



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 19 SEPTEMBER 2022**

EXECUTIVE SERVICES REPORTS

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Orange Region

Destination Management Plan

2022-2026

Urban Enterprise
For Orange City Council, Cabonne Council and
Blayney Shire Council

September 2022

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FILE Orange Region Destination Management Plan - Sept22

VERSION 1

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ACKNOWLEDGEMENT OF COUNTRY

Blayney Council, Cabonne Council and Orange City Council is situated within the traditional lands of the Wiradjuri Nation. We acknowledge the traditional custodianship of these lands, and pay our respect to the Wiradjuri people for their care and stewardship of these lands for more than 40,000 years and to the Elders of the Wiradjuri Nation past, present and future.

ACKNOWLEDGMENTS

Urban Enterprise would like to gratefully acknowledge the support, assistance and input by the visitor economy and economic development teams at Orange City Council, Blayney Shire Council and Cabonne Council, as well as Orange360, in the preparation of this Destination Management Plan.

ACRONYMS

ABS	Australian Bureau of Statistics
BSC	Blayney Shire Council
CC	Cabonne Council
DMP	Destination Management Plan
IVS	International Visitor Survey
LGA	Local Government Area
O360	Orange360
OCC	Orange City Council
PA	Per Annum
NVS	National Visitor Survey
TRA	Tourism Research Australia
VIC	Visitor Information Centre

GLOSSARY OF TERMS

Orange Region	The area defined by the local governments of Orange, Blayney and Cabonne Councils.
Daytrip Visitor	Those who travel for a round trip distance of at least 50 kilometres, are away from home for at least 4 hours, and who do not spend a night away from home as part of their travel. Same day travel as part of overnight travel is excluded.
International Visitor	A person is defined as an international visitor to Australia if they are currently a resident overseas, have been in Australia for less than one year and are aged 15 years or over.
Overnight Visitor	People aged 15 years and over who undertake an overnight trip of one night or more and at least 40 kilometres away from home are referred to as overnight visitors. Only those trips where the respondent is away from home for less than 12 months are in scope of the NVS.

Executive Summary



Executive Summary

About the Destination Management Plan

Orange City Council have engaged Urban Enterprise to prepare a Destination Management Plan (DMP) for the Orange Region, in collaboration with Blayney Shire Council and Cabonne Council. Together, the three Local Government Areas form the Orange Region.

This Plan has been informed by independent research and analysis, as well as consultation with industry representatives, community groups, businesses, Council and Government stakeholders.

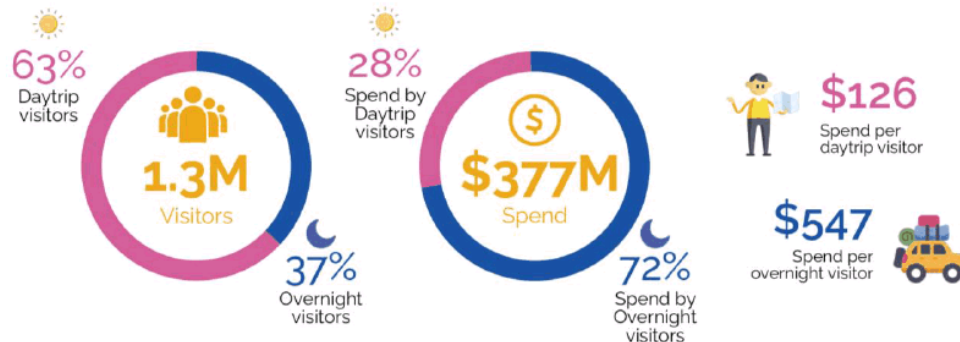
The Destination Management Plan aims to provide a strategic and unified direction for the development of the visitor economy between 2022 and 2026, with a focus on awareness, product development, and enabling infrastructure. This will be achieved by empowering and supporting the local tourism industry.

Orange Region Visitor Economy Overview

The Orange Region has a vibrant visitor economy, attracting 1.3 million visitors. The visitor economy contributes \$377 million in direct expenditure to the Orange Region, which is largely driven by overnight visitor spend, with an average spend of \$547 per visit.

The Orange Region has experienced considerable growth in its visitor economy over the past 10 years. Investment in the wine sector, followed by investment in dining, retail and quality accommodation has led to the region attracting an exceptionally high yield market. The three Council's collaborating together with industry through Orange360 has solidified the Orange Region brand and it is expected that strong growth will continue.

Tourist Tracka data highlights strong dispersal from Orange City to Blayney and Cabonne LGAs with more than a third of visitors to Orange City also visiting the two surrounding LGAs. The strength of the regional experience including wineries, farm gates, villages and natural attractions is important to the region's overall appeal.



Existing Product Strengths

The table below highlights the existing product strengths of the Orange Region.

