
- encouraging the local community to closely monitor their local areas and report pollution incidents, vandalism of public property and illegal dumping, crime and to manage waste appropriately in residential and public areas, and to embrace sustainable practices.

- conserving, protecting and promoting places of heritage and cultural significance including buildings, streetscapes and landscapes, memorials, open spaces and natural areas.
- programs to protect and enhance Strathfield's natural environment through protection of natural areas and threatened species, projects to improve river systems and riparian corridors and community planting such as Community Gardens, Bushcare and National Tree Day.
- providing financial assistance programs for community based projects and activities that build engagement, partnerships, capacity and wellbeing.

TABLE OF CONTENTS

FORWARD – CODE OF CONDUCT FRAMEWORK	97
PART 1 INTRODUCTION	99
COUNCIL’S VALUES.....	100
PART 2 DEFINITIONS.....	101
PART 3 GENERAL CONDUCT OBLIGATIONS.....	103
PART 4 PECUNIARY INTERESTS.....	107
PART 5 NON-PECUNIARY CONFLICTS OF INTEREST	114
PART 6 PERSONAL BENEFIT	119
PART 6A: FRAUD PREVENTION.....	122
PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS	124
PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES	126
PART 9 MAINTAINING THE INTEGRITY OF THIS CODE	130
SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21.....	132
SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21	140
SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37	144
PART 10 VERSION CONTROL.....	147

CODE OF CONDUCT

RESPONSIBILITY	Executive Manager Corporate Governance & Internal Affairs		
DATE ADOPTED	22 May 2019	MINUTE	40/19
REVISED		REVIEW	Within 12 months of the ordinary election of Council
ECM No			
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Code of Meeting Practice • Privacy Management Plan • Access to Information Policy • Prevention of Fraud and Corruption Conduct Policy • Public Interest Disclosures and Internal Reporting System Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulations 2005</i> • <i>Public Interest Disclosures Act 1994</i> • <i>Work Health & Safety Act 2011</i> • <i>Interpretation Act 1987</i> • <i>Electoral Funding Act 2018</i> • <i>Government Information (Public Access) Act 2009</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Health Records and Information Privacy Act 2002</i> • <i>Records Act 1998</i> • <i>Corporations Act 2001 (Commonwealth)</i> • <i>Electoral Funding Act 2018</i> 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW • Strathfield Council Statement of Business Ethics 		

FORWARD – CODE OF CONDUCT FRAMEWORK

The practice of good governance is critical in ensuring that Council meets our legal and ethical compliance and that decisions are made in the public interest. Council demonstrates good governance through probity, accountability and transparency in decision making.

Council's Code of Conduct is the centerpiece of our governance framework. It is the foundation for ensuring the integrity of our organisation and building a strong ethical culture. Our Code of Conduct is based on the Office of Local Government Model Code of Conduct for local councils in NSW and includes provisions relevant to this Council.

Our Code of Conduct Framework includes the Code of Conduct, the Procedures for the Administration of the Code and a number of other policies and procedures which facilitate the administration of the Code.

This version replaces all former Codes of Conduct adopted by Council.

PART 1 INTRODUCTION

This 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 2005 (“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:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

The term general manager where referenced in this document refers to the statutory general manager under section 334 of Local Government Act 1993, which in Strathfield Council’s case is known as the chief executive officer.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

COUNCIL'S VALUES

Strathfield Council is committed to following our Corporate Values which guides the conduct of officials and guides the way Council carries out our business and delivers activities and services for our Community. Council's Code of Conduct provides guidelines to ensure that behaviour and decisions reflect our Corporate Values, which are:

Teamwork

We are constructive, we contribute positively to the team and the organization and provide good customer service to others in a timely fashion.

Integrity

We communicate in an open and genuine manner, do what we say and treat everyone equally, with fairness and respect.

Accountability

We deliver, do what we say we will, take responsibility for the part we play in this organization and we are clear and transparent in all that we do.

Wellbeing & Safety

We ensure that everyone gets home at night safely, raise safety concerns immediately and ask 'are you ok' if we notice that someone might be struggling.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the Local Government Act 1993
Administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Committee	see the definition of “council committee”
Complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
Council	includes county councils and joint organisations
Council Committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
Council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
Council Official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
Councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Conduct	includes acts and omissions
Delegate of Council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
Designated Person	a person referred to in clause 4.8
Election Campaign	includes council, state and federal election campaigns
Environmental Planning Instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
General Manager	In this document refers to the statutory general manager under section 334 of Local Government Act 1993, which in Strathfield Council’s case is known as the chief executive officer. Further, the definition also includes the executive officer of a joint organisation
Joint Organisation	a joint organisation established under section 400O of the LGA
Local Planning Panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Mayor	includes the chairperson of a county council or a joint organisation
Members of Staff of a Council	includes members of staff of county councils and joint organisations
The Office	Office of Local Government

Personal Information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
The Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
The Regulation	the Local Government (General) Regulation 2005
Voting Representative	a voting representative of the board of a joint organisation
Wholly Advisory Committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and equity

- 3.1 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.2 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.3 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

For the purposes of this code, "harassment" is any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

- 3.4 You must not engage in bullying behaviour towards others.
- 3.5 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.6 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or ‘initiation ceremonies’
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.7 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.8 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons

- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.9 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.10 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.11 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.12 For the purposes of clause 3.11, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.13 Clause 3.11 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.14 Clause 3.11 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.18 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge

- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

- 4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:

- i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person

associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 6A: FRAUD PREVENTION

Fraud prevention

- 6A.1 You must be mindfully aware at all times of the risks of fraud and corruption against Council in your work, and must strictly observe all internal controls that are in place to prevent those risks occurring.
- 6A.2 You must take all reasonable steps to ensure that third parties are informed about the requirements placed on them in connection with fraud and corruption controls and ethical conduct.

Detecting fraud and corruption

- 6A.3 You must be mindfully aware at all times of the kinds of frauds or corrupt conduct that could occur and be vigilant in your work to detect them.
- 6A.4 If you are a member of staff of Council who is a team leader or manager, you must take all reasonable steps to assess the risks of fraud and corruption within your respective area, and to ensure that there are appropriate post-transaction reviews, management reports and other internal controls with a view to detecting any fraud or corruption that has occurred.

Obligations of staff

- 6A.5 If you are a member of staff of Council, you must:
- (a) maintain the highest standard of ethics in accordance with this Code and relevant policies and procedures
 - (b) be vigilant in your work to prevent and detect fraud or corruption against Council
 - (c) report any suspected fraud or corruption of which you become aware or suspect on reasonable grounds
 - (d) assist in any investigations of fraud and corruption as required
 - (e) protect and not take detrimental action against people who have reported fraud or corruption
 - (f) refrain from any activity that is, or could reasonably be perceived to be, victimisation or harassment of a person who makes a report of fraud or corruption
 - (g) protect and maintain the confidentiality of a person you know has made or reasonably suspect to have made a report of fraud or corruption.

Obligations of staff who are team leaders or managers

- 6A.6 If you are a member of staff of Council who is a team leader or manager, you must also:
- (a) identify and understand the risks of fraud and corruption against Council in your respective area of operations
 - (b) implement and maintain appropriate internal controls to reduce those risks to an acceptable level
 - (c) promote the importance of ethical conduct and compliance with this Code and related policies and procedures, and provide leadership in that regard

- (d) implement systems aimed at detecting and fraud or corruption as soon as possible after it has occurred in the event that Council's preventative systems fail, including carrying out reviews of suspicious transactions and of appropriate management reports
- (e) In the case of managers, formally consider Council's ongoing commercial relationship with a third party if any enquiry finds that there is a heightened risk of fraud or corruption in continuing to deal with that party (and, where there are any doubts as respects such matters, you must consult with Council's Manager Corporate Governance & Internal Affairs).

Reporting fraud and corruption

- 6A.7 If you are a member of staff of Council, you must, in accordance with established and approved internal procedures, report general wrongdoing to your supervisor or manager, including any attempts, direct or indirect, at fraud or corruption. (For example if a person "jokes" about bribing you, you should still report it.)

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others,
or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales*: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property*: A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary

action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at Nature of interest
the return date/at any time since 30 June

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if partnership applicable)	Name under which conducted (if applicable)
<hr/>	<hr/>	<hr/>

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor

Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that 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. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

PART 10 VERSION CONTROL

Version #	Date	Details	Council Meeting Date
DRAFT	February 2019	Draft Strathfield Code of Conduct created	
DRAFT	5 March 2019	Draft Code of Conduct presented to Council for adoption	05.03.2019 Res No: 40/19
		Public Exhibition of Draft Code of Conduct (27.03.2019 to 23.04.2019). No submission received	
	14 May 2019	Implementation of the Code of Conduct discussed at Councillors Workshop.	
	14 May 2019	Code of Conduct endorsed	
	22 May 2019	Strathfield Council Code of Conduct and Strathfield Council Procedures for the Administration of the Code of Conduct distributed to all staff via iPolicy & staff noticeboards	

Code of Meeting Practice

May 2019

TABLE OF CONTENTS

1	INTRODUCTION	150
2	MEETING PRINCIPLES	151
3	BEFORE THE MEETING.....	152
4	OPEN FORUM	157
5	COMING TOGETHER	160
6	THE CHAIRPERSON	163
7	MODES OF ADDRESS	165
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	166
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS.....	167
10	RULES OF DEBATE	169
11	VOTING.....	172
12	COMMITTEE OF THE WHOLE	173
13	DEALING WITH ITEMS BY EXCEPTION	174
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC.....	175
15	KEEPING ORDER AT MEETINGS.....	179
16	CONFLICTS OF INTEREST	182
17	DECISIONS OF THE COUNCIL.....	183
18	TIME LIMITS ON COUNCIL MEETINGS.....	186
19	AFTER THE MEETING	187
20	COUNCIL COMMITTEES.....	189
21	IRREGULARITIES	193
22	DEFINITIONS.....	194

	<h1>CODE OF MEETING PRACTICE</h1>		
RESPONSIBILITY	Executive Manager Administration		
DATE ADOPTED	31 May 2019	MINUTE	
REVISED		REVIEW	Within 12 months of the ordinary election of Council
ECM No			
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Code of Conduct • Privacy Management Plan • Access to Information Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • Local Government Act 1993 • Local Government (General) Regulations 2005 		
ASSOCIATED GUIDELINES	N/A		

1 INTRODUCTION

The Strathfield Code of Meeting Practice (the ‘Code’) is made under section 360 of the *Local Government Act 1993* (the ‘Act’) and the *Local Government (General) Regulation 2005* (the ‘Regulation’).

This Code applies to all meetings of Council and Committees of Council of which all the members are councillors (committees of council). Council committee whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code of Meeting Practice (the ‘*Model Meeting Code*’) from the Office of Local Government.

A council’s adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions as adopted. Any Code of Meeting Practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

Non-mandatory provisions of the Model Meeting Code are indicated in *italics*.

Note: The term general manager where referenced in this document refers to the statutory general manager under section 334 of Local Government Act 1993, which in Strathfield’s case is known as the chief executive officer.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of Council will be held at 6.30pm on the first (1st) Tuesday of each month in the Council Chambers, 65 Homebush Road Strathfield or in another location as determined by the Council.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects section 367(1) of the Act.

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by to the General Manager (or their nominee) by no later than 5pm one week prior to the meeting.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 Any notice submitted under clause 3.9 which has legal, strategic, financial and/or policy implications that should be taken into account by the Council Meeting should be put in a form which calls for a report to the Council.

Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.9.

3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

3.18 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.19 *The general manager may not include in the Council or Committee business paper notice submitted under clause 3.9 which, in the opinion of the general manager, is considered to be potentially defamatory, indecent, offensive, abusive, harassing, objectionable in language or substance, irrelevant, trivial, may breach privacy or confidentiality obligations or is outside of Council's powers or functions.*

3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A)(a) of the Act.

3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.22 reflects section 9(2) and (4) of the Act.

3.23 Clause 3.22 does not apply to the business papers for items of business that the general manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.23 reflects section 9(2A)(b) of the Act.

3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.24 reflects section 9(3) of the Act.

3.25 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

Note: Clause 3.25 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.26 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.27 Despite clause 3.26, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.29 Despite clauses 10.19–10.29, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.

3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.31 *Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.*
- 3.32 *Pre-meeting briefing sessions are to be held in the absence of the public.*
- 3.33 *The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.*
- 3.34 *Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.*
- 3.35 *Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.*

4 OPEN FORUM

- 4.1 *A public forum will be held at each ordinary council meeting for a period of 15 minutes (maximum 3 speakers at 5 minutes each).*
- 4.2 *Speakers may speak on matters other than those listed on the evening's agenda, those matters being actioned under Council's complaint handling mechanisms, in dispute or under investigation or a Code of Conduct complaint or investigation.*
- 4.3 *A member of the public may be granted leave to address a meeting of council or a committee where such a request is received by the general manager, or the Mayor, or chairperson of the committee in writing via the 'Request to Address Council or Committee Meeting' Form prior to **3pm on the day of the meeting** and must identify the topic the person wishes to speak on. Only properly completed requests will be accepted. The Chairperson may also accept a request to speak from the floor.*
- 4.4 *The order is determined by the order of receipted applications.*
- 4.5 *The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.*
- 4.6 *The Chairperson may invite questions from Councillors, subject to the speaker's concurrence. Speakers are not to ask questions of Councillors or Staff.*
- 4.7 *The provisions of this Code relating to Order apply during Open Forum.*
- 4.8 *Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.*

PUBLIC ADDRESS

- 4.9 *Public addresses are held for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public addresses may also be held prior to extraordinary council meetings and meetings of committees of the council if included on the order of business.*
- 4.10 *A member of the public may be granted leave to address a meeting of the council or the committee where such a request is received by the general manager, or the Mayor, or chairperson of the committee in writing via the 'Request to Address Council or Committee Meeting' Form prior to 3pm on the day of the meeting and must identify the topic the person wishes to speak on. Only properly completed requests will be accepted. The Chairperson may also accept a request to speak from the floor.*
- 4.11 *The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.*

- 4.12 *No more than a maximum of two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.*
- 4.13 *If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.*
- 4.14 *The general manager or their delegate is to determine the order of speakers at the public address.*
- 4.15 *Speakers have five (5) minutes each to address the Council.*
- 4.16 *Speakers will only address the council immediately prior to councillors debating the issue.*
- 4.17 *The Chairperson may invite questions from Councillors, subject to the speaker's concurrence. Speakers cannot ask questions of the council, councillors or council staff.*
- 4.18 *The provisions of this Code relating to Order apply during Public Address.*
- 4.19 *Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.*
- 4.20 *Speakers at public addresses must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.*
- 4.21 *Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.*
- 4.22 *Where a speaker engages in conduct of the type referred to in clause 4.22, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.*

4.23 *Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.*

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 *Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.*
- 5.14 *Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.*

Entitlement of the public to attend council meetings

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.15 reflects section 10(1) of the Act.

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.17 reflects section 10(2) of the Act.

Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website. *Meetings are livestreamed (audio visual) via Council's website and a copy uploaded to the website the day following the meeting.*
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for *six (6) months*. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.22 reflects section 376(1) of the Act.

- 5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.23 reflects section 376(2) of the Act.

- 5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.24 reflects section 376(3) of the Act.

- 5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 *If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.*
- 7.2 *Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.*
- 7.3 *A councillor is to be addressed as 'Councillor [surname]'.*
- 7.4 *A council officer is to be addressed by their official designation or as Mr/Ms [surname].*

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council, except the meeting held in September each year after the election of Mayor by the Councillors, shall be:

- 01 Prayer*
- 02 Recognition of Traditional Custodians*
- 03 Apologies and applications for a leave of absence by councillors*
- 04 Open Forum*
- 05 Disclosures of interests (nature of interest to be disclosed)*
- 06 Confirmation of Minutes*
- 07 Acknowledgements*
- 08 Matters Deferred/Outstanding from previous meeting*
- 09 Planning and Development matters*
- 10 Mayoral minute(s)*
- 11 Councillor's Questions to the Mayor*
- 12 Questions with notice*
- 13 Reports from committees*
- 14 Notices of motions*
- 15 General Business*
- 16 Matters of Urgency*
- 17 Confidential matters*
- 18 Conclusion of the meeting*

Priority will be given to considering reports on matters where there has been a written request to address Council. These matters will be dealt with in numerical order.

The remaining items will be dealt with in numerical order after completion of those matters where there has been requests to address Council.

Where there are exceptional circumstances, the Council may by resolutions agree to vary these procedures based on the merits of each particular case.

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

- 8.3 Despite clauses 10.19–10.29, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.9, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.19–10.29, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.12.
- 9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Amendments to motions

- 10.9 An amendment to a motion must be moved and seconded before it can be debated.
- 10.10 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.11 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.12 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.13 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.14 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.15 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.16 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.17 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.18 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.19 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.20 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.21 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.22 Despite clause 10.21, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an

amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.23 Despite clause 10.21, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.24 Despite clauses 10.19 and 10.20, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.25 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.24. A seconder is not required for such a motion.
- 10.26 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.19.
- 10.27 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.28 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.29 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

11.6 *All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.*

Voting on planning decisions

11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.9 Clauses 11.7–11.18 apply also to meetings that are closed to the public.

Note: Clauses 11.7–11.9 reflect section 375A of the Act.

Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.19–10.29 limit the number and duration of speeches.

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 *The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.*
- 13.2 *Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.*
- 13.3 *The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.*
- 13.4 *Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.*
- 13.5 *A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.*
- 13.6 *Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.*
- 13.7 *Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.*

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and

- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as

to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 3pm on the day of the meeting before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two (2) speakers 'for' or 'against' each item are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two (2) speakers 'for' or 'against' each item to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.
- 15.4 *Upon a point of order being raised, the Councillor speaking shall resume his/her seat, until the point of order is dealt with.*

Questions of order

- 15.5 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.6 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.7 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.8 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.9 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.10 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.11 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.12 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.13 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.12(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.12(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.12(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 *All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.*

15.15 *Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.*

15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors' obligations and management of conflicts of interests are dealt with in Council's Code of Conduct.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 *A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 12pm the day after the meeting at which the resolution was adopted.*

17.11 *A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.*

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 *Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:*

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and*
- (b) a motion to have the motion considered at the meeting is passed, and*
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.*

17.13 *A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.19–10.29, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.*

17.14 *A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).*

Recommitting resolutions to correct an error

17.15 *Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:*

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or*
- (b) to confirm the voting on the resolution.*

17.16 *In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.*

17.17 *The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.*

- 17.18 *A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.19–10.29, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.*
- 17.19 *A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.*
- 17.20 *A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.*

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 *Meetings of the council and committees of the council are to conclude no later than 10.30pm.*
- 18.2 *If the business of the meeting is unfinished at 10.30pm, the council or the committee may, by resolution, extend the time of the meeting to 11.00pm.*
- 18.3 *If the business of the meeting is unfinished at 10.30pm, and the council does not resolve to extend the meeting, the chairperson must either:*
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or*
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.*
- 18.4 *Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.*
- 18.5 *Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:*
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and*
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.*

19 AFTER THE MEETING

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings

of the council to the public.

- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 20.23 *All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.*
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing

unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
<i>chief executive officer</i>	<i>means the person who carries out the role of the general manager of a council in accordance with the Local Government Act 1993</i>
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including

	the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
<i>urgent business</i>	<i>means a matter that requires a decision by the council before the next scheduled ordinary meeting of council</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
Year	means the period beginning 1 July and ending the following 30 June

23 DOCUMENT HISTORY

Version #	Date	Details	Council Meeting Date
Model	14 December 2018	Office of Local Government released Model Code of Meeting Practice for Local Councils in NSW	N/A
Draft	March 2019	Draft Strathfield Council Code of Meeting Practice – March 2019 created	N/A
Final	2 April 2019	Draft Strathfield Council Code of Meeting Practice Adopted with the following amendments: <ul style="list-style-type: none"> • That under clause 4.3 of the Code of Meeting Practice the Chairperson may accept a request to speak from the floor. • That under clause 4.10 of the Code of Meeting Practice the Chairperson may accept a request to speak from the floor. • That clause 4.19 of the Code be removed – A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting. • That under clause 3.9 of the Code of Meeting Practice the deadline to submit motions remain at 5pm. 	2 April 2019
		Public exhibition of the Strathfield Council Code of Meeting Practice (04.04.2019 to 02.05.2019)	
	14 May 2019	Implementation of the Strathfield Council Code of Meeting Practice discussed at Councillors Workshop.	
	14 June 2019	Strathfield Council Code of Meeting Practice endorsed	
	17 June 2019	Strathfield Council Code of Meeting Practice distributed to all staff via iPolicy & staff noticeboards	

Community Consultation Policy

As at September 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>COMMUNITY CONSULTATION POLICY</h1>		
RESPONSIBILITY	Communications Office		
DATE ADOPTED	2 August 2005	MINUTE	229/05
REVISED	September 2017	REVIEW	2019
ECM No	1352117		

1. Purpose

The Community Consultation Policy provides an overview of the consultation process and a framework for effective community consultation.

2. Objectives

The objectives of this policy are:

- To promote community involvement and public accountability in Council business.
- To create and foster a consultative culture within the Council organisation.
- To set forth and outline the commitment of Council to effective communication.
- To ensure that Council's planning and decision making processes are inclusive of and responsive to community points of view, in a consistent and comprehensive format.

3. Definition

Consultation is a process of two-way, informed communication between the Council and the community on an issue.

Council broadly defines the community as those who have an interest in or are affected by the workings of Council and may include:

- Residents and ratepayers
- Business owners and operators
- People who work in the local government area
- Visitors (including tourists and shoppers)
- Government agencies
- Users of Council services
- Local community groups and associations

4. Corporate Objectives

The Community Consultation Policy is linked to implementing the Council's vision, mission and core values as outlined in the Management Plan. Council's mission places consultation as one of the key features of the relationship between the community and Council and enhances the others.

5. Scope of the Policy

The Community Consultation Policy will apply to Council elected members, staff, contractors and consultants of Council.

6. Why and When to Communicate and Consult

Council will communicate and consult with the community with the aim to:

- a) Identify the community's views, needs, ideas and concerns.
- b) Increase community awareness of Council's services, activities, issues, processes, and decisions which may affect them.
- c) Improve the community's understanding of the role of Council.
- d) Encourage new and innovative ideas and solutions.
- e) Ensure that Council services are provided in a way that is consistent with the community's values and priorities.
- f) Encourage and foster positive community involvement in issues which affect them and the community in which they live.
- g) Obtain cooperation in the implementation of decisions.
- h) Encourage Council to utilise the knowledge of the community in developing programs and services.
- i) Ensure that programs, policies and services are appropriate to the needs of the local community and are effective in their delivery.
- j) Generate a greater sense of community.
- k) Portray a positive image of Council.
- l) Increase confidence and accountability in Council's decision making.
- m) Locate resources, in-kind resources, sponsorship and/or partnerships.
- n) Improve staff morale through better communications leading to better delivery of service both internally and externally.

7. When to Consult

Council has a statutory obligation to consult with the community. Statutory consultation requirements are contained in the Local Government Act and Environmental Planning and Assessment Act.

The guiding principles for Councils are set out under the NSW Local Government Act 1993 Section 8A as follows:

(1) Exercise of functions generally. The following general principles apply to the exercise of functions by councils:

(a) Councils should provide strong and effective representation, leadership, planning and decision-making.

(b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.

(c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.

(d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.

(e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.

(f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.

(g) Councils should work with others to secure appropriate services for local community needs.

(h) Councils should act fairly, ethically and without bias in the interests of the local community.

(i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making The following principles apply to decision-making by councils (subject to any other applicable law):

(a) Councils should recognise diverse local community needs and interests.

(b) Councils should consider social justice principles.

(c) Councils should consider the long term and cumulative effects of actions on future generations.

(d) Councils should consider the principles of ecologically sustainable development.

(e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

There is also the need for Council to consult with the community beyond legislative requirements. These include:

- In response to community interest
- To help it identify community needs

- When it believes that community input will enhance its decision making

Some of the common Council issues that require consultation are:

- Site specific - matters about a particular site, such as a change in use
- Area improvement – matters that affect people in a neighbourhood, suburb or strip shopping centre (eg rezoning, traffic management)
- Major projects
- Service delivery
- Policies and policy changes
- Strategic plans
- Financial reporting and other reporting regulations

8. The Process of Consultation

The process of consultation involves but should not be limited to:

- Clarifying the purpose
- Identifying who will be involved
- Establishing the timeframe
- Determining the resources required
- Planning the process
- Implementation
- Providing follow up to all parties on decisions or actions
- Evaluating consultation

It is a mistake to assume that any consultation process should lead to a consensus and that it has failed if it does not do so.

Council in considering the view of its resident groups, will act upon resident and/or community views where possible, however in the final instance, all members of the community must accept that having considered all possible aspects, that the final decision rests with the Council. The community should be aware that there are a number of factors, which also need to be considered when the final decision is made. Consultation is an important element, but it is not the only one. Council has limits to its power and has statutory duties that it must fulfil.

9. Commitment to Communication and Community Consultation

Council officers and elected Councillors are committed, in principle and in practice, to public consultation with the Strathfield community on matters affecting the local community.