The Orange Region is well placed in terms of products targeted to the couples and singles markets, with quality cellar door and food experiences. The family market however is not well catered for in terms of product offer given the size of the market.

There is a need for continued investment in products and experiences that support the family market, as well as provide a more rounded experience for higher yield adult couple and singles visitors. This will lead to increase in length of stay and greater yield from visitors.

Primary Strength
Wine, Food, Beverage and Agritourism
Emerging Strengths
Nature-based
Arts, Culture and Heritage
Events and Festivals
Boutique Accommodation
Sport and recreation
Gaps / Opportunity
Business Events
Night-time Economy
Large-scale Accommodation
Family-friendly Activities and Product

What the Tourism Industry Have Said

The tourism industry of Orange Region was engaged through a survey questionnaire and workshop. Industry acknowledged the importance of food and wine as the primary strength of the visitor economy in the Orange Region, however there was wide agreement that activities, products and experiences beyond this are needed to provide a rounded visitor experience.

Specific ideas identified by industry include:

- Strengthening of existing markets and attraction of new markets to the region.
- Expansion of the tourism offering beyond wine and food.
- Promotion of the abundance of natural assets available throughout the region.
- Suitable accommodation for the tourism-based workforce.
- Enhancement of visitor amenities at nature-based attractions.
- Promotion of the smaller towns and villages.
- Diversification of the events calendar.
- Strengthening marketing and promotion undertaken by Orange360; and
- Development of new tracks and trails.

KEY CONSIDERATIONS FOR DEVELOPMENT OF THE ORANGE REGION VISITOR ECONOMY

The following strategic considerations draw on the research and assessment undertaken through preparation of the Destination Management Plan.

The vision, objectives and strategies identified in the Destination Management Plan respond to these.

EVENTS	PRODUCTS AND EXPERIENCES
<ul style="list-style-type: none"> • Need for increased accommodation capacity to support large-scale events • Opportunity to grow events during the off-peak season • Need for investment in mid-scale conferencing centres / facilities • Opportunity to develop events with strategic alignment to key product pillars, such as wine, culinary, nature, cycling etc. • Need to streamline and enhance events permit processing, funding and management 	<ul style="list-style-type: none"> • Need for cycling and walking trail links to wineries, nature-based attractions and towns and villages • Investment in natural assets is needed to create motivating attractions and add depth to the visitor experience • Need for investment in products and experiences targeted to the family market • Opportunity for the development of arts, culture and Indigenous cultural experiences to enrich the visitor experience • Need to improve high quality dining experiences, particularly in smaller townships • Need for further on-farm experiences, such as foraging, cafes and restaurants, and educational experiences • Opportunity to deliver higher-end experiences for the adult couple market, such as spa and wellness, retreats, and other boutique experiences
ACCOMMODATION	ENABLING INFRASTRUCTURE
<ul style="list-style-type: none"> • Accommodation often at capacity, impacted by AIRBNB, large transient workforce and lack of housing supply • Difficulty attracting investment in large-scale contemporary accommodation, such as Quest, Mercure etc. • Lack of affordable housing for service sector workers impacts ability to attract and retain workers • Lack of accommodation suited to the family market • Opportunity to attract investment in experiential accommodation that provides a unique experience (farm stays, eco-cabins, eco-retreats etc.) • Attract investment in health and wellness accommodation facilities, aligned to target market preferences and opportunities 	<ul style="list-style-type: none"> • Poor intra-region connectivity, including public transport, walking and cycling, and poor-quality roads • Need for improved public transport connectivity between major surrounding population centres, as well as smaller townships • Improvements to directional signage, as well as poor quality and outdated tourism signage • Continue advocating for increase in flights and new routes, including south-east Queensland destinations • Continue advocating for high-speed trains from Sydney, telecommunications improvements • Ongoing improvements to telecommunications networks and internet access

INDUSTRY COLLABORATION AND NEEDS	MARKETS, AWARENESS AND MARKETING
<ul style="list-style-type: none"> • Lack of industry collaboration and communication, as well as large proportion of the service sector not perceiving their business as part of the visitor economy • Support from Council for events and festival organisers and streamlined event permit processing for multi-Council events • Need to streamline development approvals processes • Customer excellence education and training for operators and staff • Need for enhanced industry collaboration to deliver product packaging • Reduced business operating hours on weekends impacts visitor experience and satisfaction 	<ul style="list-style-type: none"> • Continued support for and collaboration with Orange360 • Need to expand marketing to emerging/new markets • Limited resources and funding for Orange360 prevent the organisation from performing at its full capacity • Need for enhanced collaboration with major regional cities, to capitalise on international and domestic touring opportunities, to align events calendars and develop product packaging

VISION

The following section outlines the strategic framework to guide development of the Orange Region visitor economy. This includes a vision for tourism across the Region, objectives and success measures, and seven key themes to guide public and private sector investment.

VISION

The Orange Region will be a leading Australian visitor destination, enriched by vibrant towns and villages, providing the highest quality wine, food and escape to nature experiences.

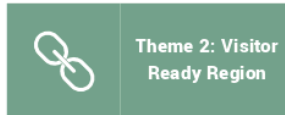
OBJECTIVES	TARGET	MEASURE/SOURCE
Grow the value of the visitor economy	<ul style="list-style-type: none"> • Increase in visitor expenditure • increase in visitor length of stay • Increase in visitation numbers 	<ul style="list-style-type: none"> • Visitor expenditure, length of stay and visitation to the Orange Region, using industry accepted data source
Create a visitor ready and unified industry	<ul style="list-style-type: none"> • Increased industry engagement, communication and networking • Improvement in customer satisfaction 	<ul style="list-style-type: none"> • Industry engagement • Qualitative and quantitative performance measures
Encourage visitor dispersal to towns and villages	<ul style="list-style-type: none"> • Increase in visitation to towns and villages 	<ul style="list-style-type: none"> • Regional visitor dispersal from Orange City to Cabonne and Blaney, using industry accepted data source

THEMES

Key themes to guide future investment have been identified in response to strategic considerations. A range of priority initiatives have been identified for each project.



Provide enabling infrastructure and attract investment in accommodation and facilities that will support visitor economy growth.



Ensure the soft infrastructure is in place to empower a capable and connected industry to work together towards a unified vision.



Reinforce and strengthen the Orange Region brand through marketing, positioning and placemaking.



Showcase and celebrate local culture, creativity, and heritage to provide a rich visitor experience.



Build a strong tourism events and festivals brand and grow business and conferencing events to develop a well-rounded and sustainable events calendar.



Deliver high quality, contemporary and authentically Orange Region wine, ferments and culinary experiences, and activate a vibrant night-time economy.



Leverage the growth in nature based and recreational tourism through investment in infrastructure, promotions, activations and experiences, and passive recreation.

PART A

Assessment

This section provides a detailed assessment of the Orange Region visitor economy, underpinned by primary and secondary research, data and engagement with local stakeholders. This includes an analysis of:

- Visitor economy and target markets
- Products, events and supporting infrastructure
- Governance, marketing and visitor servicing

All assessment work undertaken is guided by best practice destination management principles, and has culminated in the identification of key considerations for development of the DMP Framework.



1. INTRODUCTION

The Orange Region Destination Management Plan will provide a strategic and unified direction for the development of the visitor economy between 2022 and 2026, with a focus on awareness, product development, enabling infrastructure, and continuing to market the Orange Region.

The Destination Management Plan has been prepared to respond to and achieve the following three objectives. These are to grow the value of the visitor economy, create a visitor ready and unified industry and encourage visitor dispersal to towns and villages.

About This Project

Orange City Council have engaged Urban Enterprise to prepare a Destination Management Plan (DMP) for the Orange Region, in collaboration with Blayney Shire Council and Cabonne Council. Together, the three Local Government Areas form the Orange Region.

This Plan has been informed by independent research and analysis, as well as consultation with industry representatives, community groups, businesses, Council and Government stakeholders.

The Orange Region is situated within 3.5 hours' drive from Sydney and Canberra, providing access to a drive market of almost six million people.