Council will apply the following to its consultation processes:

- a) Consultation will have a clear purpose.
- b) The community will be given the opportunity to participate in the decision making process.
- c) Council will actively seek out people for consultation.

- d) Council will tap into the knowledge and expertise existing in the community.
- e) Council recognises that successful community consultation depends on mutual trust, cooperation and honesty and willingness to respect differing views between the community and Council. This requires a shared understanding of, and a commitment to, the objectives and commitment with respect to any particular consultation program or activity.
- f) Consultation will be appropriate and timely.
- g) A clear statement will be made on the role of Council and the role of other participants.
- h) Adequate resources, skills and time will be committed to ensure that community consultation is conducted effectively and efficiently.
- i) Information relating to the consultation will be easily accessible by all involved to make informed and timely contributions.
- j) Information relating to the consultation will be presented in an easily understood format.
- k) There will be circumstances where commercially sensitive information or information of a personal nature may not be able to be fully disclosed to the public.
- l) Consultation will allow different ways to respond.
- m) Consultation will be sensitive to the needs of particular groups to maximise ability to contribute.
- n) Council will consider and respond to contributions from all participants.
- o) Consultation will be transparent. All people involved will have a clear understanding about how their feedback and comments are to be used.
- p) Council on occasions may develop a preliminary preference for a particular position. When this occurs, Council will indicate what that preliminary position is. This will assist the community to understand where the Council stands at the start of the consultation.
- q) Council will maintain openness and take new ideas on board and alter the course of actions if required.
- r) Council will respect the diverse range of interests that may be represented during a consultation.
- s) Reasonable attempts will be made to resolve conflicts, if they arise, and reach a suitable solution.
- t) The views, concerns and needs of the community will be considered in Council decisions as far as possible.
- u) Consultation processes will be evaluated after the decision making they contributed to is completed.
- v) Feedback will be provided to respondents about how the final decision was reached.

- w) If the progress of an issue that Council is consulting on is delayed or extended due to unforeseen circumstances or if the issue is part of a broader issue that may not be completely resolved for some time, the Council will provide appropriate updates to those who have participated in the consultation process.
- x) Communicate the policy both internally and externally.

The decision regarding whether community consultation should take place on a matter lies with the Council, the Mayor and/or General Manager, as appropriate in each case.

10. Communications Strategy

A Communications Strategy has been developed as a guide that outlines the strategies that underpin any form of Council's communication and consultation with the community.

The main aim of the communications strategy is to provide guidelines and instruments to increase the level of public understanding, awareness and participation in local government.

Council's overall objective in its communication strategy is to provide a strategy to improve internal and external communications flowing to, from and within the Council.

Consultation with the community may take many forms. The form chosen will depend on the issue to be considered. Any or all of the communication strategies summarised below can be used as part of the consultation process. It should be noted that while the provision of information does not, on its own constitute consultation; it can be usefully employed as part of the overall process.

- Undertaking a customer satisfaction survey annually to measure overall customer attitudes to learn about what customers think about the areas where Council is performing well and the areas where Council needs improvement.
- Establishing a service charter or guarantee of service.
- Developing protocols for handling customer enquiries and complaints and maintaining opportunities for feedback and continually review and improve systems which will assist the processing and provision of information and service delivery.
- Continuing to provide information on Council's issues, decisions, services and activities through a variety of measures including advertising in local newspaper, publishing a regular newsletter/newspaper, issuing media releases, placing on public exhibition documents relating to Council activities and establishing Council's publications on its website.
- Continuing to encourage input from the community on Council's issues, decisions, services and activities through a variety of means including promoting Council's complaint handling and feedback systems, encouraging the community to attend and speak at Council and Committee Meetings, encouraging the community to contact or meet Councillors to discuss concerns, encouraging members of taskforces, ad hoc committees, reference groups and interest groups to participate in open forms of consultation where appropriate, letter box dropping/sending letters to the community as a whole or to those households/areas directly affected by any

Council proposal inviting comment, conducting a survey, holding public meetings to address specific issues, inviting submissions on plans and other documents relating to Council activities, utilising Council's website for the exchange of views and ideas and using information stalls to get information about issues from people in public areas.

- Maintaining access to information for members of the public (subject to the conditions under the Local Government Act and *Government Information (Public Access) Act 2009* and subject to Council's duties of confidentiality and privacy).

The strategies to be used depend on:

- Who your stakeholders are
- What the purpose of the consultation is
- The availability of resources
- Your timeframe, and
- The advantages and disadvantages of each method.

Companion Animal Management Policy

As at September 2017

	<h1>COMPANION ANIMAL MANAGEMENT POLICY</h1>		
RESPONSIBILITY	Manager Environmental Services		
DATE ADOPTED	2 March 2010	MINUTE	60/10
REVISED	September 2017	REVIEW	2019
ECM No			
ASSOCIATED POLICIES	•		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • Companion Animal Act 1998 • Companion Animal Regulation 2008 • Disability Discrimination Act (Cth) 1992 • Environment Protection and Biodiversity Conservation Act 1999 • Local Government Act 1993 • Threatened Species Conservation Act 1995 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Strathfield Council Plans of Management (various) • Strathfield Council Social and Recreation Plans 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Strathfield Council Companion Animal Policy*. This policy was adopted on 2 March 2010 by Council resolution 60/10. The following amendments have been made.

Date	Type	Minute
5 October 2010	Amendment	246/10

1.2 Background and Purpose of Policy

The Strathfield Companion Animals Management Policy has been developed to set out how Council intends to deal with companion animal related matters in the Strathfield Local Government Area (LGA) to protect the rights and responsibilities of animals and their owners in balance with the rights and responsibilities of others in the community.

The Policy is consistent with the Companion Animals Act 1998 (NSW) (“the Act”). The Act covers the responsibilities and rights of the owners of companion animals, such as cats and dogs, the control of companion animals, provision of off-leash areas, dangerous dogs, assistance animals used by people with a disability, and seized animals.

The Act gives Authorised Officers, such as Council rangers, powers to deal with breaches of the Act.

1.3 Objectives of the policy

The objectives of the policy are to:

- Promote responsible animal care and ownership and community safety through registration, desexing of animals, dog faeces management, control in public areas and responsible care in private areas that minimises unnecessary noise and nuisance.
- Provide information and support for animal owners in Strathfield LGA to promote responsible animal ownership.
- Encourage owners to desex animals as a strategy of reducing the number of unwanted and unowned animals, especially cats
- Inform owners of the responsibility to report changes to ownership (eg new owner, change of address etc) to ensure that the Companion Animals Register contains accurate and up to date ownership records
- Ensure owners of Restricted Breeds and Dangerous Dogs comply with all relevant provisions of the Act
- Apply enforcement in relation to Restricted Breeds, Dangerous Dogs and when owners allow dogs to enter prohibited areas such as playgrounds and childcare facilities or cause repeated damage to private property
- Promote suitable off-leash parks and spaces for dog exercise and provide clear signage and facilities for disposal of dog faeces
- Preventing damage to biodiversity, wildlife and threatened species by irresponsible animal ownership

1.4 Coverage of the Policy

The policy applies to the Strathfield Local Government Area.

1.5 Definitions

Cat - means an animal of the species *Felis catus*, whether or not the domesticated.

Dog: - means an animal (of either sex, or desexed) of the species *Canis familiarise*, whether or not domesticated.

Assistance Animal - means an animal trained to provide assistance to a person with a disability eg guide dogs, hearing assistance dogs etc

2.0 Companion Animal issues in Strathfield LGA

2.1 About Strathfield Local Government Area

Strathfield Local Government Area (LGA) is located in Sydney's Inner West about 14km from the Sydney City Centre, about half way between Sydney and Parramatta. The following suburbs are located in the Strathfield LGA: Strathfield, Strathfield South, Homebush, Homebush West, Belfield (part), and Greenacre (part).

The population of Strathfield LGA is estimated at 35,000 and is anticipated to increase in future. The increase in population is due to the increased supply of new multi-unit housing, especially near town centres and transport corridors.

Population density as at 2008 averages 2295 people per square km, with higher densities in the north near town and transport centres. 33.4% of Strathfield LGA is residential. Residential land use ranges from separate houses with gardens (private open space) to multi-unit dwellings eg medium to high home units and townhouses. Registration records indicate that companion animals in Strathfield LGA live in both homes with gardens as well as home units and townhouses with restricted or no private open spaces. In the last few years, there has been an increase of companion animals living in multi-unit dwellings in Strathfield LGA.

Demographic data indicates that the population is increasingly mobile and changing addresses on a regular basis. This is likely due to increasing supply of new multi-unit housing and increased availability of rental property in Strathfield LGA.

8.8% of land in Strathfield LGA is open space, which includes parks and reserves. Most residential dwellings are located within walking distance of a park.

The changing built environment and increases in population density and mobility have impact on the management of companion animals in the Strathfield LGA.

2.3 Animal issues in Strathfield LGA

A number of issues have been identified relating to management of companion animals in Strathfield LGA. These issues have been identified from community feedback for the Strathfield Recreation, Community and Cultural Study 2007 and Social Plan (2009-2014) as well as statistical data, complaint data and observations from Council staff.

- Animal owners are required by law to register dogs and cats, however it is likely that many animals living in Strathfield LGA may not be registered. Failure to register animals, desex animals and update owner information creates significant animal management problems including difficulties in locating owners of lost animals, unwanted breeding of animals etc.
- Desexing of animals, other than breeding animals, is not mandatory under the Companion Animals Act, though the Act encourages desexing by discounted fees for registration of desexed animals. Desexing of animals is important in reducing the breeding of unwanted stray and feral animals in Strathfield LGA.
- Increasing population mobility can contribute to inaccuracies in ownership information on the Companion Animal Register. Information needs to be updated when owners change home address. Some owners may be unaware of the need to update their addresses, which may jeopardise successful return of lost animals.
- There is potential for conflicts between people and animals sharing public spaces such as parks and footpaths. Management of animal behaviour and dog faeces in public places is important to the health and safety of people and animals. Providing spaces for animal exercise, especially for dog walking is important to the health of the animal. Additionally, dog walking is an important form of physical activity for residents, especially for older people. Off-leash areas provide spaces for dog to exercise more freely, however, with increasing housing and population density, places for off-leash areas need to be reviewed to meet community needs.

- Increasing population as well as additional mobility requires promoting awareness of animal ownership issues for existing and new residents in Strathfield LGA. Targeted groups should include new residents as well as people from culturally and linguistically diverse backgrounds (CALD) with poor proficiency in the English language.

2.4 Biodiversity

Biodiversity is the natural diversity of Australia’s native animals and plants.

Council is required under the Local Government Act to protect and enhance biodiversity by developing, protecting, restoring, enhancing and conserving the environment of Strathfield Local Government Area in a manner that is consistent with and promotes the principles of ecologically sustainable development.

Companion animals that are poorly managed and controlled are a major threat to our local biodiversity. A wide variety of native animals, ranging from the more common species like possums, kangaroos, wallabies, lizards and many species of bird, to rarer or threatened species such as the green & golden bell frog, may be at risk from domestic pets in urban areas.

Threats to biodiversity by companion animals are minimised by:

- Ensuring dogs are kept under control by providing healthy food and sufficient exercise, proper restraints in public places and securing the dog within a property so it is unable to roam streets and parks without adequate controls. This will help protect dogs from being injured or killed by cars.
- Keeping cats indoors at night, particularly at dawn and dusk. Even domestic cats roam at night hunt and kill possums and other small native mammals while birds are often targets at dawn and dusk when they are most active. Keeping cats enclosed will also protect the cat from fights and the subsequent infection and disease, and reduces the risks of cats being injured or killed by cars.
- Controlling unowned stray and feral animals. Unowned and especially feral animals are a significant threat to native animals as they prey upon other animals for food supply and also can spread disease. As stray and feral animals are not owned, they generally suffer from poor health, starvation, disease, suffering and short lives.
- Obtaining native pets legally. Although many native species are not well suited to domestic life, most states and territories do allow some native species to be kept as pets under certain conditions. Always check with the National Parks and Wildlife Service for conditions in NSW if intending to acquire a native pet.

3.0 Animal management framework

3.1 Companion Animals Act 1998

The NSW Companion Animals Act and Regulation set the framework for the manner in which local councils deal with issues relating to companion animals. Strathfield Council’s response to companion animal management is influenced by Council’s obligations under this Act.

The Act indicates that “companion animal” means each of the following:

- a dog
- a cat
- any other animal that is prescribed by the regulations as a companion animal.

The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of the Act. All dogs are treated as companion animals, including working dogs on rural properties, guard dogs and police dogs.

The Act sets out controls in relation to the following:

- the registration and identification requirements for companion animals
- the requirement for dogs in a public place to be on a leash and under effective control at all times, except when in a designated off-leash area
- the fact that if a dog rushes at, attacks, bites, harasses or chases another person or animal, the owner of the dog is guilty of an offence
- areas in which dogs and cats are prohibited
- requirement that an animal owner must dispose of any faeces deposited by their animal in a public place
- procedures for dealing with stray animals
- requirements required to be met when keeping a dangerous or restricted breed dog.
- declaration of a dangerous dog

Failure to comply with the Act may involve fines from Council and Courts. Serious breaches of the Act involve fines of over \$50,000.

The key legislative responsibilities under the Act include:

3.2 Companion Animals Register and Fees

The Division of Local Government (DLG) administers the state wide registration of companion animal registration. All NSW Councils operate as a registration point for companion animals and provide general written information and advice regarding registration requirements. Companion animal information can be registered or amended at any council in NSW including changing of address.

Access to information held on the Companion Animals Register will be assessed in accordance with the Government Information (Public Access) Act 2009. Requests must be made by formal access application.

Registration fees are statutory charges determined by the NSW Government. The Regulation provides for reduced registration fees for desexed animals owned by pensioners³ and fee exemptions for assistance dogs. The fee for registration of desexed animals is considerably less than that of undesexed animals.

Refunds will not be issued for lifetime registration fees.

³ Includes aged pension, war widows pension or disability pension.

3.3 Registration and microchipping

The Companion Animals Act 1998 requires that companion animals must be microchipped by 12 weeks of age and that animals be registered by 6 months of age. This process is referred to as 'lifetime registration'. Microchipping and registration assist the management of companion animals, in particular the identification and return of lost animals to their owners.

If an animal moves from a state or country outside of NSW, the animal must be registered within three months of moving into NSW. Registration is not transferrable from another State to NSW.

Microchipping involves insertion of a chip under the skin between the shoulder blades of the companion animal. All Vets in NSW are authorised to implant microchips. The chip is about the same size of a grain of rice and embeds itself in the body tissue of the animal. It is no more distressing than the animal receiving an immunization or vaccination needle. This form of identification is for the life of the animal.

When the chip is inserted, the owner is required to complete a form with their personal details, which is then forwarded to the owner's local council. Information is entered into the Companion Animals Register, which can be accessed by all Councils in NSW.

Registration is a one-off process that applies for the lifetime of the animal. Council operates as a companion animal's registration point. If an animal owner's address or contact details change, Council should be notified so that the companion animals register can be updated. Updated information can be provided to any Council in NSW.

Any dog or cat that is impounded, declared a nuisance, declared dangerous or is a restricted dog, must be microchipped and lifetime registered even if the animal is below six months of age.

3.4 Desexing

Council encourages owners of companion animals to desex their animals to prevent the unplanned breeding of unwanted animals. Other benefits of desexing include reducing the likelihood that a dog or cat will stray, reducing fighting and aggression and reducing anti-social behaviour such as spraying to mark territory.

Desexing of animals assists in the control of unplanned breeding of stray and feral animals.

There are discounts offered for registration of desexed animals.

3.5 Collar and Tag

When in a public place, a dog must have a collar around its neck with a name tag that shows the name of the dog and the address or telephone number of the owner of the dog.

A cat must be identified by a form of identification that enables Council to ascertain the name of the cat and the address or telephone number of the owner of the cat. The identification may take any of the following forms:

- A collar worn around the cat's neck with a tag or tags attached
- A microchip
- Any other form of identification prescribed by the regulations

3.6 Changing addresses

It is the responsibility of owners to notify Council when there is change of details such as change of ownership, moving house etc.

The Change of Owner/Details and Change of Address Notice is available from Council's Customer Service Centre or Council's website. When the form is completed, it must be lodged with Council within 14 days of the change.

There is no payment required for changing details.

3.7 Death or lost animal

Owners are required to notify Council within 28 days of the death of animal. In the case of a dangerous or restricted dog, Council must be notified within 24 hours.

Owners must notify Council if the animal dies or goes missing for more than 3 days and also if the animal has been found, if it was reported as missing.

Penalties apply for failure to notify under the Act.

3.8 Giving away animals

Companion animals cannot be given away unless the animal has been microchipped. All puppies or kittens must be microchipped by the age of 12 weeks, even if they are then sold or given away.

Penalties apply for breach of these provisions.

3.9 Animals killed by traffic

Council's rangers will remove animals which are found dead in public places, usually the result of being killed by road traffic. Reports of dead animals can be reported to Council by contacting Council's Customer Service or completing an online request form on Council's website.

Council will attempt to ascertain ownership of the animal and contact the owner of the animal.

Council will notify the Director-General of the animal's death, if the animal is microchipped, in order to amend the Companion Animals Register.

3.10 Prohibited areas

Section 14 of the Act prohibits dogs, even those leashed or controlled, from particular public places. This section does not apply to police dogs or assistance animals. These places include:

- Children's play areas eg within 10 metres of children's play areas or playgrounds
- Food preparation/consumption areas eg within 10 metres of any place for preparation or consumption of food by people (this does not include public thoroughfares eg roads or footpaths⁴)
- Recreation areas eg places for the playing of organised games (subject to Council determination and signage)
- School grounds without the permission of the person controlling the school⁵
- Child care centres without the permission of the person controlling the childcare centre⁶
- Shopping areas (subject to Council determination and signage)
- Wildlife Protection Areas (subject to Council determination and signage)

Section 30 of the Act prohibits cats from wildlife protection areas and food preparation areas at all times.

Owners of animals in prohibited places may be charged with an offence under the Act.

3.11 Wildlife Protection Areas in Strathfield LGA

The following areas are considered wildlife protection areas for the purposes of the Act in Strathfield LGA:

- Mason Park Wetlands (wetlands zone only), Homebush
- Cox's Creek Bushland Reserve, Greenacre
- Green and Golden Bell Frog Habitat Area, Greenacre

Council will provide on-site signage to indicate the boundaries of the wildlife protection area.

3.12 Assistance Animals

Section 9(2) of the Disability Discrimination Act states that an assistance animal is a dog or other animal:

- accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or
- accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or

⁴ Clause 14(1)(b) & 14(4) Companion Animals Act 1998

⁵ Clause 14(1)(e) & 14(5) Companion Animals Act 1998

⁶ Clause 14(1)(f) & 14(5) Companion Animals Act 1998

- trained to assist a person with a disability to alleviate the effect of the disability; and to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

A person with a disability is entitled to be accompanied by an assistance animal when entering any building open to the public or public transport.

It is an offence for an assistance animal to be denied entry or charged for entry when accompanied by a person with a disability.

However, it is not unlawful under the Disability Discrimination Act for a person to request that an assistance animal remains under the control of the person with a disability or another person on behalf of the person with a disability such as a carer and evidence provided that the animal is an assistance animal or is trained to meet standards of hygiene and behaviour appropriate for an animal in a public place.

3.13 Reporting lost animals

If an animal has been lost, the owner should contact Council's customer service or submit a request via Council's website.

3.14 Stray animals

Council rangers perform the function of collecting stray animals from public places. Animals wandering in streets without an owner or located in prohibited areas may be seized by Council rangers under the authority of the Act.

Animals seized under the Act must be delivered as soon as possible to the owner, pound or approved premises.

Council will attempt in the first instance to locate the owner. Council's rangers are equipped with a microchip reading device and can ascertain if the animal is microchipped. The name and last address of the owner is then checked against the Companion Animals database. If the animal owner is able to be contacted, then Council will return the animal to the owner.

If Council is unable to contact the owner of a stray animal, the animal is then transferred to Council's pound. Under the Act, Council is required to hold a microchipped/registered animal for fourteen days. Animals which are not registered or microchipped are held for seven days.

In instances where lost animals are not claimed by their owners, Council will attempt where possible to re-house the animal, subject to a health assessment by a qualified veterinarian.

In instances where an animal is evaluated to be feral, without an owner and/or considered dangerous to health of people and other animals (eg carrying transmittable diseases), the animal will be assessed jointly by an authorised Council officer and qualified veterinarian. Council will act in accordance with their agreed recommendations.

3.15 Claimed animals

The owner of an animal that has been taken to the pound and subsequently claimed is required to pay fees to cover cost of impounding and any medical treatment required by the pound for the safety of the animal or other animals eg flea treatment etc.

Before an animal can be released to the owner or a new owner the animal must be microchipped and registered.

An administration fee is payable on release.

3.16 Council pound

Council's Pound is run on a contractual basis and is authorised to accept companion animals only. Information on Council's pound, including opening hours, is available on Council's website at www.strathfield.nsw.gov.au

3.17 Park planning and Plans of Management

In accordance with the Local Government Act 1993, community land managed by Council requires a Plan of Management. The Plan of Management (POM) outlines the objectives for managing the land and the activities which are permissible uses of the land. Decisions regarding areas of open space suitable for off-leash dog access are reflected in the content of plans of management.

Draft plans of management are publicly exhibited by Council as required by the Local Government Act 1993. A plan of management is adopted after consideration has been given to all submissions made in response to the public exhibition. If Council wishes to amend an existing plan of management, the draft amended plan must be placed on public exhibition. It is not necessary to publicly exhibit an amended plan if Council is of the opinion that the amendments are not substantial.

4.0 Ownership responsibilities

4.1 Choosing a suitable animal

Animals should not be bought or accepted unless potential owners have fully considered the responsibilities and practicalities of owning an animal. The high rates of unwanted and dumped animals in NSW are partly attributable to insufficient consideration of these issues.

Prospective owners should be aware of their responsibilities in regards to such matters as:

- Careful consideration should be made prior to selecting an animal. Animals must be suitable to living arrangements and dwelling types. Issues such as type of animal, potential size of animal, estimated life span, exercise requirements, grooming requirements etc will influence decisions. In particular, people living in strata schemes (eg home units) need to be aware that keeping an animal may be prohibited by the strata by-laws and consent may be required by the Strata Scheme Management Committee to keep an animal.
- Owners need to be aware that they are legally responsible for the behaviour of their animals, especially dogs, in public places. This includes requirements for dogs to be

controlled (eg on-leash) and management of dog faeces. Owners must always minimise the potential to harm or aggravate members of the community.

- Maintaining an animal has economic impact, which extends beyond initial acquisition of the animal, registration and desexing. Animals need regular veterinary care for vaccinations and checkups as well as medical care for injuries and illness. Animals need to be fed healthy food, access clean drinking water and should be groomed regularly.

4.2 Penalties and offences for dogs

Council may issue a notice or order where a dog is:

- habitually at large
- persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise
- repeatedly defecates outside the property
- repeatedly chases or runs at any person or vehicle
- endangers the health of any person and / or repeatedly causes substantial damage to anything outside the property on which it is kept.

Seizure of an attacking and/or biting dog and where control requirements associated with restricted breeds are not complied with.

Council can issue a penalty infringement notice to owners of dogs:

- found in prohibited places such as child care centres, children's play areas, food preparation and consumption areas (unless in a road reserve), public bathing areas and parks/recreational areas so indicated as prohibiting dogs, and designated wildlife protection areas
- not contained within a property and not on a leash whilst in a public place other than a designated off-leash area
- that defecate in public place and the dog faeces are not collected and disposed of by the owner
- selling a restricted dog or proposed restricted dog
- if the dog has not been microchipped and registered.

4.3 Penalties and offences for cats

Council can issue a penalty infringement notice to owners of cats:

- found in prohibited places such as designated wildlife protection areas, or
- if the cat has not been microchipped and registered.

5.0 Management of Dogs

5.1 Overview

Dogs play an important role in the community, providing companionship and security to their owners as well as helping people with disabilities lead more independent lives. Dogs share many public places with people, including parks and footpaths. Dog walking, for instance, is one of Strathfield's most popular recreation activities, especially for older people.

This section sets out the responsibilities in regard management of dogs.

5.2 Control of Dogs

Under the Act, dogs must always be under the effective control of their owners including when they are let off the leash in designated off-leash areas. Except for designated off-leash areas, dogs in a public place in the Strathfield Council must remain under the effective control of a competent person by means of an adequate chain, cord or leash.

A dog without adequate control can be seized by Council officers.

Exceptions to this requirement include a situation where the dog is in a declared off-leash area or where the dog is tethered to a fixed object or structure.

A dog is not considered to be under the effective control of a person if that person has more than four dogs under his or her control.

Council encourages all dog owners to enrol their dogs in a training course if they feel they are not able to effectively control their dog.

5.3 Exercise requirements

To promote good health and good behaviour, dogs need regular exercise. Lack of exercise can lead to undesirable behaviours such as barking, digging and aggression. Large dogs need more exercise than smaller dogs.

5.4 Off-leash dog areas

Off-leash or leash-free areas permit a dog to roam without restrictions, though the Act requires that the dog must be under the effective control of a competent person and no more than four dogs can be walked by one person at any one time.