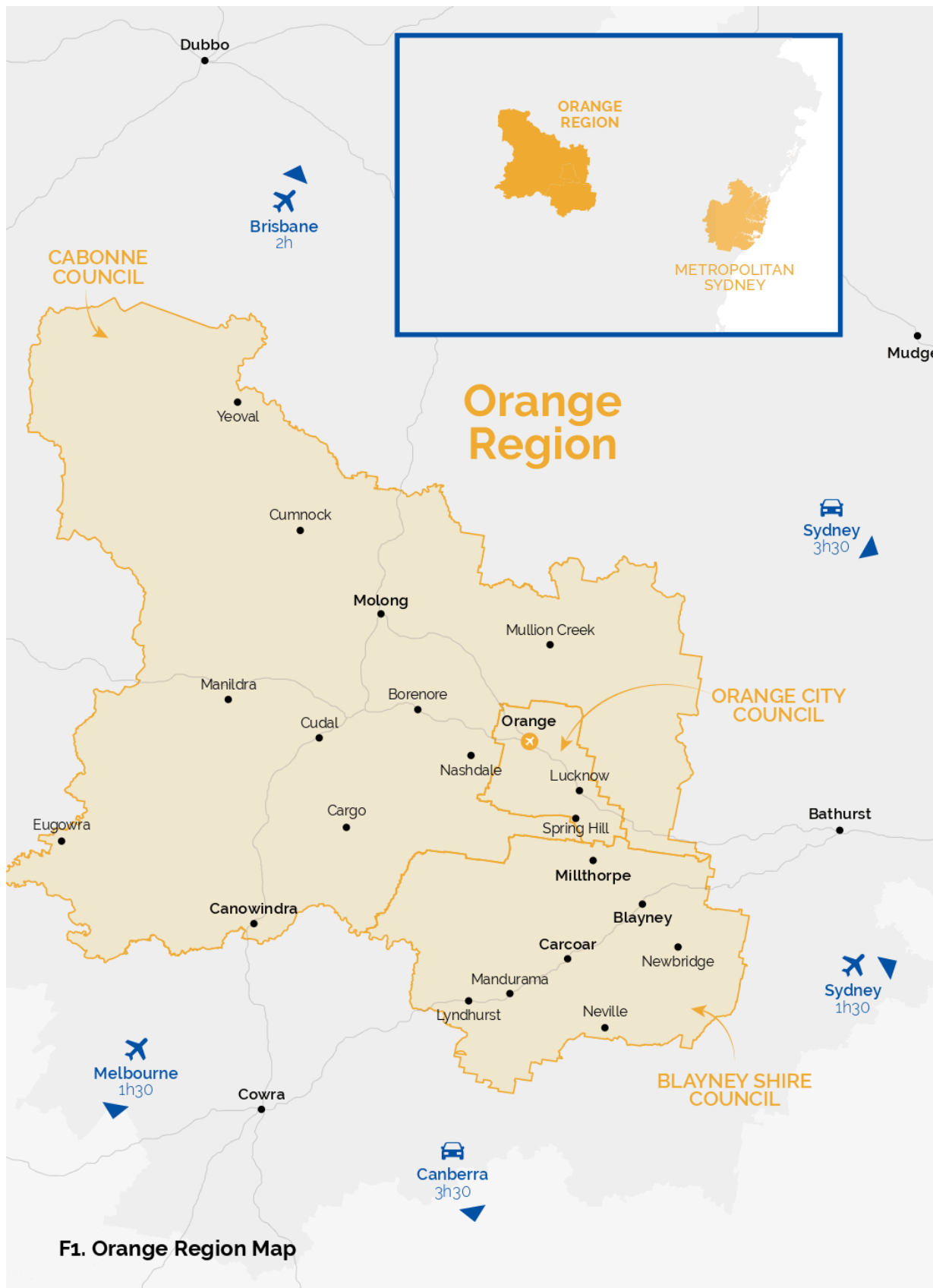
The Region encompasses an area of approximately 7,800 square kilometres and is located around 1,000 metres above sea level. This provides the perfect climate for yielding high-quality cool climate produce.

Project Process

The Plan has been informed by significant research, which has been drawn on as evidence as required. This includes engagement with key stakeholders, a business and community survey, and detailed product and experience assessments.

The following process was undertaken to inform the development of the Destination Management Plan.

 <p>Research, Discovery & Assessment</p>	<ul style="list-style-type: none"> Reviewed 20+ documents Research into target markets (TRA) Site visits to key towns and attractions Tourism product, accommodation and events assessment
 <p>Engagement</p>	<ul style="list-style-type: none"> Industry workshop Council and councillor workshops Consultation with state government agencies and private operators Community and Business Survey (250 responses)
 <p>Issues & Opportunities</p>	<ul style="list-style-type: none"> Identification of issues and opportunities based on assessment, engagement, site visits and product assessments
 <p>Strategy</p>	<ul style="list-style-type: none"> Development of strategic framework, including vision, objectives and identification of priority projects



2. INFORMING THE DMP

2.1. Successful Destination Management

Best Practice Destination Management

Successful destination management is a holistic process that ensures tourism adds value to the economy, social fabric and ecology of our communities. It is achieved through strong leadership with consideration of the following factors.

The 3 Key Elements of Destination Management



Place

Defining the destination in the eyes of the visitor and communities of interest and understanding the visitor journey to and within the region.



People

Cohesive governance and strong leadership, engaged industry and qualified and experienced labour force.



Product

Motivating products, quality infrastructure and experiences on offer that draw visitors and provide to visitor needs.

The Destination Management Plan for the Orange Region follows the Guide to Best Practice in Destination Management, as developed by the Australian Regional Tourism Network (ARTN).

Understanding the Destination Lifecycle

Visitor destinations journey through a destination lifecycle across their development, as depicted below.

The Orange Region is within the growth phase, where significant demand has been built by the wine industry and regional marketing undertaken by Orange360. This has supported growth in the destination, and development of new products and experiences.

In the growth stage, it is important that Councils support industry growth through appropriate infrastructure planning and delivery, training and capacity building, and other facilitative activities.

Stages of the Destination Lifecycle

Introduction	Growth
The early development of a destination, typically driven by one sector – the wine industry in the case of the Orange Region.	This is characterized by growing demand and awareness, an increase in visitation, and increasing product development.
Maturity	Decline / Revitalisation
Products and experiences are refined, the destination brand and position is strong, and visitor yield is high.	The destination either begins to lose market share due to stagnation, or is re-ignited through revitalisation work.

Local Government's Visitor Economy Role

Local Government plays an essential role in the visitor economy of its region, acting as an enabler for the visitor economy by providing the foundations, including infrastructure, visitor information services, and support to the local industry.

The role of Local Government, at its essence, is to ensure liveability for its residents. By continually investing in liveability, Local Governments provide an investment climate that encourages the private sector to invest in products and experience, in turn facilitating the growth and vibrancy of the visitor economy.

Orange Region provides a strong example of Local Government leadership in tourism, with the three Local Government's working together to fund and support Orange360 in conjunction with industry. This helps to provide consistent messaging and a consistent brand for the Orange Region.

2.2. Strategic Policy Context

Alignment to existing strategic policy and direction is critical to the success of the Orange Region Destination Management Plan. Key documents reviewed are listed in Appendix A0.

The NSW Visitor Economy Strategy 2030, the NSW Government State-wide DMP (2019) and the DNCO NSW DMP (2018-2020) are the key strategies guiding visitor economy development across the State.

These documents provide a range of findings and strategic directions relevant to development of the Orange Region visitor economy. These have informed the development of the Destination Management Plan, to ensure alignment with State and regional tourism directions.

The NSW Visitor Economy Strategy outlines five strategic pillars, each with key areas of focus, set to achieve the NSW Government's vision to ensure the state becomes the premier visitor destination in the Asia Pacific. These five strategic pillars include:

- Road to Recovery
- Build the brand
- Showcase our strengths
- Facilitate growth
- Invest in world-class events

The State-wide DMP identifies the Orange Region as one of seventeen current hero destinations within NSW.

2.3. Local Insights

The development of the Strategy was underpinned by in-depth stakeholder engagement, which facilitated a comprehensive understanding of the unique local conditions, challenges and opportunities.

An overview of the stakeholder engagement program is shown adjacent. These engagements were undertaken across November and December 2021, including a combination of face to face and virtual sessions.



Internal Council Workshops

Internal Council Workshops were held with Council Executives and Councillors at the commencement of the project.



1:1 Stakeholder Engagements

One to one stakeholder engagements with key government agencies and key local operators identified by Council. These stakeholders included:

- Destination Country and Outback
- Regional Development Australia
- Regional Development NSW
- Central NSW Joint Organisation
- Orange360
- Orange Regional Vignerons Association



Industry workshop

An industry workshop with key stakeholders identified by Council.



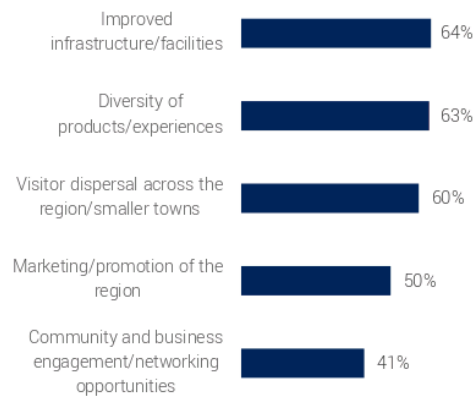
250 survey responses

Community and business survey, distributed by Council to members of the community and local operators.

Key Outcomes sought from the DMP (quantitative and qualitative)

The business and community survey, which received 250 responses, sought to understand local aspirations for the visitor economy and key outcomes desired from delivery of this Plan.

These have been depicted in the two graphs below.



Key words and phrases taken from the unprompted question in the survey have been highlighted below, which reflect the key outcomes sought from community and industry as a result of the DMP.



Source: Orange Region Business and Community Survey, 2021.

Local Insights and Priorities

Through the survey and industry engagement, it was found that the local community has a strong desire for the following (identified in no particular order):

- Strengthening of existing markets and attraction of new markets to the region;
- Expansion of the tourism offering beyond wine and food;
- Promotion of the abundance of natural assets available throughout the region;
- Suitable accommodation for the tourism-based workforce;
- Enhancement of visitor amenities at nature-based attractions;
- Promotion of the smaller towns and villages;
- Diversification of the events calendar;
- Provision of activities for the family market;
- Strengthening marketing and promotion undertaken by Orange360; and
- Development of new tracks and trails.

Businesses acknowledged the importance of food and wine as the primary strength of the visitor economy in the Orange Region, however, there was a consensus that activities, products and experiences beyond this are needed to provide a rounded visitor experience, in addition to meeting the needs of the family market, which is not adequately serviced at present.