Off-leash dog areas are considered beneficial as they provide areas for dogs to exercise and release energy which may also assist in controlling nuisance behaviour such as barking.

Access to public places to walk or run the dog are very important, especially for residents living in home units or townhouses with limited access to open space to run or socialise their dogs.

The Act requires each Council to have at least one off-leash dog exercise area.

The current off-leash dog areas in the Strathfield LGA are located at:

- Elliott Reserve, Elliott Street, Belfield
- Allen Street Reserve, Allen Street, Homebush

Except for designated off-leash areas, dogs in a public place in the Strathfield Council must remain under the effective control of a competent person by means of an adequate chain, cord or leash.

Council will review off-leash provisions and may recommend changes to off-leash or on-leash areas in response to changing demographics or community needs. Recommendations for changes to existing off-leash areas, or for additional off-leash areas will be referred to Council to determine. The process will involve community consultation.

Selection of suitable off-leash areas should consider:

- Size of the proposed off-leash area. Size of the off-leash area should be large enough for dogs to run freely and be exercised properly
- Impact on the other uses of the park
- Times of use as off-leash area
- Fencing requirements
- Accessibility to the off-leash area eg pedestrian access, parking etc.
- Proximity to public places which are unsuitable and/or prohibited (such as childcare centres, playgrounds or sportsfields) and the nature of any barriers between those areas
- Signage to clearly identify the boundaries and conditions of use of off-leash areas.
- Management of dog waste and provision of facilities for disposal of dog faeces.

5.5 Dog faeces management

Uncollected dog faeces in public places pose significant health risks to the community as well as being unpleasant to other persons using public places especially on footpaths, nature strips, parks and sporting grounds. Uncollected faeces can also potentially enter natural water courses and create health and environmental problems. Nutrients from dog faeces encourage weed growth in natural areas.

Dog owners have a legal responsibility to clean up and dispose of dog droppings (faeces) when in public places such as parks and streets. Failure to remove faeces is an offence and may result in the issue of a fine.

Council advises that owners that when walking a dog, owners take a plastic bag with them and the dog faeces disposed of in a litter bin.

Council provides litter dispensers in off-leash areas

5.6 Uncontrolled and aggressive dogs

Animal owners are responsible for the behaviour of their dog. Uncontrolled and aggressive dogs are harmful to people and other animals, especially children and older people, and could result in physical injuries or attacks.

Any breed of dog can exhibit uncontrolled or aggressive behaviour, however dogs which are trained and socialised are less likely to exhibit aggressive behaviour.

Council has powers under the Act to fine those dog owners who do not prevent their animal from acting in an uncontrolled manner.

5.7 Dog attacks

If a dog attack occurs, victims and witnesses are strongly encouraged to report the incident to Council as soon as possible. Severe attacks should be reported to Police.

Upon receiving complaints or reports of dog attacks, Council will respond within 24 hours. A dog that has attacked may be declared to be a dangerous dog by Council.

5.8 Restricted Breeds

Some breeds of dog are prohibited from importation into Australia. These breeds are specified under the Companion Animals Act 1998 and include: Pit Bull Terriers, American Pit Bull Terriers, Japanese Tosa and Argentinean and Brazilian fighting dogs.

The sale or transfer of ownership of restricted breeds is prohibited. Owners of restricted breeds (and dogs declared 'dangerous') must ensure:

- The dog is desexed
- The dog is kept in a child proof enclosure
- A Council 'dangerous dog' warning sign is clearly displayed on their property
- The dog at all times wears a distinctive collar and tag
- The dog is always leashed and muzzled when in public and under the control of a person over the age of 18 years
- The dog's registration details are up to date
- Council is immediately notified if the dog attacks or injures a person or animal

Council can issue a notice of intention to declare a dog a restricted breed if it is a cross breed of any of the dogs listed above. This notification sets out the control requirements the owner must comply with.

If a restricted dog is lost or dies, Council must be notified within 24 hours.

5.9 Dangerous dogs

Council can declare a dog as dangerous where it displays unreasonable aggression or is a dog kept for hunting purposes. Owners may also voluntarily declare their pet as a dangerous dog.

Dogs that threaten or attack members of the public or animals can be declared as dangerous. Police and Council rangers are empowered to impound dogs declared as dangerous.

Owners of dogs declared dangerous must comply with all the conditions for restricted breeds listed above and must not be sold to a person under the age of 18 years.

5.10 Dog Barking

Persistent dog barking can be a neighbourhood nuisance and a major source of community complaint. Persistent barking may be caused by boredom, lack of exercise and stimulation, or confinement to an inappropriately small space.

To address dog barking Council will pursue positive and proactive approaches such as:

- Providing off-leash areas for dogs to socialise.
- Providing community education and training for dog owners.

Rangers will issue a Nuisance Dog Order where persistent barking is considered to be nuisance behaviour. In serious cases, dog owners may be liable to prosecution.

5.11 Securing dogs within a property

Dog owners have an obligation to confine their dogs in a manner which prevents them from leaving the owner's property. Dogs must not access public areas such as streets, footpaths, parks etc unless they are under the control of their owner.

Unrestrained dogs can be threatening to people but can also be hurt or killed by a vehicle.

5.12 Stray dogs

Stray dogs can cause problems in regards to traffic safety, interference with wildlife and unwanted puppy litters. Stray dogs can be seized by Council. If Council is unable to contact the owner of the animal, the animal will be transferred to Council's pound.

6.0 Management of Cats

6.1 Overview

6.1.1 Domestic cats

Domestic cats play an important role in providing companionship to many members of the community. If cats are owned and cared for in a responsible manner, cats can make a positive contribution to the community. Desexing, microchipping and registration of cats all contribute to responsible cat management.

However, cats can be a threat to wildlife and Council strongly advises that domestic cats should be kept indoors, particularly at night. Cats which are kept indoors are unable to harm native wildlife and are less likely to contribute to problems associated with colonies of unowned and feral cats.

Cats which are kept indoors are also less likely to harm themselves or engage in fights with other cats. Cats breed quickly and are capable of reproducing from around 1 year of age. Therefore, it is strongly advised that cats are desexed to prevent unwanted births.

6.1.2 Unowned, stray and feral cats

There is a difference between cats which are owned by a particular person (and which are generally fed and cared for by that person) and stray or unowned which are not owned by a particular person and which live on the streets usually in cat colonies. Unowned cats are often underweight, sick with cat flu, or have heavy flea and worm infestations. They may have injuries from fights or from being hit by cars. They may also have developed skin cancers, or contracted fatal diseases such as feline AIDS (Feline Immunodeficiency Virus).

Unowned cats often suffer from very poor health, and live in a state of starvation and disease. The average life expectancy of an unowned cat is 3 years, compared to 12 to 15 years for an owned and desexed cat.

Feral cats are also unowned but are significantly more dangerous to the environment, people and other animals. Feral cats are not accustomed to people and can exhibit wild and uncontrolled behaviour causing health risks to people and other animals. Feral cat colonies typically tend to group in areas such as industrial land and shopping areas in Strathfield LGA. Feral cats typically prey on wildlife, spray strong smelling urine around houses and cars, fight with owned cats, spread disease, yowl at night, and defecate in gardens and sandpits.

Australia has a significant feral cat problem, which threatens many endangered wildlife species and spreads disease. The number of feral cats substantially outnumbers of domestic cats by an estimated 18 million to 3 million.

Cats which are not cared for by an owner can become feral.

6.2 Roaming cats

Cats are more mobile than dogs and therefore, can easily roam beyond their owner's property into neighbouring properties. Most roaming cats do not cause harm to people or other animals. Cats are likely to roam into a property which leaves food lying around for other pets. The presence of an undesexed female cat will attract other cats. Therefore, Council recommends that cats be kept indoors at night, that food is not left lying around outdoors and that cats are desexed.

If a cat causes problems, a complaint can be made to Council. Council will follow up the complaint with the owner of the cat, if ownership can be ascertained.

Council is unable to seize a roaming cat from private property. Complainants can obtain an authorised cat trap from Council, upon payment of a refundable security deposit. After trapping, Council will pick up the cat and deliver the cat to the pound. Cat traps are designed not to harm the animal and are used by animal welfare organisations as well as Council.

Council does not issue cat traps for the purpose of trapping possums. Possums are a protected native animal and a permit is required for trapping.

6.3 Nuisance cats

Action can be taken against the owner of a 'nuisance' cat, under the relevant provisions of the Act. A cat is considered to be a 'nuisance' if it makes a noise that unreasonably interferes with the peace or comfort of a person or if it repeatedly damages anything outside the property on which it is normally kept.

Council can issue a nuisance notice or order where a cat:

- persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise
- where a cat repeatedly damages anything outside the property on which it is ordinarily kept.

The process for trapping an unowned cat is the same as that outlined in Section 6.2 Roaming Cats.

6.4 Registration and identification requirements

All cats born from 1999 are required to be microchipped. Owners must ensure that a cat is identifiable by wearing of a collar with identification tags.

6.5 Prohibited areas

Cats are prohibited from entering particular places, such as food preparation/consumption areas and wildlife protection areas.

Council can issue a penalty infringement notice where a cat is found in prohibited places such as food preparation / consumption areas and designated wildlife protection areas.

Complaints Handling Policy

As at 3 July 2020

 <p>STRATHFIELD COUNCIL</p>	<h1>COMPLAINTS HANDLING POLICY</h1>		
RESPONSIBILITY	Corporate Services Manager		
DATE ADOPTED	5 December 2006	MINUTE	256/06
REVISED	July 2020	REVIEW	2022
ECM No			
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Code of Conduct • Strathfield Council Business Ethics Policy • Strathfield Council Privacy Management Plan • 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Government Information (Public Access) Act 2009</i> • <i>Independent Commission against Corruption (ICAC) Act 1998</i> • <i>Local Government Act 1993</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Health Records Information Privacy Act 2002</i> • <i>Public Interest Disclosures Act 1994</i> • <i>Ombudsman Act 1974</i> 		
ASSOCIATED DOCUMENTS	<ul style="list-style-type: none"> • Strathfield Council Customer Service Charter • Strathfield Council Complaints Handling Procedure • Strathfield Council Service Standards • Strathfield Council Complaint Management Form • Strathfield Council Complaint Management Flowchart • Strathfield Council Assisted Communications Program Guidelines • Office of Local Government and NSW Ombudsman <i>Practice Note No. 9 – Complaints Management in Councils.</i> • NSW Ombudsman (2012) <i>Managing Unreasonable Complainant Conduct Manual</i> 		

1.0 Introduction

1.1 Background and Purpose of Policy

Strathfield Council is committed to providing and maintaining a high standard of customer service. Complaints and compliments provide unique information about the quality of services from the perspective of our residents and customers. We value our customers' rights to complain about our services, decisions, actions and officers. We are committed to treating complaints seriously and dealing with them promptly, fairly and genuinely.

Council commits to continuous improvement and views complaints and compliments as an improvement opportunity and uses the information gained from them to assist with identifying and improving our policies, systems and services.

Effective management of complaints ensures that a complainant's issues are responded to in a consistent, timely and cost-effective manner. Furthermore, a robust complaints management framework promotes transparency and builds community confidence.

All complaints (as defined in this policy) will be treated in accordance with this policy. Depending on the nature of the complaint, they may also be assessed in accordance with other relevant policies, as outlined.

Where Council is unable to resolve complaints internally, complainants will be provided information about their avenues for seeking resolution and/or appeal externally.

1.3 Objectives of the Policy

The objectives of this policy are to:

- Define "complaints" for the purpose of this policy.
- Outline the process for lodging complaints
- Specify the types of complaints that will not be investigated
- Outline the three-tier complaint handling system
- Managing unreasonable complainant conduct

1.4 Coverage of the Policy

The policy applies to staff, councillors and members of the public.

2.0 Policy

2.1 Defining Complaints

A complaint is an expression of dissatisfaction to the Council about the level or quality of services, the conduct of staff or the handling of a complaint, where a response of resolution is explicitly or implicitly expected or legally required.

A complaint for the purposes of this policy is distinct from the following:

Grievance – A clear, formal written statement by an individual staff member about another staff member or a work related problem.

Feedback – Opinions, comments and expressions of interest or concern to Council about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Service Request – A service request includes requests for approval; requests for action or service; routine inquiries about the organisation's business; requests for the provision of services and assistance; reports of failure to comply with laws regulated by the organization; and request for explanation of policies, procedures and decisions.

Public Interest Disclosure – A report about wrongdoing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.

Complaint management system (Framework) - The systems and internal procedures supporting the implementation of the complaint management policy.

2.2 Process for lodging a complaint

Complaints may be lodged:

- by telephone
- in person
- in writing via letter or email; or
- via Council's 'Complaint Form' available on our website

Complaints must include the name, address and contact number of the complainant and a brief description of the problem.

Any members of Council staff can receive a complaint and must act according to this policy and Council's Complaint Handling Procedure to record and action the complaint.

If a Councillor receives a complaint, the Councillor should refer the matter directly to the Chief Executive Officer in accordance with Council's Code of Conduct.

2.3 Complaints that will not be investigated

Council may determine that a complaint will not be investigated where that complaint:

- is considered frivolous, vexatious or not made in good faith or concerns a trivial matter
- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal
- where a matter is subject to an existing mediation process
- relates to a decision made by a meeting of Council
- relates to a decision, recommendation, act or omission which is more than 12 months old
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the Council.

Should Council determine that a complaint will not be investigated, the complainant will be advised of the reason for the decision.

2.4 Anonymous Complaints and Confidentiality

Anonymous complaints may not be fully investigated due to the inability to seek clarification or additional information. In the event that an anonymous complaint is received Council will note the issues raised and, where necessary, try and resolve them appropriately, however issues raised in anonymous complaints may not be fully actioned.

Council encourages complainants to provide full contact information when lodging complaints. Council will protect the identity of complainant(s) should, subject to legislative requirements, should such a request be made. Strathfield Council manages personal and

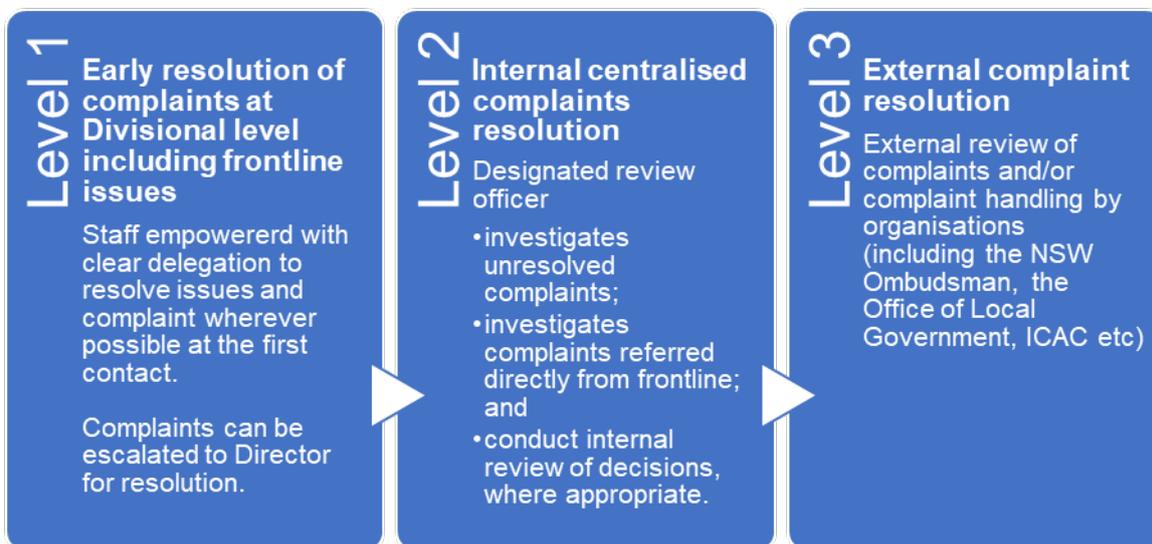
private information collected by Council in accordance with Council's *Privacy Management Plan*.

2.5 Principles for Managing Complaints

1. Complaints should be resolved in a timely and cost effective manner and, where possible, without recourse to the courts.
2. Staff should seek to resolve difficulties, disagreements or disputes by discussion, negotiation, mediation or conciliation wherever appropriate.
3. Complainants have the following rights:
 - any member of the public has the right to lodge a complaint
 - members of the public have the right to lodge complaint if they are unsatisfied with service
 - complaints lodged with Council will be assessed and investigated in a timely manner
 - that confidentiality will be respected if requested
 - complainants will not be subjected to any form of prejudice or harassment in reprisal of their complaint

2.6 Complaint Management System

Council's complaint management system is based on the NSW Ombudsman's 3 Tier approach to complaint management.



Complaints dependent on their nature, can be referred to the following external agencies for an external review:

External agency	Nature of complaint
NSW Office of Local Government Locked Bag 3015	Matters concerning a serious breakdown in Council's

External agency	Nature of complaint
NOWRA NSW 254 Phone: 02 4428 4100 Facsimile: 02 4428 4199 Email: olg@olg.nsw.gov.au	operations, if the Council as a whole is not operating satisfactorily or pecuniary interest matters
The Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2001 Phone: 02 9318 5999 or Toll free: 1800 463 909 Facsimile: 02 9699 8067	Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official.
Anti-Discrimination Board PO Box A2122 SYDNEY SOUTH NSW 1235 Phone: 02 9268 5555 or Toll free: 1800 670 812 Facsimile: 02 9268 5500	Matters in relation to discrimination, disability and harassment
Australian Competition and Consumer Commission Level 7, Angel Place 123 Pitt Street SYDNEY NSW 2000 (GPO Box 3648, SYDNEY NSW 1044) Phone: 9230 9133 Fax: 9232 6107	Competitive neutrality complaints
Information and Privacy Commission NSW GPO Box 7011 SYDNEY NSW 2001 Phone: 1800 472 679 Fax: 02 6446 9518 Email: ipcinfo@ipc.nsw.gov.au	Breaches of the <i>Privacy and Personal Information Protection Act 1998</i>
The NSW Ombudsman Level 24, 580 George Street Sydney NSW 2000 Phone: 02 9286 1000 or Toll free: 1800 451 524 Facsimile: 02 9283 2911 Email: ombo@nswombudsman.nsw.gov.au	Matters concerning maladministration or related to child abuse

2.7 Communication with Complainant

In circumstances where a complainant has provided his/her name, address and contact details, the staff member responsible for handling the complaint will acknowledge the complaint **within five (5) working days**. Such acknowledgement may be by telephone or in writing, as appropriate, and details of this contact will be recorded against the complaint in Council's electronic document management system.

The staff member responsible for handling the complaint will ensure that the complainant is kept informed of progress regarding investigation and resolution of the complaint, every **30 working days** until the complaint process is completed.

The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of the investigations. Where appropriate, an offer of redress will be made and the complainant will be advised of any measures taken to minimise changes of the issue(s) underlying the complaint occurring again.

Individual Rights and Mutual Responsibility of the Parties to a Complaint are outlined in Appendix B.

2.9 Competitive Neutrality Complaints

Competitive neutrality is one of the principles of national competition policy. Competitive neutrality is based on the concept of the 'level playing field' of all competitors in a market, be they public or private sector competitors.

Under the principles of national competition policy, all levels of government must establish an effective system to deal with complaints relating to competitive neutrality in respect of their business.

The Office of Local Government's guidelines on the Management of Competitive Neutrality Complaints issued in October 1997, explains how councils should deal with competitive neutrality complaints. A competitive neutrality complaint is:

- a complaint that a council has not met its obligations under the Policy Statement on the Application of the National Competition Policy or Pricing and Cost for Council Businesses. This includes a concern that a council has not established an effective complaints handling mechanism
- a complaint that a council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

- a complaint regarding the level of service provided by a business activity.
- a complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account
- a complaint regarding the trade practices laws and their application to councils.

Complaints that do not concern competitive neutrality should be dealt with under Council's normal complaints handling processes.

3.0 Managing Unreasonable Conduct by Complainants

Complainants sometimes become angry, upset or abusive because of either a real or perceived error or frustration with their dealings with Council. In certain circumstances, some complainants exhibit challenging behaviour that can be categorised as:

- Unreasonable persistence

- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Such cases are referred to Corporate Governance for independent assessment and management through Council's Assisted Communications Program (ACP). This program is a management strategy designed to provide a communication channel to monitor and preserve the relationship with our customers whilst ensuring Council resources are used equitably.

4.0 Responsible Officer

Responsible Officer – Director Corporate & Financial Services

5.0 Version Control

Date	Type	Minute
5 July 2006	Adopted	256/06
7 August 2012	Amendment – alterations to complaints management system	133/12
3 July 2017	Periodic review	Manager Corporate Services
13 July 2017	Reviewed Policy	Referred to Acting General Manager, Henry T Wong for endorsement.
7 July 2020	Administrative Review	Referred to CEO for endorsement
16 July 2020	Endorsement of minor amends	Executive Committee

Appendix B – Individual Rights and Mutual Responsibility of the Parties to a Complaint

In order for Strathfield Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all parties to the complaints process.

RIGHTS

Complainants have the right:

- to make a complaint and express their opinions in ways that are reasonable, lawful and respectful
- to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality and/or privacy rights or obligations that may apply
- to a fair and impartial assessment and where appropriate, investigation of their complaint based on the merits of the case
- to a fair hearing
- to a timely response
- to be informed of at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least on right of review of the decision on the complaint
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response

Staff have the right:

- to determine how a complaint will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subject of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by Strathfield Council staff who are managing the complaint
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably

RESPONSIBILITIES

Complainants are responsible for

- treating Council staff with courtesy and respect
- clearly identify to the best of their ability the issues of the complaint
- providing to the best of their ability all the relevant information available to them at the time of making the complaint
- being honest in all communication with Council
- informing Council of any other action they have taken in relation to their complaint
- co-operating with staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Council may consider placing limitation or conditions on their ability to communicate with staff or access certain services.

Council has a zero tolerance policy in relation to any abuse and threats directed towards our Staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint
- dealing with all complaints, complainants and people or organisation the subject of complaint professionally, fairly and impartially
- Understanding how their responses and approach may contribute to the conduct of complainants, and act in a way that supports de-escalation of unreasonable behaviour.
- Giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- Giving people or organisation the subject of complaint a reasonable opportunity to put their case during the course of any enquiries and before any final decision is made
- Informing the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substances of any proposed adverse comment or decision that they may need to answer or address
- Keeping complainants informed of the actions taken and the outcome of their complaints
- Giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- Treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- Taking all reasonable and practicable steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint
- Giving adequate warning of the consequences of unacceptable behaviour
- If Council or its staff fail to comply with these responsibilities, complainants may complain to the NSW Ombudsman and the Office of Local Government (NSW)

Subjects of a complaint are responsible for:

- Cooperating with the Council staff who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- Providing all relevant information in their possession to Council or its authorised staff when required to do so by a properly authorised direction or notice
- Being honest in all communication with Council and its staff
- Treating Council staff with courtesy and respect at all times and in all circumstances.

Councillors Expenses and Facilities Policy

As at September 2017



COUNCILLOR EXPENSES & FACILITIES POLICY

RESPONSIBILITY	Manager Administration		
DATE ADOPTED	7 August 2018	MINUTE	178/18
EFFECTIVE	19 September 2018	REVIEW	2019
RELEVANT LEGISLATION AND GUIDANCE	<p>Relevant legislation and guidance:</p> <ul style="list-style-type: none"> • Local Government Act 1993, Sections 252 and 253 • Local Government (General) Regulation 2005, Clauses 217 and 403 • Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009 • Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities • Local Government Circular 05-08 legal assistance for Councillors and Council Employees. 		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Code of Conduct 		

STRATHFIELD COUNCIL COUNCILLOR EXPENSES & FACILITIES POLICY

TABLE OF CONTENTS

POLICY SUMMARY	236
PART A – INTRODUCTION	237
1. Introduction	237
2. Policy objectives	237
3. Principles	237
4. Private or political benefit	237
Part B – Expenses.....	238
5. General expenses	238
6. Specific expenses	238
General travel arrangements and expenses	23
8	
Interstate, overseas and long distance intrastate travel expenses	23
8	
Travel expenses not paid by Council	23
9	
Accommodation and meals	23
9	
Refreshments for council related meetings	23
9	
Professional development	24
0	
Conferences and seminars	24
0	
Information and communications technology (ICT) expenses	24
1	

Special requirement and carer expenses	24
2	
Home office expenses	24
2	
7. Insurances	242
8. Legal assistance	242
Part C – Facilities	244
9. General facilities for all councillors	244
Facilities	24
4	
Stationery	24
4	
Administrative support	24
4	
10. Additional facilities for the mayor	244

Part D – Processes	245
10. Approval, payment and reimbursement arrangements	245
Direct payment	24
5	
Reimbursement	24
5	
Advance payment	24
5	
Notification	24
6	
Reimbursement to council	24
6	
Timeframe for reimbursement	24
6	
11. Disputes	246
12. Return or retention of facilities	246
13. Publication	246
14. Reporting	246
15. Auditing	247
16. Breaches	247
17. Version Control	247
PART E – Appendices.....	247
Appendix I: Related legislation, guidance and policies	247
Appendix II: Definitions	248

POLICY SUMMARY

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
Travel expenses including general, interstate, overseas and long distance intrastate travel expenses	\$2,000 per councillor \$3,000 for the Mayor	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$2,000 per councillor	Per year
Conferences and seminars	\$4,000 total for all councillors	Per year
ICT expenses Tablet, mobile phones, notebook/laptop (including software) Communication expenses International roaming services (on Council overseas trips approved under this Policy)	\$3,000 per councillor \$220 per councillor \$50 per councillor	Per council term Per month Per day
Carer expenses	\$2,000 per councillor	Per year
Home office expenses	\$1,500 per councillor	Per year
Business cards	500 per councillor 1,000 for the mayor	Per year Per year
Access to facilities in a Councillor common room	Provided to all councillors	Not relevant
Reserved parking space at Council offices	Provided to all councillors	Not relevant
Furnish office	Provided to the mayor	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

PART A – INTRODUCTION

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Strathfield Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1. The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
 - ensure facilities and expenses provided to councillors meet community expectations
 - support a diversity of representation
 - fulfil the council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
 - **Equity:** there must be equitable access to expenses and facilities for all councillors
 - **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.