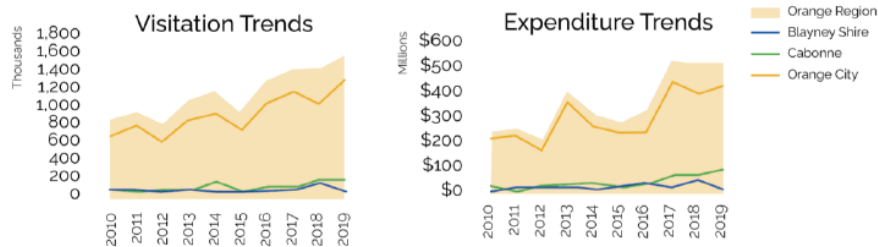
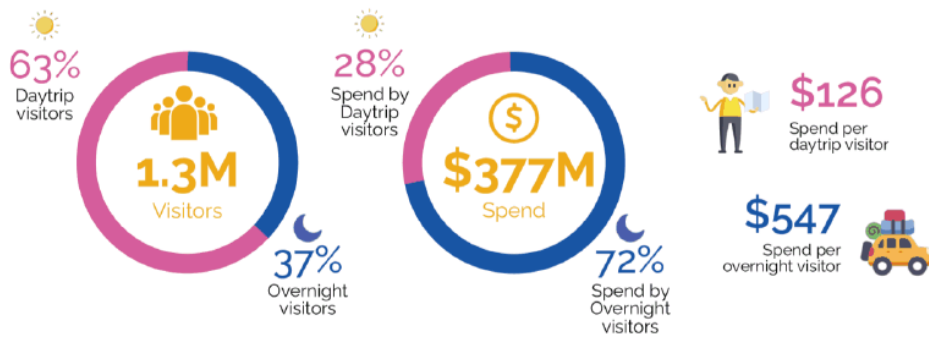
This was a key finding linked to both the survey and stakeholder engagement.

3. VISITOR ECONOMY

3.1. Visitor Economy Snapshot

The Orange Region has experienced considerable growth in its visitor economy over the past 10 years. Investment in the wine sector, followed by food and quality accommodation has led to the region attracting an exceptionally high yield market. The three Council's collaborating together with industry through Orange360 has solidified the Orange Region brand in the marketplace and it is expected that strong growth will continue.

This section draws on Tourism Research Australia (TRA), the widely-accepted Australian Government data source tracking visitation across Australia. This data has been presented as an average annual figure across the years between 2015-2019, in order to reflect a business-as-usual scenario prior to the COVID-19 pandemic, as well as to account for low survey sample size when reporting at a granular level.



Source: TRA National Visitor Survey and International Visitor Survey, Annual average data 2015-2019.

The Orange Region has a vibrant visitor economy, attracting 1.3 million visitors.

Majority of visitors to the Orange Region are daytrip visitors (63%). The Orange Region owes its strong daytrip visitation to its proximity to major cities, such as Canberra and Sydney, as well being a major population centre for regional NSW in its own right. Daytrip visitors are relatively low yielding, accounting for \$106 million in visitor spend (28% of total spend), with a low average expenditure of \$126 per visitor.

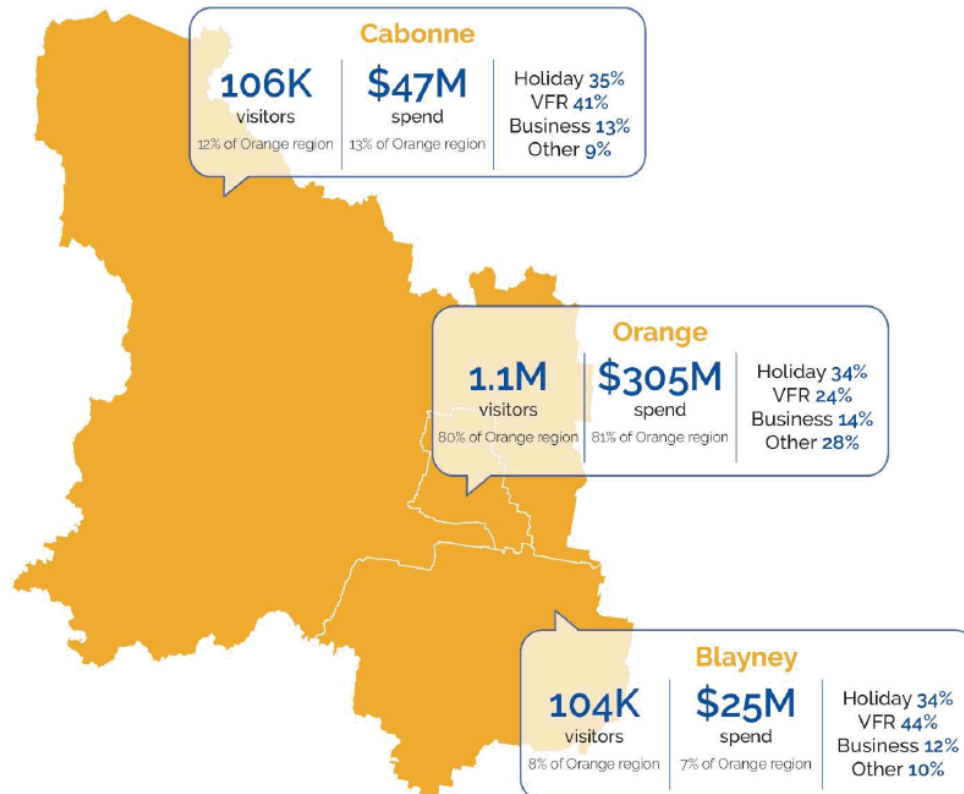
Overnight visitation accounts for 37% of total visitors, however accounts for the majority of visitor expenditure (\$271 million) as a result of high average spend per overnight visitor of \$547 per trip.