- 4.3. Such incidental private use does not require a compensatory payment back to council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B – Expenses

5. General expenses

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each councillor may be reimbursed up to a total of \$2,000 per year, and the mayor may be reimbursed up to a total of \$3,000 per year, for travel expenses, including interstate, overseas and long distance intrastate travel, incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

Interstate, overseas and long distance intrastate travel expenses

In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.

- 6.5. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel. In relation to all Sister City visitations, Councillors will self-fund airfares.
- 6.6. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.7. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.8. After returning from overseas Councillors should provide a detailed report back to council on the aspects of the trip relevant to council business and/or the local community.
- 6.9. Any Council-funded airfares will be funded to economy level only.
- 6.10. Bookings for approved air travel are to be made through the general manager's office.
- 6.11. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.12. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.13. In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the general manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.
- 6.14. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Sydney Metropolitan Area. Council will not pay for accommodation within the Sydney Metropolitan Area.
- 6.15. Delegates will be accommodated in the hotel where the conference, seminar or training session is being held or the nearest hotel to the conference, seminar or training session of a similar session.
- 6.16. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.17. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.19.
- 6.18. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.19. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council

functions as approved by the general manager. No alcohol will be provided at any Council function apart from when external dignitaries are invited.

- 6.20. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.21. Council will set aside \$2,000 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.22. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.23. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.24. Approval for professional development activities is subject to a prior written request to the general manager outlining the:
- details of the proposed professional development
 - relevance to council priorities and business
 - relevance to the exercise of the councillor's civic duties.
- 6.25. In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.27, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

- 6.26. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.27. Council will set aside a total amount of \$4,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.28. Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.29. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.19-6.21.
- 6.30. Council will not meet registration fees for a partner accompanying a delegate on conferences, training sessions or seminars. The councillor, including any expenses incurred in an accompanying person's program, will meet all expenses.

Information and communications technology (ICT) expenses

- 6.34 Council will provide councillors with appropriate ICT devices and services up to a limit of \$3,000 for each councillor, at the commencement of each term. This may include tablets, mobile phones and a notebook / laptop (including appropriate software). The determination as to what equipment will be provided will be made by the General Manger based upon Council's general ICT program and identifiable business needs. Council will replace or update equipment where required and as appropriate.
- 6.35. Council may from time to time provide Councillors with upgraded equipment of new facilities where doing so will result in efficiencies and aligns with Council's general ICT program.
- 6.36. Council will reimburse to the limit of \$220 per month for council related communication expenses such as phone, data or internet charges for councillors (including Mayor and Deputy Mayor).
- 6.37. Reimbursements will be made only for communications devices and services used for councillors to undertake their civic duties, such as:
- receiving and reading council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 6.38 To claim reimbursement, the Councillor must:
- make his/her contact details available to the public to ensure that he/she is accessible to the residents and ratepayers of Strathfield Local Government Area
 - identify the calls and uses associated with his/her duties as councillor and meet the cost of any private usage (eg calls not relating to official functions of Council)
 - reimburse Council for any charges in excess of \$220 per month (including GST) within 30 days of request.
 - ensure claims for reimbursement are accompanied by sufficient documentation (eg copy of account or charges etc) to clearly support the claim for reimbursement.
 - claims for calls on non-Council allocated phones or internet connections must provide documentation which clearly indicates the costs which are council-related eg phone bill in the name of the Councillor.
- 6.39. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.
- 6.40. International roaming on Council provided communication devices will be disabled by default. To enable roaming services, a Councillor must make a written request to Council.
- If an overseas trip is approved in accordance with this policy for Councillors, use of any available free wireless internet services is encouraged. Council will cover the cost of the provision of international roaming services and Council business related calls to a limit of \$50 per day. Councillors will be required to identify business and personal calls and reimburse Council for any personal use.
- If a Councillor travels overseas on personal business and takes their Council provided communications devices with them, then the Councillor must reimburse Council for all international roaming charges, internet access and call costs.
- 6.41. Councillors may purchase their own SIM card to place in their Council provided communications devices for the time they are away and cover all costs associated with or incurred on this personal SIM card during their travel.

- 6.42. All equipment provided to Councillors by Council shall remain in the possession of the Councillor during their term of office, and shall remain the property of Council and be returned in good operational order and condition upon ceasing to be an elected member of Strathfield Council.

Special requirement and carer expenses

- 6.43. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 6.44. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.45. In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.46. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$2,000 per councillor, per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.47. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.48. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 6.49. Each councillor may be reimbursed up to \$1,500 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

8. Legal assistance

- 8.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor

- a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2 In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3 Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4 Council will not meet the legal costs:
- of legal proceedings initiated by a councillor under any circumstances
 - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 8.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

Part C – Facilities

9. General facilities for all councillors

Facilities

- 9.1 Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
- a councillor common room appropriately furnished including a printer, pigeon holes and appropriate refreshments (excluding alcohol)
 - Parking for Councillors is available in the Council staff parking area at Council's office after 6pm and at times when Council and Committee meetings or official events are scheduled.
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.
- 9.2 Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Office Manager, Office of the General Manager and Mayor. Use of Council Chambers is restricted to Civic occasions only (hosted by the Mayor or the Mayor's representative), or as otherwise authorised by the General Manager.
- 9.3. The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to councillors each year:
- Electronic letterhead, to be used only for correspondence associated with civic duties
 - 500 councillor business cards replenish yearly in accordance with Council's corporate standards. The content of business cards must not contain political statements or advertising.
 - Council will pay for postage of official correspondence provided that all mail is directed through Council's mailing system and a copy of correspondence is maintained on relevant council records.
- 9.5. As per Section 4, postage shall only be provided to support a councillor's civic duties.

Administrative support

- 9.6. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the mayor's office or by a member of council's administrative staff as arranged by the general manager or their delegate.
- 9.7. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10. Additional facilities for the mayor

- 10.1. Use of ceremonial clothing such as the Mayoral robes and Mayor Chains for official, civic or ceremonial use.
- 10.2. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space. The above key remains the property of the Council and must be returned to Council upon the person ceasing to hold office.
- 10.3. 1,000 mayor business cards replenish yearly in accordance with Council's corporate standards. The content of business cards must not contain political statements or advertising.

- 10.4. In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the general manager.
- 10.5. As per Section 4, staff in the Mayor and General Manager's Office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D – Processes

11. Approval, payment and reimbursement arrangements

- 11.1 Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 11.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
- 11.4 Final approval for payments made under this policy will be granted by the general manager or their delegate.

Direct payment

- 11.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Manager Administration for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.6 All claims for reimbursement of expenses incurred must be made **no later than three weeks after** the expense was incurred. Each claim must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Manager Administration. Reimbursement of travelling expenses shall state the following:
 - Time and place of departure
 - Time and place of arrival
 - Distance travelled
 - Fares and parking fees paid, attaching receipts where possible
 - Number of days and hours occupied in travelling to and from the conference/seminar/training courses and attending Council meetings or on the authorised business of Council
 - Total amount of claim.

Advance payment

- 11.7 Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.
- 11.8 Requests for advance payment must be submitted to the Manager Administration for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

- 11.9 Councillors must fully reconcile all expenses against the cost of the advance **within one month** of incurring the cost and/or returning home. This includes providing to council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.10 If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 11.11 If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 11.12 If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- council will invoice the councillor for the expense
 - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 11.13 If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

- 11.14 Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within one month of an expense being incurred. Claims made after this time cannot be approved.

12. Disputes

- 12.1 If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.
- 12.2 If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

- 13.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2 Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3 The prices for all equipment purchased by councillors will be recorded in Council's annual report.

14. Publication

- 14.1 This policy will be published on council's website.

15. Reporting

- 15.1 Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.
- 15.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website.

These reports will include expenditure summarised by individual councillor and as a total for all councillors.

16 Auditing

16.1 The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

17 Breaches

17.1 Suspected breaches of this policy are to be reported to the general manager.

17.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

18 Version Control

Revision	Date	Version	Ref
1	25 July 2018	Strathfield Policy Councillor Expenses and Facilities Policy – draft for consultation	
1	7 August 2018	Council adopted Draft Policy for consultation	Resolution 178/18
1	9 August to 6 September 2018	Policy Exhibition – no submissions received	PN180908
	19 September 2018	Policy Effective	

PART E – Appendices

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2005, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct

Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of council and committees of the whole • meetings of committees facilitated by council • civic receptions hosted or sponsored by council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2005</i> (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year

Disposal of Council Assets Policy

As at September 2017



DISPOSAL OF COUNCIL ASSETS POLICY

RESPONSIBILITY	General Manager's Office		
DATE ADOPTED	14 January 2008	MINUTE	
REVISED	September 2017	REVIEW	2019
ECM No	1352103		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Asset Management Policy • Code of Conduct • Councillors Expenses and Facilities Policy • Procurement Policy • 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act (NSW) 1993</i> • <i>Privacy and Personal Information Protection Act (NSW) 1998</i> • <i>State Records Act (NSW) 1998</i> 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Department of Local Government, <i>Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors</i>, October 2009 • Department of Local Government, <i>Inappropriate Use of Council Resources (Circular 06-64)</i>, November 2006 • Good Conduct and Administrative Practice (2nd Edition), NSW Ombudsman • <i>No excuse for misuse: preventing the misuse of Council resources</i>, Independent Commission Against Corruption (ICAC), 2002 		

1.0 Introduction

1.1 Purpose of the Policy

The purpose of this policy is to set out policy and procedures for disposal of Council resources and assets.

1.2 Objectives of the Policy

The objectives of the policy are:

- Advise on the responsibilities of Council officials for appropriate use and disposal of Council resources.
- Outline procedures for appropriate disposal of Council resources

1.3 Coverage of this Policy

This policy applies to all Strathfield Council staff including those employed on a full time, temporary, part time or casual basis. The policy also extends to any other person or group who has access to Council resources such as Councillors, contractors and volunteers.

2.0 Definitions

The following definitions apply to this assets disposal policy.

2.1 Council official

Council official includes Councillors, members of staff, volunteers, contractors and/or consultants engaged by Council and delegates of council

2.2 Council resource

Resources of Council are goods and services owned or controlled by Strathfield Council. Council resources include:

- Council Equipment eg furniture and fittings, infrastructure
- Small Plant Equipment eg mowers, whippers, trailers, chain saw, blower, power tools, machinery
- Communication devices eg telephones, mobile devices, fax etc
- Information Technology eg computers, software, internet, photocopiers, cameras, toners etc
- Motor vehicles, petrol, spare parts and accessories
- Office supplies eg stationary, calculators etc
- Staff resources includes using the time and skills of other employees during working hours, provision of advice, research or information in a written or spoken form which is not routinely available to a member of the public
- Intellectual property and information held or collected by Council eg correspondence, documents, records, databases etc.
- Natural resources eg water, trees, shrubs, plants, seedlings, mulch and flowers
- Financial resources eg credit cards, petty cash, purchase orders
- Waste and surplus material eg detergents, fuels, oils, lubricants, solvents, scraps, off-cuts or miscellaneous items etc

3.0 Council facilities eg halls, rooms, parks, sports fields, play equipment

3.1 General Responsibilities of Council officials

Disposal of Council assets must be conducted in an ethical manner and methods selected should promote fair and effective competition to the greatest possible extent.

Council officials, including staff and Councillors, have a responsibility to serve the public interest ahead of their own personal interest and to manage potential conflicts of interest. A conflict of interest is when there is a clash between a person's private interest and their public duty.

4.0 Policy Statement

4.1 Approval of disposal of Council assets

Disposal of Council resources requires the approval of the General Manager and/or delegated council officers.

Prior to disposal, assessment needs to be made to ensure no other section of Council has a need for the asset and there is no legal requirement to maintain the asset eg *State Records Act* requires that certain classes of records must be maintained as State Archives.

Items of historical or cultural significance should be retained and properly archived.

Surplus Council assets or materials should be disposed of in a way that maximises financial returns whilst ensuring the method of disposal encourages open and effective competition.

Dangerous goods must be disposed of only in an authorised manner.

Council assets of significant value are generally disposed of using public auction or tender process (where required by the *Local Government Act*), unless the asset has limited monetary value and it is destroyed, disposed or donated in accordance with this policy.

Records of disposal of assets must be maintained and authorized at all times.

4.2 Conflicts of Interest

Council officials are responsible for identifying and managing potential conflicts of interest.

The staff member responsible for the disposal of any Council asset and the relevant Director must ensure that no conflict of interest occurs in or as a result of the asset disposal process.

4.3 Sales to Council staff/Councillors

Sale of Council resources to staff or Councillors should not occur outside of a public process. Invitations to bid for the purchase of any surplus Council resources should not be limited to staff or to councillors. Members of the public must also be allowed to compete for the purchase.

However, it is recognised that there will be individual instances where sale to a staff member may be the most practical or fair and reasonable manner of disposal, where the cost of alternative disposal is higher than the value of the goods. In these instances, authority for disposal will rest with the General Manager. All decisions and the reasons for the decisions must be documented.

4.4 Reasons for disposal

A decision to dispose of a Council resource may be based on one or more of the following:

- Assets have reached the end of their serviceable life.
- Asset is redundant or surplus to current and foreseeable needs
- Asset value is technologically obsolete and operationally inefficient. Examples could include mobile phones, video equipment, IT equipment
- Asset is unserviceable and beyond economic repair.

4.5 Methods of disposal of assets

The principal methods of disposal of assets are:

- Auction (for items of significant value a reserve price will be agreed to between the relevant officer and the auctioneer prior to the auction)
- Dumping – assets of no or little value only. Consideration should be given at all times to disposal using best practice environmental methods.
- Tendering – usually for assets of significant value and where required by the *Local Government Act* and Regulation.
- Private treaty – may be used for sale of land.

4.6 Sale of motor vehicles

Vehicle change over cycles will be at the discretion of the General Manager and as recommended by the Manager Infrastructure Planning. The vehicle replacement cycle is specified in Council's Motor Vehicle Guidelines

Disposal shall be by public tender or auction through NSW State Contracts Control Board (SCCB) contract dependent on market forces at time of disposal.

4.7 Sale of major assets

Where assets of significant value (being more than \$150,000) are to be sold, the sale is to be by either public auction or tender.

4.8 Disposal of Library books and equipment

Library materials eg books, videos, magazines etc which have reached end of serviceable life have negligible financial value. Materials may be offered to other libraries, local schools, community organisations and charities.

Other library equipment eg IT, furniture are managed via disposal procedures set out in this policy.

4.9 Sale of Information Technology (IT) computer equipment

The resale value of IT Computer equipment will be assessed prior to determining how the equipment should be disposed.

If resale value is under \$200, it is not economic to dispose of goods via external agents as costs of disposal are higher than potential financial return. Goods can either be priced and offered for sale to staff or offered to community organisations (Council's Community Services section can provide advice on possible areas of interest). If the goods are remain unsold or donations are not viable, IT will liaise with Council's Waste section to advise on appropriate disposal methods.

Prior to offering IT equipment for sale, data and software applications will be removed from hard drives on the computer.

Goods over the value of \$200, IT computer equipment will be sent to external auctioneers.

4.10 Financial returns from disposal of Council Resources

Financial returns from disposal of Council resources must be returned to Council. Donations of funds for other purposes eg charity are not permitted without authorisation of General Manager.

4.11 Disposal Procedure

- 1) Strathfield Council Staff (As per section 1.4 Coverage of This Policy) of the relevant area can identify assets that are in excess of Council requirements and are suitable for disposal.
- 2) Relevant area Managers or the authorised delegation can initiate a disposal process and get the General Manager Approval prior to disposal with "Application for Disposal Of Asset Form" (Attachment-A)

- 3) Any short of disposal must be monitored by relevant area manager or authorised delegations. And also documented with "Record of Asset Disposal Form" (Attachment-B)
- 4) After disposal, approved "Record of Asset Disposal Form" is to be forwarded to Finance unit for adjustment of Assets Register.

Note that items which have historic or cultural significance require assessment in accordance with the Disposal of Asset Policy.

Step 3: PROPOSED METHOD OF DISPOSAL

Public Auction (Auction Company)	
Other (provide details)	<hr/> <hr/> <hr/>

Step 4: REQUEST AND APPROVAL TO DISPOSE

In recommending this disposal, I declare I or persons associated with me (including family, friends, affiliations to business or community organisations) will **NOT** personally or financially benefit from the disposal of these goods. Any conflict declarations must be attached to this form stating the conflict and how you propose to deal with it.

Date	Requesting Officer (print name)	Requesting Officer (position)	Requesting Officer (signature)

Now send to your manager.

The request to dispose is supported/not supported (please circle)

Comments:

Date	Manager (print name and position)	Manager (signature)

Now send to procurement.

The request to dispose is supported/not supported (please circle)

Comments:

Date	Procurement (print name)	Procurement (signature)

Now send to your ****approving officer** for approval to dispose.

The request to dispose is supported/not supported (please circle)

Comments:

Date	**Approving Officer (print name)	Approving Officer (position)	Approving Officer (signature)

*** Approving Officer must have delegations to authorise disposal under Council's Sub-Delegation Register. If there is no authority specified, disposals require General Manager authorisation.*

1. **Now send to the Requesting Officer.**
2. **Requesting Officer to register forms and documents in Dataworks under ASSET MANAGEMENT>Registration>Disposal of Assets**
3. **If application to dispose of assets has been approved then complete the RECORD OF DISPOSAL OF ASSETS FORM.**

Attachment-B

Purpose: Once approval to dispose of asset has been given (see Assets Disposal Approval Form) then disposal can occur. To describe, approve and record disposal of **ALL** assets (excluding land, records, which have separate disposal procedures and forms).

This completed form must be registered in Dataworks (ECM) including all required attachments and documents.

Step 1: APPROVED TO DISPOSE

Provide details of approval to dispose of asset.

Date	Document Set Number (Dataworks Number)	Approved by (print name)

*Now return all signed forms to **procurement** so they can arrange for disposal.*

Step 2: PARTICULARS OF DISPOSAL

I, (name and position)

certify that the above goods were disposed of in accordance with Council's Disposal of Assets policy

Signature _____ Date _____

If being destroyed, I,

_____ was witness to its destruction. If asset was sold or auctioned fill out the table below.

Date	Amount received on disposal	Receipt No (Attach receipt to this form)	Procurement (print name)	Procurement (signature)
	\$			

Note: Please ensure ALL supporting documentation such as a receipt of sale clearly identifying the purchaser or recipient is attached to this form

Then send all signed forms to Finance Section (Asset Accountant) in order that financial registers are updated with accurate financial information.

Step 3: ASSET REGISTER UPDATE

Date Asset Register was updated.	Asset Accountant (print name)	Asset Accountant signature

Asset Accountant to register all completed forms and documents into Data works (ECM) under

ASSET MANAGEMENT>Registration>Disposal of Assets

Election Campaign Guidelines

As at September 2017



ELECTION CAMPAIGN GUIDELINES

RESPONSIBILITY	Corporate Services Manager		
DATE ADOPTED		MINUTE	
REVISED	September 2017	REVIEW	2019
ECM No	1352105		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government (General) Regulation 2005</i>. 		

1.0 Introduction

These guidelines set out how Strathfield Council deals with conduct of political advertising and campaigning for federal, state and local government elections.

2.0 Political advertising

Political material displayed by or on behalf of a candidate at the election or the party (if any) of any such candidate, must be in accordance with the requirements of the Act under which the election is held.

Political posters, no more than 0.8m² in size and presentation is compliant with relevant Act requirements (eg contains name of candidate etc), may be exhibited under development standards of State Environmental Planning Policy (Exempt & Complying Development Code) 2008 for five weeks immediately prior to the election day and up to 1 week after the election day. Please note that posters on private property require written permission of the owner and you are not permitted to attach to the building on the site of a heritage item or draft heritage item.

Political posters are considered 'advertisements' and erection of posters and banners may be prohibited on some land uses or may require development consent.

It is unlawful to affix election materials (eg. posters, signs, banners etc) to public (Crown or Council owned or managed) land, asset or infrastructure without the written permission of the owner (cl.356E (b) *Local Government (General) Regulation 2005*). This includes premises and fixtures owned and controlled by Strathfield Council, Ausgrid and Roads and Maritime Services, such as buildings, structures, trees, power

poles, nature strips, traffic lights, traffic sign, roundabout or traffic island, fixtures or the like in a public area (other than that attached to the "A" frame/display equivalent or card table with the candidate or person assisting candidate/s present). Approval has not been issued by Council and other government agencies for political candidates or parties to erect advertising on their property in the Strathfield Council area.

Materials affixed to any of the above or left unattended in public areas are considered to be litter and may be removed.

Candidates may contact Council and organise to collect materials that have been removed. Council is not responsible for the condition of materials. Any articles held by Council more than a week after the date of the election will be destroyed.

Display of political posters during pre-poll or on election day are subject to the relevant local, state or federal laws.

3.0 Use of public areas during election campaigns

Council supports the democratic right of voters to meet candidates running for political office. Candidates are permitted to use public areas such as Strathfield Square and other town centres to meet voters or handout election material provided these are moderate and small-scale activities and do not obstruct pedestrian access, affect other ongoing activities, cause a danger or disturbance to passers-by.

Any materials including "A" frames/display equivalent, card tables and chairs, and pamphlets/leaflets should not be left unattended and must be removed when vacating the area. Area must be kept in a clean and tidy condition during and after campaigning.

Any material dropped on the ground must be immediately picked up and retained by the candidate and/or a person/s assisting candidates.

Enforcement Policy

As at September 2017



ENFORCEMENT POLICY

RESPONSIBILITY	Environmental Services		
DATE ADOPTED	5 July 2011	MINUTE	118/11
REVISED	September 2017	REVIEW	2019
ECM No			
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Code of Conduct • Business Ethics Policy • Complaints Handling Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Impounding Act 1993</i> • <i>Protection of the Environment Operations (POEO) Act 1997</i> • <i>Environmental Planning & Assessment Act 1979</i> • <i>Fines Act 1996</i> • <i>Public Health Act 2010</i> • <i>Swimming Pools Act 1992</i> • <i>Food Act 2003</i> • <i>Biosecurity Act 2015</i> • <i>Road Transport Act 2013</i> • <i>Australian Road Rules 2014</i> • <i>Companion Animals Act 1998</i> • 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • NSW Ombudsman (2002), '<i>Enforcement Guidelines for Councils</i>' 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Enforcement Policy*. This policy was adopted on 5 July 2011 by Council resolution (minute 118/11). This policy replaces the *Procedure for Unauthorised Building Works and Activities* adopted on 5 February 2002.

1.2 Background and Purpose of Policy

Council is involved in a broad range of regulatory activity and takes a minimal tolerance to unlawful activity. Council is required under Section 8 of the Local Government Act to act consistently and without bias in the exercise of its regulatory functions.

These policy guidelines have been developed to set out how the processes for investigating and taking enforcement action to ensure that Council's processes are consistent, transparent, fair and efficient. This policy is guided by the NSW Ombudsman publication '*Enforcement Guidelines for Councils*'.

The purpose of this policy is to:

- enable the Council to meet its obligations under relevant legislation including but not limited to the *Local Government Act, Environmental Planning and Assessment Act, Protection of the Environment Operations Act, Food Act* etc.
- provide guidelines for the efficient, consistent and effective management of requests and complaints concerning enforcement activity whilst ensuring that the principles of natural justice and procedural fairness are respected
- set out the roles and responsibilities of council officials in Council's investigative and enforcement processes

1.3 Objectives of the policy

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with requests or complaints about unlawful activity. It provides workable guidelines on:

- how to assess whether complaints of unlawful activity require investigation
- options for dealing with unlawful activity
- how to decide whether enforcement action is warranted

1.4 Coverage of the Policy

This policy applies to all functions, services, regulatory activities of Strathfield Council and includes Council officials (including employees and contractors) and those persons or companies engaged in activities or works in the Strathfield Local Government Area.

1.5 Definitions

"Unlawful activity" is any activity or work under Council's jurisdiction in the Strathfield Local Government Area that has been or is being carried out:

- contrary to the terms or conditions of a development consent, approval, permission, licence or other written authorisation from the Council
- contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land
- contrary to a legislative provision regulating a particular activity or work
- without a required development consent, approval, permission or licence.

"Council official" includes councillors, employees, contractors and consultants of Strathfield Municipal Council.

“Frivolous and Vexatious Complaint” means a complaint submitted to Council which is without substance, not made in good faith and/or concerns a trivial matter.

‘Minimal Tolerance’ means the least amount of tolerance allowable to matters such as food safety, public health, environmental and development non-compliances, whilst taking into consideration Council’s core values of fairness and equity as well as responsive and responsible regulations. It is a method of ensuring consistency in the approach taken by all Council officers. Enforcement action taken will be dependent upon the circumstances in each case and consideration will be given to the various questions as specified in part 4 of this policy.

2.0 Policy Statement

2.1 Enforcement Principles

Strathfield Council takes a minimal tolerance approach to enforcement action, while applying the following principles:

- acting in the interest of protecting community health/safety and or the environment
- acting consistently, fairly and impartially
- preventing discrimination on the basis of race, religion, sex, national origin, political association or other personal reason(s)
- ensuring the proposed enforcement action is in keeping with the relative severity of the offence(s)
- ensuring enforcement action is taken against the right person for the correct offence
- ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner
- disclosing evidence relevant to the alleged offence/s in accordance with relevant legislation
- assisting the Court by providing all necessary information whether or not that information is in favour of Council’s case
- issuing cautions to the alleged offender(s), where necessary
- making cost effective decisions concerning enforcement action
- ensuring action is instigated within the specified time limits.

2.2 Procedural fairness and natural justice

Council has an obligation to act fairly and ensure the principles of procedural fairness and natural justice are adhered to prior to a decision being made. Council will:

- provide information to the subject(s) of investigation(s) regarding the complaint or alleged offence involving them. This may not occur until an appropriate stage in the investigation
- provide opportunities for parties to the complaint to put forward their case unless there is a serious risk to personal or public safety or risk of serious environmental harm.
- consider any relevant submissions and evidence put forward by the parties
- make reasonable inquiries or investigations prior to making a decision

- not consider issues of no relevance to the matter under consideration
- ensure that the person who decides a matter does not have a personal interest in the outcome
- act fairly and without bias

2.3 Council officials

All Council officials, including employees, councillors and contractors, are obliged to comply with Council's Code of Conduct, legislation, policies and agreements relating to performance of their official duties in order that Council's processes and decisions are perceived as fair, lawful, unbiased and equitable.

Attempts by members of the public to offer money (bribe), coerce, offer gifts or benefits in order to influence or alter a decision or action of Council will be reported to the relevant authority, which may include oversight agencies such as the Independent Commission Against Corruption (ICAC).

Complaints regarding Council services should be made in accordance with Council's *Complaints Handling Policy*.

3.0 Reporting non-compliances and complaint handling

3.1 Limitations on investigation of complaints or non-compliances

Council will investigate all complaints and matters regarding unlawful activity unless:

- the matter has already been actioned and resolved
- Council has no jurisdiction (eg civil matters between neighbours, WorkCover issues on a building site, Strata Management internal issues etc)

Where a Principal Certifying Authority (PCA) is responsible for monitoring compliance with the conditions of development consent, the PCA must investigate breaches of development consent. Council may request the PCA to investigate non-compliances and receive advice from the PCA. However, Council will investigate matters where:

- the PCA fails or is unable to appropriately action a matter where it is in the public interest
- the PCA has taken all the action available under the legislation, but the offence continues or reoccurs despite that action
- where the complaint relates to Council property
- the complaint relates to an environmental pollution incident

3.2 Making a complaint or request about unlawful activity

Requests or complaints alleging unlawful activity can be submitted to Council in writing (eg letter, fax or customer service e-request form on Council's website) or verbally. The allegation will be registered in Council's record management system and allocated to a Council officer to commence any necessary investigation.

Council records the name, address and contact details of the person submitting the complaint. This information is critical in fully investigating the complaint as Council may need to rely on evidence from the complainant to prove any alleged offence and commence enforcement action. Council will advise complainants of the results of enquiries or investigations undertaken.

Council will take all reasonable measures to protect the privacy of the person submitting the complaint, however in certain circumstances, Council may be required to disclose this information including:

- should a determination be made to release information under legislation such as the *Government Information (Public Access) Act 2009*
- where legal proceedings are commenced and the information is disclosed in evidence served
- if the nature of the allegation otherwise makes it a necessity.

3.3 Anonymous complaints

Council cannot guarantee that an anonymous complaint will be investigated as the name of the complainant may be necessary to the investigation or to clarify details of the complaint.

3.4 Frivolous, vexatious or trivial complaints

Council may not investigate complaints which are regarded as being without substance and not made in good faith.

3.5 Out of Hours Requests

Complaints received outside of business hours are dealt with by Council's Rangers in the first instance. If further action is required, the matter is referred to the relevant Council officer for investigation. Timeframes for investigation are set out in Part 3.6 of the policy.

3.6 Responding to Complaints

Every effort will be made to ensure that all Customer Service Requests or complaints about alleged unlawful activity are actioned within Council's Customer Services Standards. Additional time may be needed if the matter is complex and requires extensive investigation.

After receipt of the complaint, Council will issue an acknowledgement to the complainant, generally in the form in which it was received (eg phone, email or letter).

Action will be instigated within the following time frames:

- Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint. Examples include unsafe building works, dangerous awnings, collapsed building/wall, serious pollution, food safety issues and public health and safety matters, etc. Where possible, these matters will be dealt with on the day that Council is notified of the complaint or within two (2) working days.
- General compliance matters will be dealt within ten (10) working days of receipt of a complaint. Matters will be actioned on a priority basis having regard to the relative seriousness of the matter. These examples include works not in accordance with consent or construction without consent, illegal use, noise and food complaints.
- Nuisance matters are actioned within fifteen (15) working days examples include domestic noise matters, minor non-compliance such as overgrown land or other matters in which there are no likely immediate health or safety implications

4.0 Investigative processes

All complaints and matters regarding unlawful activities will be reviewed to determine whether the matter requires enquiry or investigation. If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision and the complainant so advised.

Council takes a minimal tolerance approach but considers the following:

4.1 Initial assessment

- (a) Has the matter been previously investigated and finalised?
- (b) Is the complaint trivial, frivolous or vexatious?
- (c) Is the alleged offence a breach of a technical nature or inconsequential nature?
- (d) Is the activity lawful and therefore, does not require further investigation?
- (e) Is the matter within the jurisdiction of Strathfield Council?
- (f) Is there another body that is a more appropriate agency to investigate and deal with the matter?
- (g) Is the complaint premature eg does it relate to some unfinished aspect of work that is still in progress?
- (h) Is it possible to determine from the information available to the Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
- (i) Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
- (j) Has too much time elapsed since the events the subject of the complaint took place? Are there time limits which prevent Council from taking legal action? Are there difficulties in investigating and determining responsibility for the unlawful activity due time lapses?

- (k) Would development consent or other approval been granted by Council if the appropriate application had been submitted prior to the unlawful activity being undertaken?
- (l) Is there sufficient evidence able to be obtained which would enable regulatory action to proceed?

4.2 Offender behaviour

The behaviour including prior history of an offender or alleged offender is relevant to consideration of proposed enforcement activity. The following apply:

- (a) Is there a history of related complaints against this person or organisation?
- (b) Has the person(s) who committed the breach provided information to Council that provide reasonable grounds for the Council to conclude that the person was under a genuine mistaken belief as to a relevant factual or legal matter. In certain circumstances, Council may be less inclined to proceed with legal action especially if the owner actively and positively attempts to address the situation and was genuinely unaware of their obligations.
- (c) Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?
- (d) Has the person(s) who committed the breach shown deliberate or wilful conduct in their actions eg ignored advice or instructions? Received a previous warning or other non-coercive approach or has formal legal action been taken?
- (e) Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?
- (f) Has the alleged offender been advised, if appropriate, that no response to a show cause letter will result in the commencement of enforcement action?
- (g) Has the person(s) who committed the breach shown contrition and, where possible, has remedied the unlawful activity?
- (h) Is the person(s) who committed the breach knowledgeable and aware of their obligations because they have particular knowledge eg a builder or company that regularly carries out work and is generally aware of the relevant Council or other requirements, received a previous warning or been subject to previous formal legal action?

4.3 Public interest and use of resources

Council should assess whether proposed enforcement action is in the public interest and a reasonable use of Council resources. The following issues should be considered:

- (a) Is the activity having a significant detrimental effect on the environment, or does it constitute a risk to public safety? Note that the nature and degree of impact(s) caused by the unlawful activity on the natural or built environment and on health, safety and amenity and the seriousness of the impacts should be assessed. Council's actions will be based on assessment of the degree of detriment and risk to the environment, health, safety and amenity.
- (b) Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
- (c) Is it in the public interest to investigate the complaint? Is there a reasonable prospect for a satisfactory outcome?

- (d) Does the complaint indicate the existence of a systemic problem eg if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
- (e) What are the costs and benefits of taking formal enforcement action as opposed to taking informal or no action?
- (f) Is there sufficient evidence to establish a prima facie case? Is there some doubt over the evidence or offence/s?
- (g) What are the chances of success if the proposed enforcement action was challenged in court?
- (h) What is the likely length and net expense of the legal action?

4.4 Building Certificates

Building Certificates are issued under section 149D of the *Environmental Planning and Assessment Act 1979*.

Council requires the submission of Building Certificate Applications to justify or rectify unlawful works. Council supports lawful processes intended to ensure that consent is obtained from Council or a consent Authority where development consent is required and that such consent is obtained before works are carried out. However, it is recognised that persons who may have carried out unlawful is required to apply for a Building Certificate to regularise and formalise those unlawful works.

Council will consider in determining an application for a building certificate whether development consent would have been granted had it been applied for initially. On some occasions, however, it may be prudent and appropriate for Council to encourage the submission of a building certificate application to regularise a breach of the *Environmental Planning and Assessment Act 1979*.

Regardless of whether a building certificate application has been made, Council reserves the right to take appropriate enforcement action for unlawful works.

4.5 Factors considered in commencing enforcement action

Should Council decide to commence enforcement action, the following principles will apply:

4.5.1 Nature and seriousness of the breach

Council will have regard to the impact the unlawful activity is causing on amenity or harm to the environment and public safety of other residents, businesses or visitors to Strathfield Local Government Area.

If action is required, Council will consider what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the breach.

4.5.2 Balancing of public interest and cost to Council

Council will weigh up the public interest or benefits that will be served against the cost to the Council, and the community, of taking enforcement action.

In considering the 'public interest' Council will have regard to whether the unlawful activity:

- impacts on a significant number of people
- impacts on disadvantaged or marginalised groups
- is indicative of a systemic flaw
- is individual in nature but often occurs
- has attracted sustained public attention, public complaints and no alternative resolution is proposed or likely flouts Council's authority.

If legal proceedings are considered to be the best option, the decision on which Court to bring proceedings in will be informed by considerations such as the following:

- Likely cost of proceedings
- Prospects of recovery of those costs from the respondent or defendant
- Remedies available
- Available methods of enforcement
- Circumstances of each case.

5.0 Options for dealing with confirmed cases of unlawful activities

Council will use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options.

Options to be considered will include the following. Note that these are not listed in any order of preference or application:

- Refer the complaint to an external agency for further investigation or prosecution.
- Take no action on the basis of lack of evidence or for some other appropriate reason.
- Counsel the subject of the investigation to educate them on the relevant Council requirements.
- Negotiate with the subject of the investigation and obtain some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- Refer the parties for mediation with the Community Justice Centre or alternatively for private mediation.
- Issue a letter requiring work to be done or activity to cease in lieu of more formal action.
- Issue a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice (such as but not limited to ss 124-128 *Local Government Act* (LG Act), s.121B *Environmental Planning & Assessment Act* (EP&A Act) and Pts 4.2-4.4 and 8.6 *Protection of the Environment Operations Act* (POEO Act)).

- Issue a notice requiring work to be done under various legislation
- Start proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (such as s.673 LG Act, s.123 EP&A Act)
- Seek injunctions from the Land & Environment Court or the Supreme Court
- Issue a Court Attendance Notice in the local court
- Issue a penalty infringement notice
- Take proceedings for an offence against the relevant Act or Regulation (such as s. 691 LG Act, s.125 EP&A Act, Chapter 5 POEO Act)
- Carry out the works specified in an order under the Local Government Act at the cost of the person served with the order (s.678 LG Act)

6.0 Fines review

Requests for review of penalty notices will be considered under the Internal Review Guidelines under the Fines Act 1996 issued by the NSW Attorney General.

Financial Assistance Policy

As at September 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>FINANCIAL ASSISTANCE POLICY</h1>		
RESPONSIBILITY	Corporate Services		
DATE ADOPTED	6 December 2006	MINUTE	256/06
REVISED	September 2017	REVIEW	2019
ECM No	1352108		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Community Grants Policy • Strathfield Council Heritage Assistance Policy • Strathfield Council Miscellaneous Grants Policy • Strathfield Council Sponsorship Policy • Strathfield Council Community Events Grants Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Department of Local Government Circular to Councils 06-32 dated 18 May 2006 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled Financial Assistance Policy. This policy was first adopted on 2 November 2004 and amended by Council on 6 December 2006.

1.2 Purpose of the Policy

The purpose of the policy is to outline the general principles for consideration and approval of application for financial assistance from Strathfield Council. Financial assistance programs, including community grants, are provided in accordance with Section 356 (2) of the *Local Government Act 1993*.

Strathfield Council provides financial assistance to individuals, community groups and non-profit organisations for various purposes and projects, which provide community benefit and are in accordance with Council's objectives, vision or management plans.

This policy outlines the general principles for consideration and approval of application for financial assistance from Strathfield Council. Strathfield Council's financial assistance programs include:

- Community Grants program
- Miscellaneous Grants program
- Heritage Assistance Grants program
- Community Events Grants program

Each separate financial assistance program has specific operational guidelines. If new financial assistance or grants programs are established, operational guidelines must be developed in accordance with the principles established in this policy.

Community financial assistance programs are different from Sponsorship agreements. Council may be asked to 'sponsor' community activities but the request is often involves a financial donation or use of Council facilities. Council must determine whether the request involves financial assistance or sponsorship, making reference to relevant Acts, guidelines and policy.

1.3 Objectives and Coverage of the Policy

The objective of Council's financial assistance programs is to support the community of Strathfield Municipality by the provision of funding, facilities or support services to individuals, community groups or non-profit organisations which:

- Encourage the development of services, facilities and events, which meet and enhance identified community needs and objectives of the Strathfield Municipality.
- Promote the active participation of local residents in community initiatives and the development of their skills, knowledge and opportunities.
- Provide assistance taking into account the need for equality of access to services and the need to target particular groups that are under-served.
- Provide assistance to the community to develop initiatives and services, which are consistent with Council objectives and programs but not directly operated by Council.
- Ensure the focus of services is to bring people into a network of supportive relationships.
- Provide assistance to individuals or groups representing NSW or higher in their chosen field, including sporting, academic, cultural and artistic endeavours who require financial assistance to attend/compete in their chosen field.

Council also provides financial assistance to community based groups by the reduction of fees for hiring of Council's venues or facilities in Council's Annual Fees and Charges Schedule.

1.4 Definitions

'Financial assistance' involves allocation or donation of Council funds, facilities or services to individuals or community groups or non-profit organisations for the purpose of enhancing or improving community services or facilities.

'Sponsorship' involves a commercial arrangement in which a sponsor provides a contribution in money or kind to support an activity in return for a certain specified benefit, beyond recognition or acknowledgment. Sponsorship agreements are negotiated in accordance with Council's Sponsorship Policy.

2.0 Policy Statement

2.1 Priorities

Council calls for nominations to the Community Grants Fund, Community Events Grants and Heritage Assistance Grants on an annual basis.

Other applications for financial assistance will only be considered where the applicant is ineligible for funding or applications do not meet the criteria of Community Grants Fund, Community Events Grant or Heritage Assistance Grants. An example may involve requests for use of Council facilities.

2.2 Assessment

- (a) Assessment of financial assistance requests must be in accordance with Council policy and guidelines.
- b) Specific conditions will apply to each of the grants being offered and these must be met in conjunction with the provisions of this policy for an award to be made.
- c) Council reserves the right to refuse requests or applications that are not in accordance with Council policy and guidelines.
- d) Council will not consider bulk mail requests.
- e) After consideration of an application and current program objectives, Council can propose an alternative form of assistance to meet the stated objectives of the application.
- f) Applications for funding must be expended within the same financial year that the funds were granted.
- g) Council will not consider funding arrangements, which extend beyond the current financial year ie approval for funding on an annual basis over 3 to 4 years.

- h) Approval of financial assistance requests requires Council resolution as s.377 (1) of the *Local Government Act* states that only Council can make a decision under section 356 to contribute money or otherwise grant financial assistance to persons. This power cannot be delegated by Council.
- i) Council should include financial assistance programs in the Operational Plan.
- j) Council's Annual report should contain a list of financial assistance grants approved by Strathfield Council in the previous financial year.

2.3 Accountability

The agreed amount of financial assistance will be paid by Council to the applicant after Council undertakes an inspection of completed works and is satisfied works have been completed in accordance with the approved grant. Variation to stated objectives requires approval.

Hardship Policy

As at September 2017



HARDSHIP POLICY

RESPONSIBILITY	Finance Section		
DATE ADOPTED	4 July 2012	MINUTE	General Manager
REVISED	September 2017	REVIEW	2019
ECM No	1352109		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Adopted Fees and Charges • Council Delegation Register 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2005</i> • <i>Social Security Act 1991 (Comm)</i> 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Hardship Policy*. This policy was endorsed by the General Manager on 4 July 2012. The policy was last reviewed on 3 July 2017.

1.2 Background and Purpose of Policy

Some of Council's customers experience financial difficulties from time to time. This policy outlines how Council can assist customers experiencing difficulties in meeting their outstanding rates and debtor commitments.

1.3 Objectives of the policy

To provide financial relief to Council customers who are experiencing difficulties in meeting their outstanding rates and debtor commitments.

1.4 Coverage of the Policy

This policy applies to all customers who contact Council citing financial hardship.

1.5 Definitions

The following definitions apply to terms used in this policy:

- Date of Debt - The amount due to Council on the day an application is made including arrears and current annual instalments in any given year.
- Penalty Interest - Interest raised in accordance with the *Local Government Act 1993* and as adopted by Council within its Operational Plan.
- Rateable Valuation - Land value used for rating purposes, i.e. net of allowances allowed by Valuation of Land Act 1916 and Section 585 Local Government Act 1993.
- Administration Fees - Standard flat fee as adopted by Council in annual Fees & Charges.
- Pensioner – A person who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.

2.0 Policy Statement

2.1.1 Rates and Charges

Rates are levied each year in July and are payable by four instalments due at the end of August, November, February and May. Some ratepayers may experience difficulty in meeting their financial obligations at these intervals. Ratepayers may also experience long-term hardship due to varying circumstances.

Council's Hardship Policy provides for the following relief to be afforded:

- Write off interest charges on a case by case basis
- Limited to the single property owned and occupied (jointly or not) by the applicant.

Currently, under the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*, there are options available to provide assistance to ratepayers suffering from genuine financial hardship. The sections which are used on a day to day basis by Council to assist ratepayers are as follows:

- i. Hardship resulting from certain valuation changes (s 601 *Local Government Act 1993*)
- ii. Agreement as to periodic payment of rates and charges (s 564 *Local Government Act 1993*)
- iii. Procedures for writing off rates and charges (Part 131 *Local Government (General) Regulation 2005*)
- iv. Writing off of Pensioner rates and charges (s 582 and s 583 *Local Government Act 1993*)
- v. Deferral of Rates – Pensioner only

2.1.2 Assistance in accordance with s 601 of the *Local Government Act 1993*

Section 601 of the *Local Government Act 1993* provides Council with guidance in assisting a ratepayer who may experience hardship due to a valuation change to their land value. This assistance is only available when a later base date valuation is used to what has previously been used by Council for the making and levying of a rate.

Council has the discretion to waive, reduce or defer payment of any part of the increase. For a ratepayer to apply for assistance under s 601 of the *Local Government Act 1993*, Council requires the application in writing and will conduct a review on a case by case basis.

2.1.3 Assistance in accordance with s 564 of the *Local Government Act 1993*

Section 564 of the *Local Government Act 1993*, allows Council to accept payment of rates and charges differing to the original four instalments. This is the most common form of assistance elected for use by Council. A ratepayer can enter into an arrangement with Council to pay their rates weekly, fortnightly or monthly. Ratepayers should contact Council in writing or by telephone to formalise arrangements.

Section 564 also gives Council the ability to write off or reduce interest accrued on rates and charges if the ratepayer abides by an accepted arrangement.

2.1.4 Assistance in accordance with Clause 131 of the *Local Government (General) Regulations 2005*

Clause 131 of the *Local Government (General) Regulations 2005* allows a write off of rates and charges by resolution of the Council or by order in writing by the General Manager. An amount of rates and charges can be written off under this clause in the following circumstances:

- if there is an error in the assessment,
- if the amount is not lawfully recoverable,
- as a result of a decision of a court, or
- if Council or the General Manager believes an attempt to recover the amount would not be cost effective.

2.1.5 Assistance in accordance with s 582 and s 583 of the *Local Government Act 1993*

Council may waive or reduce rates, charges and interest due by any ratepayer who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991*. Under Clause 135 of the *Local Government (General) Regulation 2005* a ratepayer can make application for a reduction to their Council rates via a pension concession. The maximum pension concession currently offered by Council is fifty percent of the total rates and charges or a sum of two hundred and fifty dollars, whatever is the lesser amount.

2.1.6 Deferral of Rates & Charges – (Eligible Pensioners Only)

A Pensioner may apply to Council seeking deferral of payment of rates and charges which are in excess of the amount rebated on the property. Under this option, the pensioner ratepayer's annual rates and charges together with applicable accrued interest, is deferred until the property is sold or, in the event of death, the estate settled. Deferred rate applications only apply to properties owned and occupied by the applicant.

An annual rates and charges notice will continue to be issued during the duration of the deferment. The applicable annual pensioner rebate granted, along with the balance of arrears rates and the new year levy, will be disclosed on the notice as required.

The initial application requesting deferral will remain in place until withdrawn by the pensioner ratepayer.

2.2 Debtors

Council's Hardship Policy provides for the following relief:

- Due to the nature of the adopted fees and charges and other debts raised, any reduction or abandonment of a fee due to financial hardship being incurred shall be determined on an individual basis subject to Council resolution or by order in writing by the General Manager

2.3 Assessment

Persons seeking assistance with managing their payments should contact Council in the first instance to discuss their situation. Depending on the circumstances, it may be possible to agree on satisfactory arrangements during those discussions.

Applications are required to be confirmed in writing.

2.4 Approval

Approval of applications is in accordance with Council's delegations register.

Investment Policy

As at September 2017

 STRATHFIELD COUNCIL	POLICY		
TITLE	INVESTMENT POLICY		
DATE ADOPTED	20 June 1995	MINUTE	CFS 44/95
REVISED	September 2017	REVIEW	2019
ECM	1352110		
ASSOCIATED LEGISLATION/DOCUMENTS	<ul style="list-style-type: none"> • <i>Local Government Act (NSW) 1993</i> • <i>Trustee Amendment (Discretionary Investments) Act 1997</i> • <i>Local Government (General) Regulation 2005</i> • <i>Local Government Act 1993 – Ministerial Investment Order dated 12 January 2011</i> • <i>Local Government Investment Policy Guidelines (Circular 10-11)</i> • <i>Local Government Code of Accounting Practice and Financial Reporting</i> 		
RESPONSIBLE OFFICER	Chief Financial Officer		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Strathfield Council Investment Policy*.

1.2 Commencement

Date of Council Resolution	Minute	Details
20 June 1995	CFS 44/95	Policy adopted by Council
4 August 2009	303/09	Policy revised
5 April 2011	56/11	Policy revised – Revised Ministerial Investment Order
5 May 2015	132/15	Policy revised
7 June 2016	167/16	Policy reviewed
1 July 2017		Policy reviewed

1.3 Purpose of the Policy

The purpose of this Policy is to provide guidelines for the management of Council's investment.

1.4 Objectives of the Policy

The objectives are:

- to ensure the security of Council funds by adopting appropriate credit risk and diversification limits
- to ensure that Council's investments comply with legislative guidelines
- to maximise earnings subject to those limits, Council's liquidity requirements and its investment time horizon.

2.0 Council Investment Strategy

Council's strategies in relation to its investments are:

- to meet Council's cash flow expectations
- to maximise the returns of Council's investments within Investment Policy constraints and otherwise acceptable risk tolerances
- to set medium/long term strategic asset allocations for the investment portfolio
- to identify the most appropriate funds/investments for the investment portfolio
- to be able to measure the performance of individual investment relative to appropriate benchmarks
- to improve reporting on Council's investments and their performance.

3.0 Policy Statement

3.1 Authority for Investment

All investments are to be made in accordance with Council's Investment Policy, which references:

- Local Government Act 1993 – Section 625
- Ministerial Investment Order (January 2011) pursuant to Section 625 (2) Local Government Act
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- Local Government (General) Regulation 2005 – Clause 212
- Local Government Investment Policy Guidelines (Circular to Councils 10-11)
- Local Government Code of Accounting Practice and Financial Reporting

3.2 Delegation

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate day to day management of Council's investment portfolio to the Responsible Accounting Officer or Senior Staff, subject to regular reviews.