The Orange Region experienced strong growth in visitation over the 10-year period between 2010 and 2019, with majority of this growth being driven by Orange City during this period. Expenditure in the Orange Region during the same period shows similar trends in growth to visitation, with spend growth being driven largely by Orange City.

3.2. Sub-Regional Visitation¹

A comparative analysis of visitation and expenditure across the Orange Region was undertaken to understand the dispersal of the visitor economy across the three LGAs.

Tourism Research Australia data shows that the majority of visitors to the Orange Region are travelling to Orange City (80%). The large population in Orange City helps to service visitor amenities and services. This is reflected in the high proportion of visitors who travel to Orange City for other reasons which include employment, education medical and personal reasons.



¹ Source: Tourism Research Australia National Visitor Survey, 2015-2019.

*Other reasons include employment, education, medical reasons, personal appointment/business (excluding health), providing transport, attending funeral and other nfd.

Visitor Dispersal within the Orange Region

Tourism Research Australia data does not present an accurate account of the way visitors travel through the Orange Region. Due to the questions used as part of the National Visitor Survey it is difficult for visitors to understand the location they are in and hence lack of representation in visitation in Cabonne and Blayney LGAs, even though almost all of the winery product is in Cabonne LGA.

Tourist Tracka data was utilised to analyse visitor dispersal throughout the Orange Region as TRA data understated the strength of the visitation to Orange City.

Approximately a third of visitors also travel to Blayney and Cabonne LGAs on their trip to Orange City². A

greater proportion of these visitors are travelling to Cabonne LGA than Blayney LGA.

There is a need for the DMP to explore opportunities for further tourism development and invest in products and experiences outside of Orange City to continue to encourage visitor dispersal across the region. In particular agri-tourism, cycling and village tourism.

² Tourist Tracka, 2022..

3.3. Domestic Visitor Profile

The Orange Region visitor economy is driven by a variety of visitation purposes.

Holiday visitors (34%) account for the largest proportion of visitation. There is opportunity to grow the holiday market throughout the region in line with comparative destinations, such as the Hunter Region, a comparable NSW wine region and visitor destination.

Visiting friends and relatives is also a strong motivation for visit (28%). This is reinforced by the second most undertaken activity for visitors to the region being visiting friends and relatives.

Other reasons for visit, which includes purposes such as medical services, account for 25% of visitation to the Orange Region, which is significantly higher than the Hunter Region. This reinforces the strength of Orange City as a regional centre providing a range of services to the surrounding regional population.

Visitors to the Orange Region are primarily older couples (27%) and parents with children under 14 years (25%). With a high proportion of older couples, the Orange Region is in a strong position to grow mid-week travel.

The Orange Region has low levels of visitors staying in commercial accommodation, due in part to a large proportion of visitors staying at a friend or relatives' property (44%). This likely also reflects the limited supply of commercial accommodation. As a result, expenditure on accommodation is significantly less in the Orange Region than in comparable destinations such as the Hunter Region.

Whilst a high proportion of visitors to the Orange Region are dining out at a café or restaurant (55%), visitor expenditure on restaurant meals is considerably less in the Orange Region than in comparable destinations, highlighting a gap in motivating dining experiences.

The Orange Region is well placed in terms of products and experiences targeted to the couples and singles markets, with quality cellar door experiences and food experiences.

The family market however is not well catered for in terms of product offer given the size of the market. There is opportunity to extract greater yield and deliver a better visitor experience for the family market.