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public money, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with this Investment Policy.

3.3 Authorised Investments

All investments must be denominated in Australian Dollars. Investments are limited to those allowed by the most current Ministers Investment Order that has been issued by the NSW Minister for Local Government. Authorised investments are limited to:

- any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth, or a Territory.
- any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW))
- Interest bearing deposits with, or debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations
- Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority
- Investments with NSW Treasury Corporation or investments in an Hour-Glass Investment Facility of NSW Treasury Corporation.

4.0 Investment Guidelines

4.1 Risk Management Guidelines

Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- Market Risk - the risk that the fair value or future cash flows of an investment will

- fluctuate due to changes in market prices;
- **Liquidity Risk** - the risk an investor is unable to redeem the investment at a fair price within a timely period;
 - **Maturity Risk** - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
 - **Leveraging Risk** - the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product.

4.2 Credit & Maturity Guidelines

(i) Overall Portfolio Credit Framework

The overall portfolio credit guidelines to be adopted will be based on the Standard & Poor's (S&P) ratings system criteria (or Moody's/Fitch equivalent if a S&P rating is not available). The maximum available limits in each rating category are as follows:

Overall Portfolio Credit Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Direct Securities Maximum
AAA to AA-	A-1+	100%
A+ to A	A-1	100%
A-To BBB+	A-2	70%
BBB to BBB- *	A-3 *	30%

* Investments with counterparties below BBB+ Category (Long Term) and below A-2 (Short Term) are to be restricted to licensed banks, building societies and credit unions.

(ii) Institutional Credit Framework

Exposure to individual financial institutions will be restricted by their S&P rating (or Moody's / Fitch equivalent if a S&P rating is not available), to that single entity, as detailed in the table below:

Individual Institution Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Direct Securities Maximum
AAA to AA-	A-1+	50%
A+ to A	A-1	40%
A-To BBB+	A-2	30%
BBB to BBB- *	A-3 *	15%

* Investments with counterparties below A Category (Long Term) and below A-2 (Short Term) are to be restricted to Authorised Deposit-Taking Institutions (ADIs), e.g. licensed banks, building societies and credit unions.

(iii) Term to Maturity Framework

The investment portfolio is to be invested with the following term to maturity constraints.

Overall Portfolio Term to Maturity Limits	
	Maximum
Portfolio % < 1 Year	100%
Portfolio % > 1 Year < 3 Years	70%
Portfolio % > 3 Years < 5 Years	50%
Portfolio % > 5 Years	25%
Individual Investment Maturity Limits	
Authorised Investment as per legislation	5 years

If any of Council's investments are downgraded such that they no longer fall within these investment policy guidelines, they will be divested as soon as is practicable subject to minimising any loss of capital that may result from compliance with this provision.

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in line with relevant Australian Accounting Standards.

5.0 Performance Benchmarks

The performance of the investment portfolio will be reported to Council monthly, in accordance with the requirements of the Local Government Act 1993. The monthly report should contain a comparison of the performance of the portfolio, benchmarked to industry index.

Investment	Performance Benchmark
Cash	11 am Cash Rate
Direct Investments/Fixed Interest	90days Average UBSA Bank Bill Index

6.0 Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments
- Adequate documentation is provided, verifying the existence of the investments.
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems.
- The Institution or Custodian recording and holding the assets will be:
 - i. Austraclear; or
 - ii. An institution with an investment grade Standards and Poor's or Moody's rating; or
 - iii. An institution with adequate insurance, including professional indemnity

insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

7.0 Reporting

- i. Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.
- ii. A monthly report will be provided to Council, detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.
- iii. The report will also detail investment income earned versus budget year to date and confirm compliance of Council's investments within legislative and policy limits.
- iv. For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year.

8.0 General

- i. Except for the purpose of reducing its exposure to investment risks, Strathfield Council will not directly enter into any type of derivative transactions
- ii. Strathfield Council will not make investment decisions outside the bounds of the agreed Investment Strategy or be engaged in overly speculative investments.
- iii. Investment limits as determined in this policy are as at the date of new funds been invested.
- iv. Any investment held at the date of approval of this policy that falls outside the policy constraints may be held to maturity.
- v. This Policy is to be reviewed at least every two (2) years.

Public Interest Disclosures & Internal Reporting System

As at September 2017

	PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING SYSTEM POLICY		
RESPONSIBILITY	General Manager Office		
DATE ADOPTED	3 February 1998	MINUTE	45/98
REVISED	30 July 2015	REVIEW	2016
ECM No			
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Government Information (Public Access) Act 2009</i> • <i>Independent Commission Against Corruption Act 1988</i> • <i>Local Government Act 1993</i> • <i>Ombudsman Act 1974</i> • <i>Public Interest Disclosures Act 1994</i> • <i>Public Interest Disclosures Regulation 2011</i> • <i>State Records Act 1998</i> 		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Code of Conduct • Strathfield Council Procedures for the Administration of the Code of Conduct 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Public Interest Disclosures and Internal Reporting System Policy*. This policy, formerly known as the *Protected Disclosures Policy* was first adopted on 3 February 1998 by Council resolution (minute 45/98). The following amendments have been made.

Date	Type	Approval
6 September 2011	Review due to Amendment of Public Interest Disclosures Act 1994 and issue of NSW Ombudsman guidelines.	Council resolution 141/11
6 June 2014	Reviewed with new NSW Ombudsman model internal reporting policy	Council resolution 128/14

30 July 2015	Administrative amendment	-
2 September 2017	Periodic Review	
15 November 2018	Update reporting officers and reporting details	CEO

1.2 Background and Purpose of Policy

The purpose of the *Public Interest Disclosures Act 1994* (PID Act) is to:

- encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector
- ensure that any public official who wishes to make a disclosure receives legal protection from reprisals, and that the matters raised in any disclosure are properly investigated.
- encourage staff and councillors to report known and suspected wrongdoing under Council's policy reporting framework which includes Code of Conduct.
- encourage staff and councillors to support those who have made reports of wrong doing, by protecting and maintaining their confidentiality and not victimising or harassing anyone who has made a report.

1.3 Objectives of the policy

The objectives of the policy are to:

- establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Strathfield Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, Disclosures Officer, the Mayor or the General Manager.
- complement the normal means of communication between managers and members of Council staff. Members of Council staff are encouraged to continue to raise appropriate matters at any time with their managers but they also have the right to make protected disclosures in accordance with this policy.
- ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor who makes a disclosure from any detrimental action in reprisal for making that disclosure.

1.4 Coverage of the Policy

The policy applies to all public officials of Strathfield Council.

1.5 Implementation strategies

This policy is supported by:

- procedural process documents

- inclusion of information on public disclosures and the policy requirements in induction and refresher training and handbooks for staff and councillors
- availability of information for staff and councillor on relevant intranets
- information published on Council's website

2.0 Policy Statement

2.1 Council Commitment

Strathfield Council is committed to the highest levels of ethical and accountable conduct and will not tolerate any form of wrongdoing. This policy is endorsed by the Mayor, General Manager and by adopted by resolution of Council.

Strathfield Council will promote and act in accordance with Council's Code of Conduct and the PID Act by:

- encouraging staff to report if they have witnessed what they consider to be wrongdoing within the Council
- creating a climate of trust and support to ensure that Council staff are confident about reporting wrongdoing
- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council, provided that disclosure outside Council is made in accordance with the PID Act
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for key personnel
 - investigate allegations
 - properly manage any workplace issues that the allegations identify and correct any problem that is identified
 - reassess or review the policy frequently to ensure it is still relevant and effective.

2.2 Roles and responsibilities in Council

This policy applies to:

- Council employees including full-time, part-time, temporary or casual
- Mayor and Councillors
- Council's consultants and contractors

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

Members of Council staff are encouraged to support those who have made disclosures, as well as protect and maintain their confidentiality. Staff must not victimise or harass anyone who has made a disclosure.

2.2.1 Responsibilities of General Manager

Under the PID Act, Council's General Manager is responsible for ensuring that:

- Council has an internal reporting policy
- Councillors and Council staff are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- Council complies with the policy and its obligations under the PID Act, and
- Other members of staff are delegated responsibility for receiving public interest disclosures and that the Code of Conduct Complaints Coordinator is also appointed as the Disclosures Coordinator for public interest disclosures.

2.3 What should be reported?

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

2.3.1 Corrupt conduct

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

For example, this could include:

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

For more information about corrupt conduct, refer to the NSW Ombudsman's guideline on what can be reported at www.ombo.nsw.gov.au.

2.3.2 Maladministration

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

For example, this could include:

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

For more information about maladministration, refer to the NSW Ombudsman's guideline on what can be reported at www.ombo.nsw.gov.au.

2.3.3 Serious and substantial waste in local government

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

For example, this could include:

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

For more information about serious and substantial waste, refer to the NSW Ombudsman's guideline on what can be reported at www.ombo.nsw.gov.au.

2.3.4 Government information contravention

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

For example, this could include:

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

For more information about government information contravention, refer to the NSW Ombudsman's guideline on what can be reported at www.ombo.nsw.gov.au.

2.3.5 Local government pecuniary interest contravention

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

a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

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

For more information about local government pecuniary interest contravention, refer to the NSW Ombudsman's guideline on what can be reported at www.ombo.nsw.gov.au.

2.3.6 Other wrongdoing

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

For example, these could include:

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

These types of issues should be reported to a supervisor, in line with Strathfield Council's Code of Conduct and complaints and grievance processes.

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

2.4 When will a report be protected?

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

- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- the report has to be made to a position nominated in this policy (refer clause 2.8) or an investigating authority (refer clause 2.9).

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

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

2.5 How to make a report

Reports of wrongdoing may be made in writing or verbally, though it is encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

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

2.6 Can a report be anonymous?

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

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

2.7 Maintaining confidentiality

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

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

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

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

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

2.8 Who can receive a report within Strathfield Council?

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

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the procedures supporting this policy.

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

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

2.8.1 General Manager

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

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

Council's General Manager can be contacted by phone 9748 9924.

2.8.2 Mayor

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

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

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

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

The Mayor can be contacted by phone 9748 9924 or email:

mayor@strathfield.nsw.gov.au

2.8.3 Disclosures coordinator

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

Council's Disclosure Coordinator is the Council's General Counsel, who can be contacted by phone 9748 9963 or email tellus@strathfield.nsw.gov.au

2.8.4 Disclosures officers

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

Council's Disclosure Officer is the Director Corporate and Financial Services, who can be contacted by phone 9748 9637 or email tellus@strathfield.nsw.gov.au.

2.9 Who can receive a report outside of Council

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

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

2.9.1 Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Director-General of the Office of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies

- the Information Commissioner — for disclosures about a government information contravention.

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

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

2.9.2 Members of Parliament or journalists

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

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

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

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

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

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

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

2.10 Feedback to the individual who reported wrongdoing

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

When you make a report, you will be given:

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

Council will provide an acknowledgement letter and a copy of this policy within ten working days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

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

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

This information will be given to you within 10 working days from the date you make your report. During any investigation, you will be given:

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

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

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

Behaviour of all people involved in the PID process needs to adhere to Council's Code of Conduct.

A breach of the Code of Conduct could result in disciplinary action.

2.11 Protection against reprisals

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

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

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

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

2.11.1 Responding to reprisals

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

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

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

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

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

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

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

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

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

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

2.11.2 Protection against legal action

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

2.12 Support for those reporting wrongdoing

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

Council has staff that will provide support for those who report wrongdoing such as the Disclosures Coordinator and Disclosures Officer. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

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

2.13 Sanctions for making false or misleading disclosures

It is important that all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting

wrongdoing. It may also be a breach of Council's Code of Conduct and may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

2.14 Support for the subject of a report

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

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

2.15 Review

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

2.16 More information

More information around public interest disclosures is available on the Council website or Council staff intranet. Staff and councillors can also access advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

2.17 Resources

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

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney, NSW, 2000.

For disclosures about breaches of the GIPA Act:

Information and Privacy Commissioner
Toll free: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000

For disclosures about council:

Director-General, Office of Local Government
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street, Sydney NSW 2000

Prevention of Fraud and Corrupt Conduct Policy

As at September 2017



PREVENTION OF FRAUD AND CORRUPT CONDUCT POLICY

	<h1>PREVENTION OF FRAUD AND CORRUPT CONDUCT POLICY</h1>		
RESPONSIBILITY	Corporate Services		
DATE ADOPTED	2 June 2015	MINUTE	168/15
REVISED	September 2017	REVIEW	2020
ECM No	1352111		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Acceptable use of IT Policy • Australian Standards: Corporate Governance – Fraud and Corruption Control and Risk Management • Business Ethics Policy • Code of Conduct • Complaints Handling Policy • Councillors Expenses and Facilities Policy • Delegations Registers • Disciplinary Procedure Policy • Disposal of Assets Policy • Enterprise Risk Management Policy and Strategy • Gifts and Benefits Policy • Internal Audit Committee Charter • Use of Mobile Communication Devices Policy • Motor Vehicle Policy and Guidelines • NSW Audit Office Fraud Control Guidelines • Procurement Policy • Public Interest Disclosures and Internal Reporting System Policy • Records Management Framework • Secondary Employment Policy • Use of Council Resources Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Crimes Act 1900</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Independent Commission against Corruption Act 1988</i> • <i>Local Government (General) Regulations 2005</i> • <i>Local Government Act 1993</i> • <i>Public Interest Disclosures Act 1994</i> • <i>State Records Act 1998</i> 		

--	--

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Prevention of Fraud and Corrupt Conduct Policy*. This policy was adopted on 2 June 2015 by Council resolution (minute 168/15). This policy was last reviewed on 3 July 2017.

1.2 Background and Purpose of Policy

Strathfield Council is committed to the prevention of fraud and corruption through the promotion of good governance and ethical behaviours in order to deliver responsible, transparent, effective and accountable local government.

The purpose of this policy is to enforce Council's commitment to prevention, detection and addressing dishonest and fraudulent behaviour.

The community has an expectation that Councillors and Council employees acknowledge and fulfil their responsibility to protect public money and property.

Fraud and corrupt conduct are ongoing and pervasive risks faced by all organisations. Fraud and corrupt conduct are more likely to flourish in an environment of ignorance and neglect, therefore fraud and corruption control must be an ongoing activity.

An ethical environment, free from fraud and corruption, should produce:

- enhanced moral
- respect for all
- job satisfaction
- employment security
- reduced stress
- improved efficiency
- ability to meet commitments
- improved service levels.

Fraud and corruption control are key components of good governance.

1.3 Objectives of the policy

The objective of the policy is the protection of Council revenue, expenditure and property from any attempt (either by the public, contractors, or employees) to gain benefit by deceit, financial or other benefits.

1.4 Coverage of the Policy

The policy applies to councillors, council employees, volunteers, consultants and contractors.

1.5 Definitions

Corrupt conduct is defined in section 8 of the *Independent Commission Against Corruption Act (ICAC) 1988* and may include conduct such as:

- (a) *any conduct of any person (whether or not a public official) that adversely affects, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or*
- (b) *any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or*
- (c) *any conduct of a public official or former public official that constitutes or involves a breach of public trust, or*
- (d) *any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not his or her benefit or for the benefit of any other person.*

Corruption is also defined in the Australian Standard AS 8001-2008 “Fraud and Corruption”, as:

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interest of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.”

Fraud, which is a type of corruption, is also defined in the above standard as:

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of money or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or improper use of information or position”.

1.6 Implementation strategies

To support this policy:

- Council will provide Code of Conduct and fraud and corruption prevention training on induction and on a periodic basis as refresher for staff and councillors.
- Council has adopted a Public Interest Disclosure and Internal Reporting and has appointed positions within Council to receive disclosures.

- Council has established an Audit Committee which includes external representatives and an independent Chairman.
- Council will implement a check of the organisation's compliance with the Policy using the Fraud Control Health Check provided by the NSW Audit's office.
- Council will develop a Corruption Prevention Plan and support its ongoing implementation and resourcing
- Council will distribute fraud and corruption prevention information through management meetings, newsletters and other internal publications
- Council will appropriate Council Officers to take active participation in the fraud and corruption risk assessment reviews and other audit activities regularly undertaken by the Council's internal and external processes.

2.0 Policy Statement

This policy is designed to protect public funds and assets, the integrity, security and reputation of the Council and its employees, and maintain a high level of services to the community.

Strathfield Council is committed to the:

- maintaining an effective system of internal controls and compliance with those controls aimed at preventing and detecting fraud and corruption.
- regularly undertaking fraud risk assessments to identify opportunities for fraud, and implementing prevention and minimisation procedures in day to day operations.
- establishing standards and formal procedures to record and investigate allegations of dishonest and/or fraudulent behaviour
- investigating allegations and reporting outcome of inquiries to the General Manager for consideration of actions including disciplinary action and/or for referral to external authorities as appropriate.
- ensuring all Councillors and Council employees are aware of their obligations in combating dishonest and fraudulent behaviour by providing induction and refresher training and information sessions on a regular basis.
- cultivating and maintaining an environment in which dishonest and fraudulent behaviour is actively discouraged by encouraging staff and Councillors to report suspected fraud and corruption either against Council or within Council.
- providing public awareness of Council's commitment to fraud and corruption prevention, and encourage public reporting of suspected fraud and corruption by Council officials or against Council.

2.1 Examples of fraudulent activities and corrupt activities

2.1.1 Theft

The most common types of property stolen include:

- stationery and office supplies
- construction and maintenance equipment and tools
- communication devices eg laptop computers, mobile phones etc
- technical equipment
- cash
- intellectual property, including documents and data
- unauthorised use of credit cards and petrol cards.

2.1.2 Gifts, benefits and bribes

Gifts, benefits and bribes are usually intended to influence the way the recipient carries out their official functions or to encourage active participation by employees in a fraudulent or corrupt activity. Exposure to offers of gifts, benefits or bribes is particularly common for Council employees who:

- approve or can influence decisions
- procure goods or services
- carry out regulatory work
- provide customer or client service
- carry out work with the private sector

2.1.3 Misuse of Council resources for inappropriate private purposes

Examples of misuse of council resources for inappropriate private purposes include:

- using a council truck to deliver tonnes of gravel to a friend's property and remove a tree
- performing paid work for another employer during working hours
- an council worker running a landscaping business using council equipment and materials, and falsifying timesheets to cover up his private use
- excessive use of council facilities such as phones and internet for non-work purposes

2.1.4 Zoning and development

Activities associated with planning, zoning and development have been identified as high risk areas of fraud and corruption, which can involve offering of bribes, non-disclosures of conflicts of interest, harassment of council staff. Examples include:

- coercion, intimidation and harassment of Council staff dealing with development applications and planning or zoning proposals

- inducements from developers to modify approved development applications or conditions.

2.1.5 Regulatory compliance

Acceptance of bribes and favours by Council's compliance and regulatory staff, including council rangers, that allow illegal and unauthorised activities.

2.1.6 Procurement, tendering and contract management

Activities associated with procurement, tendering and contract management have traditionally been very susceptible to fraud and corruption. They normally result from bribes, commissions or conflicts of interests. Examples of the type of fraud and corruption risk exposures include:

- order splitting to avoid tendering or obtaining quotes
- collusion with suppliers to provide dummy quotes
- accepting late tenders without justification
- approving fraudulent contract variations
- delegation for order and payment granted to same person

2.1.7 Conflicts of interest

A conflict of interest can be pecuniary and non-pecuniary (refer to Council's Code of Conduct) and risk exposure can include:

- councillors not declaring conflicts of interest and using their position to vote or obtain confidential information to advantage themselves, family or close associates
- caucusing on development applications to advantage an associate or political donor
- regular contact between developers and councillors and/or council staff (beyond a professional relationship) leading to personal relationships
- Council use of consultants who may have conflicts of interest with external parties that they are negotiating with, regulating or investigating

2.1.8 Information Technology

The main risk areas of computer fraud are:

- unauthorised electronic transfer of funds
- electronic claims processing
- unauthorised alteration of input data
- misappropriation, destruction or suppression of output data
- alteration of computerised data
- alteration or misuse of software program

2.1.9 Forgery or falsification of records to originate or conceal a fraud

The falsification of records and processing of a false statement is fraud. Examples include falsification of:

- data on expense claims and receipts
- credit card reimbursement claims
- invoices and timesheets
- job application forms
- leave records
- forgery of a signature on a cheque or document
- creation of fictitious employees on the payroll register
- applicants for positions falsifying career background details

3.0 Responsibilities

3.1 Councillors

Councillors are responsible for:

- complying with Council's Code of Conduct and policies relating to ethic conduct
- raising community awareness of the Council's commitment to fraud and corruption prevention
- promoting awareness and compliance with Council's Code of Conduct
- supporting the General Manager in the implementation of adequate prevention measures for fraud and corruption
- reporting all instances of suspected or actual fraud or corrupt conduct in accordance with Council's Code of Conduct or *Protected Disclosures and Internal Reporting Policy*

3.2 Council employees

All Council employees are responsible for:

- performing their functions and duties with skill, care, diligence, honesty, integrity and impartiality
- being aware of their individual responsibilities under this Policy
- complying with fraud and corruption prevention controls including the *Prevention of Fraud and Corrupt Conduct Policy*
- reporting suspected incidents of fraud and corruption
- ethical behaviours

3.3 General Manager

The General Manager is responsible for the proper management of Council resources and the development and implementation of systems and practices to minimise the risk of fraud and corruption, including:

- reporting actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) as per Section 11 of the *ICAC Act 1988*
- reporting criminal offences to the NSW Police Force
- requiring Councillors and Council Officers to prevent and minimise fraud and corruption by focussing on ethical behaviour, good practice and sound internal controls
- arranging regular fraud and corruption awareness training courses for Councillors and Council Officers
- promoting a workplace culture and environment in which fraud and corruption is actively discouraged and is readily reported should it occur
- undertaking and reviewing a fraud and corruption risk assessment on a regular basis

3.4 Directors, managers and supervisors

Directors, Managers and Supervisors (ie staff with supervisory responsibility) have the following responsibilities, in addition to their responsibilities as Council employees:

- leading by example and in promoting ethical behaviour within the Council and the areas within their responsibility
- ensuring that new and existing employees within their area of responsibility receive appropriate fraud and corruption awareness training and understand the Council's Code of Conduct
- promote awareness of ethical conduct and mechanisms to prevent corruption and providing ethical advice and support to staff
- identifying and managing potential fraud and corruption risks within their area of responsibility
- ensuring that appropriate internal controls are in place to minimise fraud and corruption risks and that internal controls are operating effectively
- taking reasonable steps to require that contractors who report to them comply with this Policy to the extent that it is relevant to their contractual arrangements and adhere to the ethical standards described in this Policy.

3.5 Contractors, consultants, applicants and suppliers

Strathfield Council requires all contractors, consultant, applicants, suppliers of good and services, owners and applicants of development applications and anyone doing business with Council, to observe Council's Business Ethics Policy and the following principles:

- act ethically and honestly in all dealings with Council
- declare actual or perceived conflicts of interests as soon as the conflict becomes apparent
- comply with Council's procurement policies and procedures
- provide accurate and reliable information when required

- take all reasonable measures to prevent disclosure of confidential Council information.

3.6 Members of the public

Strathfield Council invites customers and residents to support its commitment to preventing and addressing fraudulent and corrupt behaviour.

If a customer or a resident suspect fraud or corruption that involves Council, they should report their suspicions to any of the following:

- Council's General Manager
- Independent Commission Against Corruption (in the case of allegations of fraud and corruption)
- Office of Local Government (in the case of allegations relating to pecuniary interests)
- NSW Police Force (in the case of allegations relating to criminal activity)
- NSW Electoral Commission (in the case of allegations relating to election fraud)

4.0 Reporting suspected fraudulent activity or corrupt conduct

It is the responsibility of each member of staff, all volunteers and contractors to comply with the provisions outlined in this policy. Failure to comply with the provisions set out in this policy will constitute a breach of the Council's Code of Conduct and may be considered misconduct and result in disciplinary and/or legal action.

Employees have an obligation to report any suspected fraudulent activity or corrupt conduct to the Public Interest Disclosure Officer or the General Manager or to the ICAC. The General Manager has an obligation, under Section 11 of the *ICAC Act*, to report those matters to ICAC.

Note that staff members who make disclosures in accordance with the Public Disclosures And Internal Reporting System Policy are protected from reprisals under the *Public Interest Disclosures Act 1994*.

All other instances of suspected corrupt and/or fraudulent activity not covered by Council's Internal Reporting Policy should be notified to the staff member's direct supervisor or, if the suspected behaviour is carried out by the direct supervisor, to the Public Officer, or the staff member may report directly to the Public Officer. Council's Public Officer is currently Council's Solicitor.

Council encourages members of the public to report possible fraud or corruption direct to the General Manager, Mayor or Public Interest Disclosure Officers or directly to ICAC.

5.0 Conduct and discipline

Councillors and Council employees must carefully read, understand and observe the Code of Conduct.

Fraud or corruption is unacceptable and offenders will face disciplinary action in accordance with Council's Code of Conduct.

Council may seek criminal prosecution for any fraud or corruption.

Council may institute civil or administrative legal proceedings in respect of fraud or corruption, as considered appropriate by the General Manager.

6.0 Fraud and corruption risk assessment process

Council is committed to minimising the occurrence of fraud and corruption within the Council through:

- identifying fraud and corruption risks
- determining strategies to control those risks
- defining responsibility for and the time frame within which the strategies will be implemented

Council will instigate a review of the Council's fraud and corruption risks and control strategies at least once every three years. The review may be undertaken by a third party independent of Council.

Regular internal audits are also undertaken to detect fraud and corruption.

7.0 Review

This policy will be reviewed every three years.

Privacy Management Plan

As at September 2017

	<h1>PRIVACY MANAGEMENT PLAN</h1>		
RESPONSIBILITY			
DATE ADOPTED	7 May 2002	MINUTE	165/02; 87/10
REVISED	September 2017	REVIEW	2019
ECM No	1352112		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • NSW Privacy (2009), A guide for making privacy management plans. • Strathfield Council Access to Information Policy • Strathfield Council Code of Conduct • Strathfield Council Guidelines for Accessing Information • Strathfield Council Security Systems Policy • Strathfield Council Records Management Policy • Strathfield Council Acceptable Use of IT Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Privacy and Personal Information Protection Act 1998 (PPIPA)</i> • <i>NSW Health Records and Information Privacy Act 2002 (HRIPA)</i> • Privacy Code of Practice for Local Government • <i>Local Government Act 1993</i> 		

1.0 Introduction

Council's Privacy Management Plan sets out how Strathfield Council handles personal and health information in accordance with the NSW *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the NSW *Health Records and Information Privacy Act 2002 (HRIPA)*. These Acts provide for the protection of personal and health information and for the protection of the privacy of individuals.

Council has an obligation to handle personal and health information in a fair and reasonable manner consistent with legislative obligations, subject to its requirement to be open and accountable in the conduct of public functions.

Council endorsed its first Privacy Management Plan in 2000 by adoption of the Model Privacy Management Plan for Local Government. On 6 April 2010, Council adopted amendments to the first plan. The third version incorporates amendments by the *Government Information (Public Access) Act 2009* and was endorsed by Council at the meeting of 3 April 2012.

This Plan has been prepared as required by Section 33 of PPIPA and NSW Privacy 'A Guide to Making Privacy Management Plans' (2009).

1.1 Statutory Provisions

The legislation sets out principles that apply to the handling of personal and health information. The principles are also modified by other legislation, Codes of Practice approved by the Attorney General, Directions issued by the NSW Privacy Commissioner and (in respect of health information) Guidelines issued by the Minister for Health.

These modifications are contained in the Privacy Code of Practice for Local Government, and Directions from the Privacy Commissioner relating to the Processing of Information for the Purpose of Investigations, the Use of Information for Research Purposes, and Certain Information Transfers between Government Agencies.

The Minister for Health has issued Statutory Guidelines concerning notification requirements when health information is collected about a person from someone else, and the use and disclosure of health information for training or research purposes.

Council does not currently provide a health service of the kind referred to in HRIPA. It does however collect, hold and use health information in carrying out various functions and in that respect is required to comply with the Health Privacy Principles contained in that Act.

The full text of the Acts, Codes, Directions and Guidelines can be accessed from the website of the NSW Privacy Commissioner.

Other legislation such as the *Government Information (Public Access) Act 2009* and *Environmental Planning & Assessment Act 1979* requires Council to make certain documents available for public inspection. To the extent of any inconsistency, those requirements generally prevail over privacy legislation. Further details about public access to Council documents are contained in Council's *Access to Information Policy*, which is available on Council's website.

Under the Local Government Act, any person may apply to have information concerning place of living suppressed from publicly available documents where they consider disclosure constitutes a risk to personal safety. Any request should be made to Council's Public Officer together with supporting material. An application form is available on Council's website.

1.2 Definitions

a) Personal and Health Information

'Personal information' is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

'Health information' is personal information about the physical or mental health or a disability of an individual, or a health service provided or to be provided to an individual.

Some personal and health information is excluded from the provisions of the Acts including information about a person who has been dead for 30 years or longer. Information in a publicly available publication (refer 1.3(c)) is also excluded from handling principles contained in the Acts.

b) Unsolicited information

Unsolicited information is personal or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes volunteered, gratuitous or irrelevant information received. Such information is not subject to the collection principles in the Acts but the storage, use and disclosure principles will apply to any record of such information retained by Council.

Council generally treats the particulars of complainants on a confidential basis. However, identity may become apparent in the course of conducting an investigation into certain types of complaints, or in the event of court proceedings.

c) Publicly available publication

Personal or health information contained in a publicly available publication is not information subject to the handling principles in the Acts. The following are examples of types of publicly available publications:

- Newspapers, magazines and books in general circulation.
- Information available for unrestricted access on the Internet.
- Directories including the White Pages and information about property ownership available to any member of the public from the NSW Land and Property Information Service, Department of Lands.
- Council Business papers concerning matters considered in open session.

d) Public Register

A public register is a register required by law to be available for public inspection or which Council chooses to make available for public inspection. The Acts and Codes impose an obligation on Council to ensure that access to personal or health information contained in such registers is for a purpose consistent with the purpose for which the register exists.

1.3 Application of This Plan

The Acts, this Plan and Council policy, apply to all functions of the Council in particular to:

- Councillors in carrying out their duties as members of the governing body of the Council
- Council employees
- Consultants and contractors of the Council

The principles regarding collection and use of personal information do not apply to papers or records deposited with the Council's library, which have been prepared by individuals and/or given to the library. Personal information in such records is handled in accordance with the NSW Privacy Commissioner's Direction on the Use of Information for Research Purposes, which includes Strathfield Council in its schedule.

1.4 Personal and Health Information Held by Council

The principles in the Acts apply to personal and health information held in Council records, information acquired by Councillors and staff in the course of carrying out their duties, and information held by contractors or agents in the course of undertaking an engagement on Council's behalf.

Council holds personal information concerning Councillors such as:

- Personal contact information
- Complaints and associated matters
- Pecuniary interest returns
- Entitlements to fees, expenses, facilities and reimbursements including bank account details

Council holds personal information concerning its customers, ratepayers and residents such as:

- Names and home addresses of individuals
- Property ownership details and information regarding concessions
- Personal information relevant to the processing of development applications
- Information concerning contact with Council regarding provision of services
- Bank account details

Council holds personal information concerning its employees such as:

- Information acquired in the course of recruitment/selection
- Leave and payroll data
- Personal contact information
- Performance management plans

- Disciplinary matters
- Pecuniary interest returns
- Wage and salary entitlements and payments including bank account details.
- Workers compensation claims and injury register

Council holds health information including information about the health status of:

- Some residents and ratepayers acquired in the course of carrying out Council functions
- Children and young people attending council events eg vacation programs
- Volunteers participating in programs such as Bushcare
- Council staff, where relevant to their employment

2.0 Principles

2.1 Collection of necessary information

Council will only collect personal or health information reasonably necessary for a lawful purpose directly related to a function or activity of the Council. Council will not collect personal or health information by any unlawful means.

Council collects information in order to carry out its functions and provide services to the community.

2.2 Direct collection

Council will usually collect information directly from the individual concerned but may collect from others where:

- the individual has authorised collection from someone else, for example in nominating referees when applying for a position with Council
- in the case of personal information relating to a person who is under the age of 16 years information collected from a parent or guardian, or in regard to health information about a child under 18 years of age, from the person having parental responsibility
- indirect collection is reasonably necessary to confer an award, prize or benefit or similar form of personal recognition on the person
- indirect collection is necessary in Council's conduct of a lawful investigation
- information is provided to Council in accordance with legislative requirements or the collection is undertaken as required by another act. For example, information provided to Council by the NSW Government's Land and Property Information Service about transfers of property and associated matters is provided in accordance with provisions of the *Local Government Act*. Council is also required by law to undertake pre-employment screening, including collection of information for people working with children
- information collected in connection with proceedings before a court or tribunal

- it is unreasonable or impracticable in the circumstances to collect health information directly from the individual

2.3 Notice requirements

When Council collects information from an individual, it will take steps reasonable in the circumstances to ensure the individual is made aware:

- that information is being collected
- the purposes for which the information is being collected
- intended recipients of the information
- whether the supply of the information is required by law or is voluntary and any consequences if the information (or any part of it) is not provided
- the existence of the right of access to, and correction of, the information
- the name and address of Council as the collector of the information

Council will ensure that relevant forms and applications include a statement that addresses these matters. Rights of access are as set out in this plan. Council will provide information on Council's website to inform members of the public and others about information handling practices. It will sometimes be impracticable to specifically refer to these matters in counter transactions, interviews or telephone conversations.

Information collected will usually be available to Council officers responsible for dealing with the matter and related matters. This may include Councillors where there is a requirement for Councillors to be informed.

Council will ensure that any collection of personal information by use of security video cameras or other devices will be accompanied by appropriate signage as required by law. Council employees have been provided with notice regarding surveillance in accordance with the NSW Workplace Surveillance Act and Council's *Security Systems Policy*.

Council is not required to give notice of collection where:

- the information is unsolicited or has been lawfully collected from someone other than the person concerned
- the person consents to dispensing with the requirement
- collection is reasonably necessary to confer an award, prize or benefit or similar form of personal recognition on the person
- collection is necessary in Council's conduct of a lawful investigation
- information is collected in connection with proceedings before a court or tribunal
- compliance would prejudice the interests of the individual to whom the information relates.

If health information is collected about a person from someone other than the person concerned, Council will take reasonable steps to ensure that the person concerned is notified.

Council collects information from those who access its website in accordance with the Privacy Statement available on the site at www.strathfield.nsw.gov.au. The disclaimer provides the conditions for use of the website.

2.4 Other requirements regarding collection

When Council collects personal or health information from an individual, it will take such steps as are reasonable in the circumstances to ensure that: the information is relevant to that purpose, is not excessive, and is accurate, up-to-date and complete; and collection does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

Council will in normal circumstances rely on the provider of the information regarding accuracy and completeness, although in special circumstances some verification processes may be necessary or appropriate.

2.5 Security

Council will ensure that:

- information is protected, by reasonable security safeguards against loss, unauthorised access, use, modification or disclosure, and against all other misuse
- information is kept for no longer than necessary for the purposes for which the information may lawfully be used, consistent with other legislative requirements
- information is disposed of securely
- if it is necessary for the information to be accessed by a Council contractor or agent in connection with the provision of a service, Council takes steps to prevent unauthorised use or disclosure of the information.

Information will be held in an appropriately secure manner. IT security requirements including the use of passwords are set out in Council's *Acceptable Use of IT Policy*. Paper based and electronic records will be managed in accordance with Council's *Records Management Policy*.

Information in documentary form is held and retained in accordance with the provisions of the State Records Act. Any disposal of records is carried out in accordance with the approved disposal schedule: GDA 39 – General Retention and Disposal Authority for Local Government Records.

Council will include in its documents concerning employment and in any contractual arrangements, provisions that ensure that staff, contractors and agents are aware of their obligations regarding the handling of personal or health information obtained in the course of their employment or engagement.

2.6 Information held

Council will respond to requests about whether it holds personal information relating to a person, the nature of that information, the main purposes for which the information is used, and rights to access the information.

Broad categories of personal and health information held by the Council are referred to in this plan.

Should an individual seek information generally about the nature of any information held, Council may require an indication of the types of dealings the person has had with Council in order to assist in the identification of relevant information held on different files and in various parts of its information and data systems.

2.7 Access to information

Council will provide the individual to whom the information relates, with access promptly and in any event within 20 working days.

Requests for access should be made in writing.

Staff members seeking access to records held about them have rights of access to their personnel file in accordance with Council policy.

Where any relevant documents held may be subject to any conditions or limitations on access under the *Government Information (Public Access) Act* or Work Cover rules, Council may refuse access or impose such conditions in responding to an application.

Rights to access personal and health information under the Acts do not extend to information held about other persons. Where an individual's personal and health information is contained in documents that also contain information about others any application for access will need to be made and processed under the *Government Information (Public Access) Act 2009*.

2.8 Alteration and amendment

Council will at the request of the individual concerned, consider any request to alter or amend information held, to ensure information is accurate, relevant, up-to-date, complete and not misleading.

Changes of name, address and other minor amendments, require appropriate supporting documentation. Where substantive amendments are involved, a written application will be required. The application should set out the grounds on which changes are sought.

Council may refuse to amend information where it is not satisfied that it is incorrect or incomplete. If Council refuses a request for amendment, the individual may request a notation to be added to the record.

If information in a Council record is amended, the person is entitled, if practicable, to have previous recipients of that information notified of the amendments.

2.9 Accuracy before use or disclosure

Prior to use or disclosure Council will take steps reasonable in the circumstances to ensure that information is relevant, accurate, up-to-date, complete and not misleading.

2.10 Use of information

Use means the employment of information for a purpose associated with Council functions.

Council will not use personal information for a purpose other than that for which it was collected unless:

- the individual has consented to such use
- the other purpose is directly related to the purpose for which the information was collected
- the use is necessary to prevent or lessen a serious and imminent threat to the life or health of any person
- the use is reasonably necessary for another lawful and proper function of Council
- where personal information is to be used for the purpose of conferring an award, prize, benefit or similar form of personal recognition
- compliance is reasonably likely to detrimentally affect, or prevent the proper exercise of conduct of a lawful Council investigation.

Some information collected by Council may be used for a variety of purposes. For example, the names and addresses of individual owners of property kept as part of Council's rates records may be used to notify adjoining owners of proposed developments, to identify companion animal ownership, evaluate road openings and obstructions, evaluate tree preservation orders, investigate parking controls, evaluate land dedications and laneway status and to notify residents and ratepayers of Council services and activities.

Any use of information for the purposes of research will be in accordance with the Direction issued by the NSW Privacy Commissioner.

Council will only use health information for the purpose:

- for which it was collected
- a directly related purpose that the person would expect
- with the consent of the individual to lessen or prevent a threat to public health or safety
- for law enforcement purposes where an offence may have been committed
- where required by another act or law
- in accordance with the Guidelines issued by the Minister for Health regarding the use of information for research or training purposes.

2.11 Limits on disclosure

Council will not disclose personal information to a person (other than the individual to whom the information relates) or other body, unless:

- the disclosure is directly related to the purpose for which the information was collected and Council has no reason to believe that the individual concerned would object to the disclosure
- the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with the Act, that information of that kind is usually disclosed to that other person or body
- Council believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person
- the individual expressly consents to the disclosure. For example Council may provide information about an employee or former employee to a potential employer, or verify details concerning salary or wages to a financial institution where the person concerned has consented
- required or permitted by another act or law.

The *Local Government Act* for example requires Council to make specified documents available for public inspection. Some documents must be made available, including development applications and associated documents while others are subject to disclosure unless on balance this would be contrary to the public interest. Submissions and objections to development applications and the name of the owner of a particular property in certain circumstances are made available on these grounds. The *Local Government Act* also:

- provides for the provision to a member of the public of various certificates and notices concerning a particular property. Council may also be required by other laws to provide some information to Centrelink and other organisations such as the Australian Tax Office and the Australian Bureau of Statistics. It also must notify the Department of Community Services of a child at risk under the *Children and Young Persons (Care and Protection) Act*. Where documents are subpoenaed for production in a Court, personal information may be contained in those documents
- to Federal and NSW Police Services where required or permitted to do so or where there are reasonable grounds to believe an offence has been committed
- to another NSW public sector agency or public utility where the agency has approached Council in writing, Council is satisfied that the information is to be used for proper and lawful function/s, and that the information is reasonably necessary for the exercise of that agency's function. Electricity and water utilities, and the State Electoral Commission seek details from Council of property owners in particular localities
- information is to be disclosed for the purpose of conferring upon that person an award, prize, benefit or similar form of personal recognition
- for the protection of public revenue.

2.12 Council obligations to provide access to documents under the Government Information (Public Access) Act 2009

Council obligations to provide access to information under the *Government Information (Public Access) Act* (GIPA) 2009 are determined by the provision of considerations against disclosure of personal information. Any application will be dealt with in accordance with the provisions of the GIPA Act. The Act allows public interest considerations against disclosure to be balanced with the public interest considerations in favour of disclosure. This applies to access to information that would reveal confidential sources of information, legal advice, information concerning the personal affairs of other persons and other documents that are subject to public interest considerations under the GIPA Act.

Council will only disclose health information where this is consistent with the purpose for which it was collected; a directly related purpose that the person would expect; with the consent of the individual; to lessen or prevent a threat to public health or safety; for law enforcement purposes where an offence may have been committed; where required by another act or law; or in accordance with the Guidelines issued by the Minister for Health regarding the disclosure of information for research or training purposes.

3.0 Special restrictions

Council will not disclose information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Council will not disclose information to any person or body outside New South Wales unless a privacy law applies in that jurisdiction; or the disclosure is permitted under a Privacy Code of Practice (a Code determined by the Privacy Commissioner and published in the Government Gazette).

Council where requested by a potential employer, may confirm that a current or former employee works or has worked for Council, the duration of that work and the position occupied during that time.

4.0 Additional health information privacy principles

Health information held by Council must only be used or disclosed in accordance with the Health Privacy Principles contained in HRIP Act. Most of these principles are the same or similar to the information privacy principles in PPIP Act.

There are special requirements regarding giving of notice when health information is collected from a third party. Council will comply with the Statutory Guidelines approved by the Minister for Health regarding the giving of notice in these circumstances.

There are additional Health Privacy Principles contained in HRIPA concerning the use of identifiers in the handling of health information, the provision of a health service on the basis of anonymity, transfers of health information outside New South Wales or to a Commonwealth Government agency, and the inclusion of health information in a state or nationwide linked system.

The Council does not use identifiers in the handling of health information, does not currently provide a health service, or participate in any linked health record system.

Council will only transfer health information outside the state or to a Commonwealth Government body where satisfied that this is required by law, or otherwise is in accordance with the provisions of HRIP Act.

5.0 Public Registers

Council is required by law to maintain a number of public registers and to make them available for public inspection. Some of these registers contain personal information as defined in the Acts. Any person may inspect a public register at a Council office and copy an entry or page but in seeking to copy additional information will need to satisfy Council that access is for a purpose consistent with the purpose for which the register exists.

Council reserves the right to require a person seeking access to provide information about the purpose for which the information will be used, and if access is given, to require an undertaking not to use the information for any other purpose.

Some registers have been created to serve a number of purposes. Where Parliament has stipulated that the register is to be available for public inspection one purpose is clearly to provide access to any member of the public with a legitimate interest in inspecting the register.

Among the public registers that Council holds and may contain personal information are as follows:

- Register of Consents and Certificates regarding development applications including Complying Development Certificates
- Register of Contributions imposed by Council in connection with approval of development.
- Records of Approvals of Activities under the *Local Government Act*
- Contracts Register
- Register of Contributions imposed by Council in connection with approval of development.

6.0 Privacy Contact Officer

Council's Public Officer is the person responsible for management of privacy related issues and is appointed Council's Privacy Contact Officer (PCO).

This involves provision of information and advice regarding legislative obligations and the privacy implications of new projects, plans, initiatives or policies; dealing with inquiries from members of the public; managing or undertaking investigations of complaints; and review of Council policy, procedures and the privacy management plan.

Ongoing staff training will be provided on the management of personal and health information. The Annual Report will include details of privacy related issues that have been dealt with during the year.

7.0 Complaints Regarding Privacy

Council's Privacy Contact Officer can assist with inquiries about privacy related issues and can be contacted on 9748 9999.

Formal complaints about any breach of Council's legislative obligations must be made within 6 months of the complainant being first aware of the issue. Council may accept a complaint at a later time. Complaints must be in writing and addressed to:

Strathfield Council
P.O. Box 120
STRATHFIELD NSW 2135

Any complaint should provide sufficient detail of the alleged infringement to enable Council to investigate. Council will appoint a reviewing officer to undertake an investigation and inform the NSW Privacy Commissioner that a complaint has been received.

The investigation will be undertaken promptly and the complainant and the Privacy Commissioner informed of the findings within 60 days.

The Council may conclude that no breach of the privacy principles has occurred, that any breach was justified by a relevant exemption that applies to Council's handling of the information, or that a breach has occurred without justification. Any finding of a breach may result in a formal apology, appropriate remedial action including payment of monetary compensation, an undertaking that the conduct will not occur again, or the implementation of administrative changes.

Should a complainant not be satisfied, he or she may lodge an appeal to the Administrative Decisions Tribunal, which will hear the matter and impose its own decision. It may also award damages where satisfied that a breach of an information protection principle has occurred and that the person concerned has suffered loss or damage as a result.

Any person may complain about a general privacy concern directly to the NSW Privacy Commissioner.

Procurement Policy

As at September 2017



PROCUREMENT POLICY

RESPONSIBILITY	Corporate Services		
DATE ADOPTED	25 August 2012	MINUTE	
REVISED	September 201	REVIEW	2019
ECM No	1352114		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Code of Conduct • Business Ethics Policy • Sustainable Procurement Policy 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2005 – Part 7 Tendering</i> • <i>Government Information (Public Access) Act 2009</i> 		
ASSOCIATED GUIDELINES	<ul style="list-style-type: none"> • Tendering Guidelines for NSW Local Government (Division of Local Government) • Strathfield Council Purchasing and Tendering Guidelines 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Procurement Policy* and was adopted on 25 August 2012 by approval of the General Manager. The following amendments have been made:

Date	Amendment	Approval
17 November 2014	Revised to include recommendations from procurement review	General Manager
19 September 2016	Revised to increase purchasing thresholds as a result of purchase to pay financial analysis.	General Manager
23 September 2016	Revised policy	General Manager

1.2 Background and Purpose of Policy

The objective of this policy is to set out the principles and framework for Council's purchasing and procurement activities and to ensure that Council is at all times compliant with the *Local Government Act 1993*, *Local Government (General) Regulations 2005*, *Tendering Guidelines for NSW Local Government*, Council's Code of Conduct and Business Ethics Policy in relation to the procurement of goods and services. The Act defines a clear distinction between procurement involving

expenditure of an amount less than the tender threshold (currently \$150,000) and expenditure greater than the threshold.

1.3 Objectives of the policy

The objectives of the policy are to:

- provide policy and guidance on purchasing and procurement activities to ensure consistency
- ensure effective and efficient procurement
- set out Council's procurement governance framework
- ensure that all procurement activities are conducted with honesty, fairness and transparency

1.4 Coverage of the Policy

The policy applies to all purchasing, procurement, tendering and contracting activities undertaken by Strathfield Council, other than statutory payments or payments for membership of regional or state organisations and is binding on all councillors, Council staff, suppliers, contractors and consultants. The General Manager or an officer delegated with such authority must approve non-compliance or any deviations from the policy.

1.5 Purchasing and Tendering Guidelines

Council's Purchasing and Tendering Guidelines provide guidance for Council staff in their day to day activities in managing purchasing, quotations, tendering and expressions of interest and contract management.

The Guidelines are a set of documents that may be amended from time to time to incorporate changes to legislation and keep pace with best practice.

1.6 Definitions

Procurement is the sourcing of goods and services through a predefined set of processes and doing so in an ethical and efficient manner that will achieve best value to Council. Usually the process begins by defining business needs, seeking potential providers in the market, selecting and putting a contract in place and then monitoring and managing the performance.

Purchasing is the process of obtaining goods and services from suppliers that have undergone the Procurement process either with Council or Local Government Procurement, or other providers not under contract.

Purchase Order is Council's official document used to purchase goods or services from an external supplier. A purchase order confirms the contractual arrangement

between Council and the supplier and is generally used for procurement of goods and services up to \$150,000 (GST inclusive).

Preferred Supplier means are those suppliers that have been approved following an Expression of Interest (EOI) process.

Request for Tender is a procurement process which involves a set of steps to seek responses for a specific good or services from external providers on capability, capacity and cost. RFT usually results in the formation of a contract with either one or more suppliers as a result of the outcome.

Expression of Interest (EOI) is a process to seek responses from interested suppliers in the external marketplace who are able and willing to provide goods and services as required by Council.

Contractor is a Person, corporation or service provider who contracts for the supply of goods on the performance of services.

Selective Tender is a document which contains all relevant Council terms and conditions and specifications, as derived from responses to EOI and directed specifically to EOI respondents only.

Consultant is a Professional individual or organisation providing designs, management, or other services to a principal, contractor, sub-contractor, client or supplier.

2.1 Financial Delegations for Procurement

Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. All procurement must be undertaken within these delegations.

2.2 Categories and Thresholds for Procurement

The minimum levels of procurement thresholds are shown below. It is not acceptable for procurement to be divided in smaller amounts eg order splitting to circumvent the requirements of this policy.

Threshold	Approach to Market
Value less than \$5,000 (incl GST)	If no preferred supplier agreement or state contract obtain verbal quotation on competitive quotations from preferred supplier.
\$5,001 - \$9,999 (incl GST)	<p>If no preferred supplier agreement on state contracts, obtain minimum of three (3) verbal or written quotes</p> <ul style="list-style-type: none"> - Purchasing Assessment Form Required - Specification/Request for Quotation Required <p>Minimum 1 Quote required for: suppliers appointed under supply contracts such as State Government, Local Government Procurement, Procurement Australia, Regional Organisations of Councils or an approved Council panel Preferred Supplier</p>
\$10,000 to \$149,999 (incl GST)	<p>Obtain minimum of three (3) written quotes.</p> <p>Minimum 1 Quote required for: suppliers appointed under supply contracts such as State Government, Local Government Procurement, Procurement Australia or Regional Organisations of Councils or an approved Council panel Preferred Supplier</p>
\$150,000 + (incl GST)	<p>Public Tender/EOI/Selective Tender or</p> <p>Minimum 1 Quote required for: suppliers appointed under supply contracts such as State Government, Local Government Procurement, Procurement Australia or Regional Organisations of Councils or an approved Council panel Preferred Supplier</p>

2.3 Principles of Policy

Strathfield Council will act in the interest of our residents, ratepayers and the community when considering expenditure of public money.

Council will apply the following key principles when undertaking any procurement activity or process:

- Openness, transparency and accountability
- Fair and effective competition
- Best value for money; and
- Sustainability

2.4 Tender Panels

A tender panel must be established at the outset to assist with all aspects of the tender process, including consideration and selection of tenders. A tender panel must consist of a minimum of three (3) Council officers and comprise representatives from major user business units and may include at least one independent member with knowledge and expertise relating to the goods and/or service being procured.

2.5 Work, Health & Safety (WHS)

Council is committed to providing workplace that is safe and without risk to health or the welfare of all council officers, contractors and members of the public in our workplaces, and the effective rehabilitation of injured council officers.

Contractors working for the Council must comply with all NSW Government legislation, Acts and Regulations applicable to WHS, Injury Management and Worker's Compensation, as well as particularly the following:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Workers Compensation Act 1987
- Workplace Injury Management and Workers Compensation Act 1998
- Workers Compensation Legislation Amendment Act 2002
- Workers Compensation Legislation Amendment Act 2003
- Various Code of Practices issues by State Cover NSW
- Current Version of NSW Government WHS Management System Guidelines

In addition to the above, contractors must adhere to the provisions of Council's WHS policies. These provisions may be in addition to, but not in substitution of, any other WHS requirement of any legislation or condition of contract. Failure to observe any WHS requirement will be deemed a breach of the Contract.

2.6 Goods & Services Tax (GST)

Suppliers must have an Australian Business Number (ABN) unless a Statement by a supplier – Reason for not quoting an Australian Business Number (ABN) form (ATO form number NAT3346-2.2004) has been completed and submitted to Finance Officer – Accounts Payable.

2.7 Exemptions to Procurement Policy

There will not always be multiple quotations readily available. The following circumstances may preclude staff from adhering to the above requirements and will require a Procurement exemption form to be submitted in ECM with the purchase order:

- 1 The goods and/or services being sought are specialised in nature and there are less than three known suppliers available in the market place.
- 2 The goods being sought are to replace a component that is only produced by one or two specialist suppliers.
- 3 Where the goods and/or services is not available within the requested time in order to meet organisational requirements
- 4 Where the goods and/or services requested is to upgrade or repair a proprietary product. An example of this may be a software upgrade that is required.
- 5 Repairs to plant or machinery that require the plant or machinery to first be dismantled and allow for inspection before a quote is obtained. In these cases, the cost involved in undertaking the 'dismantling and inspection' will generally outweigh any price difference to be obtained through market testing. The cost of reassembling the plant or machinery to enable another company to tear down and inspect would also be prohibitive.
- 6 Smash repairs to Council's fleet. These repairs are completed utilising a council approved repairer at predetermined insurer approved rates. It would be impractical and cost prohibitive to have the vehicle transported around to assess damage by various smash repair companies in the market. Insurance Assessors review the quotation and ensure the value is within acceptable industry standards and costs.
- 7 Where it can be demonstrated that there is an immediate safety or health hazard to the general public in regard to the built and natural environment and the service requested is unable to be initially determined and requires a level of inspection matters such as (i.e., sewer chokes, asbestos) where the scope of works is not fully identified.
- 8 Where the goods and/or services providers are on a Council preferred suppliers list that is established as part of a regular market testing exercise.

There may be exceptions where there is (a) a genuine urgent circumstance, (b) where there is only one firm or person capable or available to undertake the task, or (c) where it is a continuance of a previous specialised task. In such circumstances, the arrangement is to be commercially negotiated to achieve the best value for money. This exception can only be followed after written agreement by the relevant Director and/or the General Manager in accordance with established delegations of authority.

The expenditure listed below has been identified as being exempt from a Purchase Order being generated to proceed with this purchase:

	Type of Expense	Action Required
1	Out-of-pocket petty cash not exceeding \$100	Submit approved petty cash voucher form to Finance – Accounts Payable with supporting tax invoice receipts attached.
2	Corporate Credit Card Purchases	Credit cardholder to submit monthly Credit Card Expenditure form to Finance – Accounts Payable with supporting tax invoice receipts attached.
3	Manual cheque payments	Submit approved Cheque Requisition Form to Accounts Payable Finance with tax invoice and/or other supporting documentation attached.
4	Statutory and Government Payments Administrative Payments Donations & Contributions Payment Refunds Membership eg LGMA, LGNSW etc	Submit appropriate form to Accounts Payable - Finance with tax invoice receipts and/or other supporting documentation attached.
5	Legal expenses from tender legal panel	Submit appropriate form to Finance.
6	Council - Utility services	Utility services invoiced without a PO are directly processed by Finance – Accounts Payable

This list may change from time to time based on Council's operational requirements.

3.1 Ethics and Probity

Councillors and Council staff shall at all times conduct themselves in accordance with Council's Code of Conduct, Business Ethics Policy and highest standards of ethical behaviour, which will:

- treat potential and existing suppliers with equality and fairness
- not seek or receive personal gain
- maintain confidentiality of 'commercial in confidence' information
- present the highest standards of professionalism and probity
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest
- provide all suppliers and tenderers with the same information and equal opportunity
- be able to account for all decisions and provide feedback on them
- not be involved in any activity such as performing work with suppliers, consultants or contractors

All business partners of Council including prospective partners must agree to the conditions set out in Council's Business Ethics Policy, which sets out the ethical standards expected of Council's suppliers and business partners.

3.2 Value for Money

Council resources are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

3.3 Record Keeping

All substantive communications with potential suppliers in respect of procurement and purchasing and should be in writing and/or in formal minuted meetings. Records for all procurement activities must be kept and recorded in Council's records management system.

3.4 Lobbying

Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the tender process on that occasion. For the purposes of this clause "lobbying" shall include seeking to influence, seeking to obtain support or assistance, urging or persuading.

3.5 Gifts and Benefits

Anyone wanting to do business with Council must understand that business practices such as offering of gifts, benefits and incentives is not permitted at Strathfield Council. Under no circumstances should a gift of money or cash-type gift (eg gift cards) be made to a member of Council staff or councillor.

As offering of gifts and benefits may be perceived as an attempt to unfairly influence decisions and services, Council expects Councillors and Council staff to decline gifts or benefits. Council employees and councillors who are offered any gift or benefit must immediately inform the General Manager in writing.

Gifts and benefits are recorded in Council's Gift Register and Benefits Register.

3.6 Impartiality, transparency and accountability

Impartiality must be observed throughout the entire procurement process so as not to exclude or favour any provider.

Accountability is important as funds must be used in the most cost effective and efficient manner.

3.7 Conflict of Interest

All persons, including Councillors, Council staff and applicants, involved with procurement processes are required to declare any conflicts of interest and take appropriate action.

3.8 Achieving Value for Money

Price is not the sole determinant of value for money. Purchasing decisions should be made on the basis of value for money over the life cycle of products, rather than just the up-front purchase price.

This means minimising the total cost of ownership over the lifetime of the good or service consistent with acceptable quality, reliability, safety, risk and delivery considerations.

3.9 Environmental Performance

Council's Sustainability Procurement Policy commits Council to procuring sustainable products and services that are cost competitive and where applicable:

- minimise unnecessary purchasing – only purchase when a product or service is necessary.
- minimise waste – purchase in accordance with reduce, reuse and recycle strategies.
- save water and energy – purchase products that save energy and/or water.
- minimise pollution – avoid purchasing products that pollute soils, air or waterways.
- eliminate toxic products – avoid where possible purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- reduce greenhouse emission – purchase products that reduce greenhouse gas emissions.
- achieve biodiversity and habitat protection – purchase in accordance with biodiversity and conservation objectives.
- value for money – purchase the best value for money in the long term.

4.0 Risk Management

Risk Management is to be appropriately applied at all stages of the procurement process which must be properly planned and carried out in a manner that will ensure risks are identified and appropriately managed.

5.0 Non-Compliance

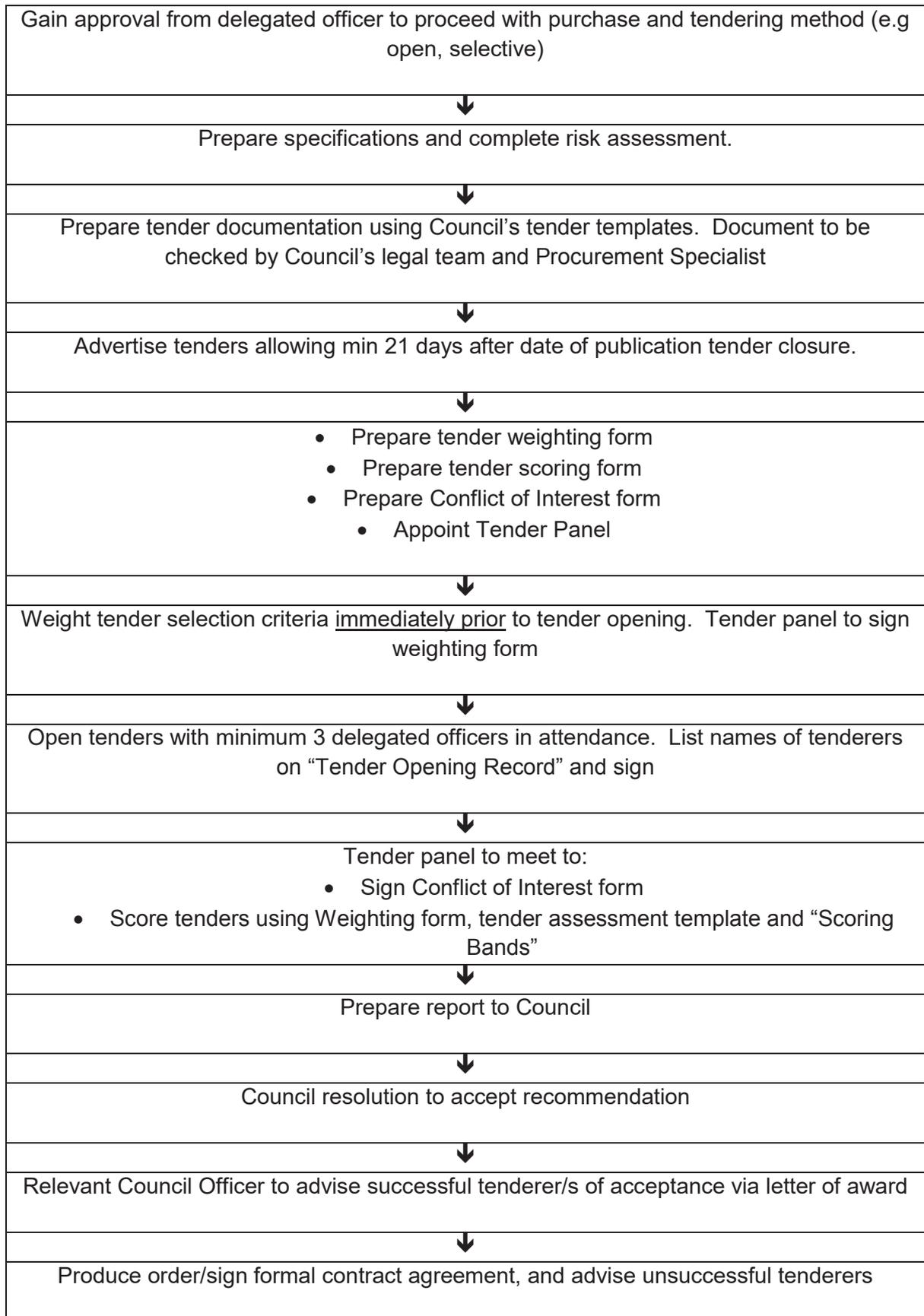
Non-compliance with this policy may result in disciplinary action and/or dismissal.

6.0 Variation

Council reserves the right to vary the terms and conditions of this policy

This Policy is automatically amended as a result of any changes to the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, or other amending legislation, it being noted that the Act and Regulations take precedent over the Council's Policy.

Tender Process – Step by Step



Records Management Policy

As at 3 July 2017

 <p>STRATHFIELD COUNCIL</p>	<h1>RECORDS MANAGEMENT POLICY</h1>		
RESPONSIBILITY	Chief Executive Officer		
DATE ADOPTED	28 June 2010	MINUTE	
REVISED	May 2020	REVIEW	2022
ECM No			
ASSOCIATED POLICIES/ DOCUMENTS	<ul style="list-style-type: none"> • Strathfield Council Code of Conduct • Strathfield Council Procedures for the Administration of the Model Code of Conduct May 2019 • Strathfield Council Access to Information Policy and Guidelines • Strathfield Council Councillors Record Keeping Policy • Strathfield Council Personnel Records Policy • Strathfield Council Privacy Management Plan 		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • <i>State Records Act 1998</i> • <i>State Records Amendment Act 2005</i> • <i>Government Information (Public Access) Act 2009 (GIPA)</i> • <i>Privacy and Protection of Personal Information Act 1998</i> • <i>Evidence Act 1995</i> • <i>Public Finance and Audit Act 1983</i> • <i>Copyright Act 1968</i> • <i>Environmental Protection and Assessment Act 1979</i> • <i>Health Records and Information Privacy Act 2002</i> • AS ISO 15489 		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Records Management Policy*. This policy was approved by the General Manager and adopted on 28 June 2010.

1.2 Background and Purpose of Policy

The purpose of this policy is to provide a framework for the management of Strathfield Council's corporate records in accordance with relevant legislation, standards and codes approved by State Records.

State legislation requires that full and accurate records of all activities and decisions of Strathfield Council are created, managed and retained or disposed of appropriately. This policy sets out the principles and responsibilities to promote information accessibility and accountability while ensuring the protection of the rights and interests of Council, staff, customers and the community.

1.3 Objectives of the policy

The objectives of this policy are to set out Council's requirements for managing records to:

- Manage records efficiently and effectively
- Meet accountability requirements and community expectations
- Comply with legislative and policy requirements relating to record keeping practices

1.4 Coverage of the Policy

This policy applies to all Council officials, including staff, contractors, consultants and volunteers, in their conduct of official business for Strathfield Council. This policy applies to records in all formats, including electronic records.

Councillors are required to register records they create or receive that relate to the business of Council, which are not captured by other methods. The *Councillor's Record Keeping Policy* sets out the requirements and processes for registration of these records into Council's record keeping systems.

1.5 Definitions

- **Active Records** – records in frequent use, required for business transactions or information.
- **Archives** - Those records that are appraised as having continuing value.
- **Business Activity** – broad term covering all functions, processes, activities and transaction of an organisation and its employees.
- **Classification** - Systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods and procedural rules represented in a classification system.
- **Disposal** - A range of processes associated with appraising documents and files for retention, deletion or destruction.
- **Electronic Messaging** – A general term covering all forms of electronic mediated communication. This includes electronic mail for text messages as well as recording of sound or video.
- **File** – is a collection of documents, which can be paper based or electronic.
- **Personal information** - information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion. (Schedule 4(4)[1] GIPA Act)
- **Record (1)** - 'any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.' (Clause 10 Schedule 4 GIPA Act)
- **Record (2)** – '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.' (The Australian Standard AS ISO 15489)
- **Recordkeeping** - making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.
- **Records management** - field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.
- **Retention and Disposal Authority** - Documents authorised by the Board of State Records NSW that set out recommended retention periods for classes of records. There

are two main types: functional retention and disposal authorities authorise the retention and disposal of records unique to a specific organisation and/or general retention and disposal authorities authorise the retention and disposal of records common to more than one organisation.

- **State Record** – Any record made, 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 use of a public office.

2.0 Policy Statement

Strathfield Council records are valuable corporate assets that are necessary for the effective and accountable conduct of its business. These records support policy formation and decision-making, protect the interests and rights of the Council, its employees and stakeholders.

Strathfield Council is committed to developing and implementing best practice in its records management practices and systems. All practices and procedures concerning records management within Strathfield Council are to be in accordance with this policy.

2.1 Principles of Records Management

Strathfield Council is committed to the following principles regarding records management:

- that Council's records management programs comply with approved standards and procedures.
- ensuring the safe custody and proper preservation of State records
- maintaining access to equipment/technology dependent records
- making arrangements with State Records for monitoring and reporting
- ensuring the authorised disposal of records, including identifying and transferring records required as State archives

2.2 Corporate Asset

The records of Strathfield Council are a vital asset to:

- facilitate information accessibility, and enhance business by supporting program delivery, management and administration
- deliver customer services in an efficient, fair and equitable manner
- provide evidence of actions and decisions and precedents for future decision making
- protect the rights and interests of Council, staff, customers and community.

Many of Council's records are important to the history, culture and heritage of the Strathfield Local Government Area.

Certain Council records are maintained as State archives, part of the cultural resources of the State of NSW.

2.3 Access to Council records

Access to Council records is made in accordance with relevant legislation and Council's *Access to Information Policy and Access to Information Guidelines*.

2.4 Confidentiality and Privacy

Council officials have a legal responsibility to protect confidential and personal information which they may come across in the course of their official duties. Council information must be released in accordance with relevant legislation by authorised Officers only.

Section 8.11 of Council's Code of Conduct states that

'In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

2.5 Creation of Records

All employees are obliged to create full and accurate records that adequately document the official business activities of the Council in which they take part, and to ensure that information and processing systems that support business activities create appropriate records as part of supporting those activities.

Staff should ensure that they create official records of all decisions and actions made in the course of their official business. This includes letters, reports, file notes of conversations on phone, interview or in-person, meeting minutes, publications etc.

Documentation for all business decisions must be maintained in the recordkeeping system regardless of format eg verbal, written, electronic etc

Records must be maintained regarding release of council information under the *Government Information (Public Access) Act 2009*.

2.6 Protection of Records

Under the *State Records Act 1998* (NSW), Council records are deemed to be State records. Employees are obliged to handle records sensibly and with care and respect so as to avoid damage to records and to prolong their lifespan.

Employees must not alienate, relinquish control over, damage, alter or destroy Strathfield Council records.

2.6 Disposal of Records

Council records are disposed of in accordance with the General Retention and Disposal Authority: Local Government Records (GA39), authorised by the NSW Government State Archives and the Guidelines of Normal Administrative Practice (Schedule 1, *State Records Act 1998*).

Employees who wish to initiate the archiving and/or disposal of records are required to contact the Records Department or the Executive Manager Administration.

Disposal of records requires the approval of the Chief Executive Officer.

3.0 Monitoring and Breaches

Regular monitoring of compliance with this policy, relevant legislation and procedures will be undertaken.

Breaches of this policy are considered to be breaches of Strathfield Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to fines and legal action.

4.0 Responsibilities

4.1 Chief Executive Officer

The Chief Executive Officer has the authority to approve disposal of Council records in accordance with the provisions of the State Records Act 1998, Regulations or any standard and code approved by the State Records Authority pursuant to section 13 of the *State Records Act*.

4.2 Director Corporate and Financial Services

Director Corporate and Financial Services is responsible to the Chief Executive Officer for ensuring that Council complies with the regulations and requirements of the State Records Act and has the authority to issue policy, procedures and guidelines on records management and monitor compliance.

Director Corporate and Financial Services will provide regular reporting to the Chief Executive Officer on the compliance of records and ensure that managers and supervisors meet obligations for records management within resource allocation.

4.3 Staff (General)

All staff must ensure that they comply with their records keeping obligations as per section 8.21 to 8.24 of Council's Code of Conduct (May 2019). Further it is vital that Staff understand these responsibilities and keep full and accurate records as evidence of business activities. This means registering records into Council's official records systems (ECM) when the record is created.

Staff **must not** dispose of records, which record the business activities of Council, without permission of the Chief Executive Officer.

Staff must protect records from unauthorised access and maintain confidentiality of Council records where required.

Records must be handled with care and respect to avoid damage and prolong their life span.

4.4 Managers and Supervisors

Managers and supervisors are responsible for ensuring that accurate, timely and complete records are created and managed within their area of supervision to comply with Council's record management responsibilities

4.3 Corporate Services Department

Corporate Services are responsible for:

- development, implementation and management of the Information Management Framework and Records Information Strategies
- operational management and monitoring of Council's records management program

- developing standards in relation to records management
- monitoring compliance

4.4 Contractors

Contractors must manage records that they create on behalf of Strathfield Council according to the terms of their contract. Access to records held by the contractor such as performance of services, information collected from members of the public or information provided to the contractor by Council may be subject to access applications under the *Government Information (Public Access) Act 2009*.

5.0 Version Control

Version #	Date	Details	Council Meeting Date
	May 2020	Administrative update - update titles to from General Manager to CEO and Director Corporate to Director Corporate and Financial Services Update Sections 2.4 with correct section of Council's Code of Conduct, 2.6 with new Disposal Schedule and include Executive Manager Administration as contact for disposals and 4.3 to add reference to obligations under Council's Code of Conduct.	Adopted Administratively – Executive 14 May 2020

Sister City Policy

As at September 2017



SISTER CITY POLICY

RESPONSIBILITY	General Manager's Office		
DATE ADOPTED	6 May 2014	MINUTE	100/14
REVISED	September 2017	REVIEW	2019
ECM No	1352116		
ASSOCIATED POLICIES	<ul style="list-style-type: none">• Councillors Facilities and Expenses Policy		

1.0 Introduction

1.1 Title and Commencement

This policy is titled *Sister City Policy*. This policy was adopted on 6 May 2014 by Council resolution (minute 100/14) and was reviewed in September 2017.

1.2 Background and Purpose of Policy

This policy was developed to set out processes for establishing and reviewing Sister City relationships.

1.3 Objectives of the policy

The objectives of this policy are:

- to ensure that Sister City relationships are relevant and effective in delivering long term economic, cultural and social benefits for Strathfield Local Government Area (LGA)
- to clearly identify Council's level of involvement in Sister City relationships
- to outline processes for establishing and reviewing Sister City Relationships
- to set out requirements for visits to and from Sister Cities

1.4 Coverage of the Policy

The policy applies to all Sister City proposals and agreements, parties to agreements which include councillors, Council staff and community and business organisations with interest or involvement in Sister City proposals or agreements.

2.0 Policy Statement

Council supports the establishment of formal Sister City relationships with other cities and regions to:

- promote and encourage economic, trade, educational, technology and social exchange and liaison between local government, business and community
- increase and improve understanding and exchange of information of international, national, state and local government issues
- enhance and promote the Strathfield LGA and foster close civic relationships with other local authorities internationally
- foster sharing of ideas, knowledge, values, tolerance and goodwill
- promote understanding and enhance awareness of the respective regions and their cultures, customs and traditions

Council will support, subject where appropriate to a Council resolution, initiatives with its Sister Cities including:

- civic exchanges
- cultural, sporting and education exchanges
- commerce and trade exchanges
- encouraging interaction and involvement between the young people of each region.

A commitment shall exist between Strathfield Council and any Sister City to work cooperatively for the good governance of both communities and where feasible, the sharing of knowledge and resources.

2.1 Establishing of Sister City Relationships

Council may establish a relationship through a Council resolution or in response to a request from a prospective Sister City. Any relationships must be reported to Council for consideration and outline the potential economic, cultural and social benefits for Strathfield LGA as well as indicative annual costs.

The following criteria will be used by Council when assessing whether or not to endorse a new Sister City relationship:

- strong cultural linkages between resident communities, including opportunities for interaction in education, sporting, recreational, technology and sustainable development
- sound economic opportunities between business communities
- similar status of cities in terms of geography, population industries etc
- no more than one Sister City relationship will be established with the same country

2.2 Sister City Agreements

Relationships will be formalised by entering into an agreement such as a Memorandum of Understanding which outlines the aims and objectives of the relationship and level of commitment by both parties.

Formal visitation by Council to a Sister City is not an essential component. In principle, the travel and associated expenses of a delegation shall be paid by the City sending the delegation, except where a reciprocal arrangement applies.

Individual councillors, community or business members who seek to represent Strathfield Council at a visit to a Sister City may only do so where they have received endorsement from Council.

2.3 Visits to international Sister Cities by councillors

Visits by Councillors to international Sister Cities require endorsement by Council resolution at an open meeting of Strathfield Council. Estimated costs and benefits should be clearly outlined in the Council report prepared for the meeting in accordance with the *Councillors Facilities and Expenses Policy*. *A report on a visit will be presented to an open council meeting. Details of the visit will be reported in the Council Annual Report.*

2.4 Review process

Sister City Agreements will be reviewed within twelve months of a general local government election. Should Council decide to cease the agreement, negotiations will be made with the relevant Sister City to discontinue any formal arrangements.