VISITOR PROFILE

Purpose of Visit



Holiday

34% Orange Region
39% Hunter Region



Visiting Friends and Relative

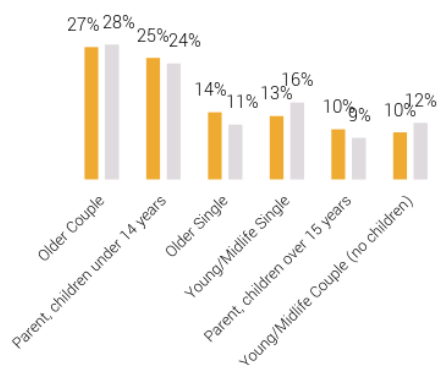
28% Orange Region
35% Hunter Region



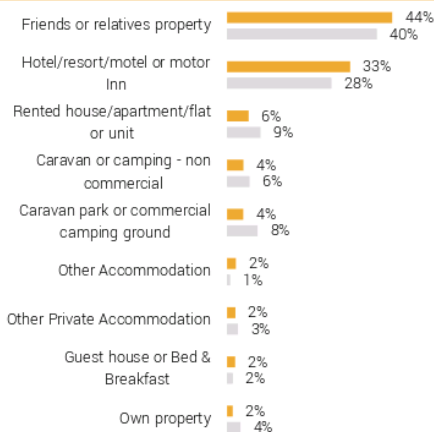
Other Reason*

25% Orange Region
14% Hunter Region

Lifecycle Group

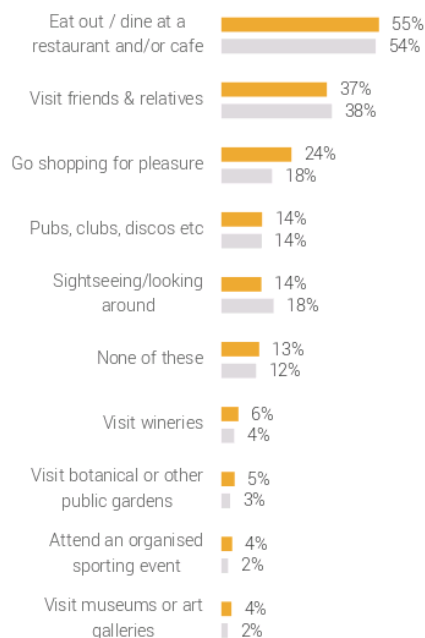


Accommodation

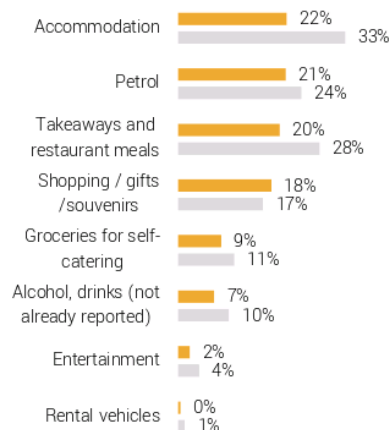


Orange Region
Hunter Region

Activity Profile



Visitor Spend



Source/s: Tourism Research Australia, National Visitor Survey 2015-2019

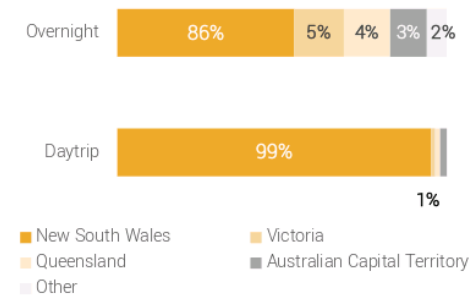
3.4. Source Markets

Average Annual Visitor Origin (TRA – 5 Year Average 2015-19)

Tourism Research Australia data was utilised to analyse the source markets for the Orange Region. This data is a snapshot of the visitor economy in January 2020, 2021, and 2022.

The Orange Region is predominately an intrastate destination, with NSW making up the majority of domestic visitors (94%). Queensland, Victoria and the ACT are the strongest interstate source markets for the Orange Region.

F2. VISITOR ORIGIN – TOURISM RESEARCH AUSTRALIA



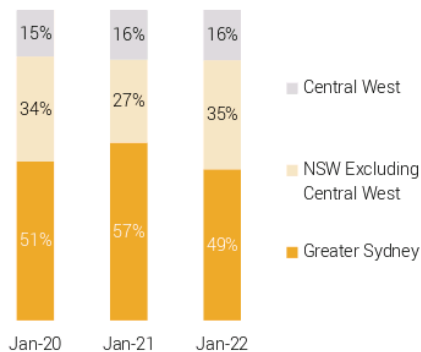
Source: Tourism Research Australia, National Visitor Survey, 5-year average (2015-2019)

Origin of NSW Visitors (Tourist Tracka – Jan 2020-21-22)

Tourist Tracka data was utilised to analyse the source markets for the Orange Region. This data draws on mobile phone GPS signals, and provides a snapshot in time of the visitor economy in January 2020, 2021, and 2022.

Origin of intrastate visitors are almost equally split between Greater Sydney and Regional NSW. In January 2022, Greater Sydney made up 49% of visitation to the Orange Region, with majority of these visitors originating from the Outer West and Blue Mountains (13%), Blacktown (10%), City and Inner South Sydney (10%), South West Sydney (10%) and Parramatta (10%).

F3. ORIGIN OF NSW VISITORS – TOURIST TRACKA



Source: Tourist Tracka, 2022.

NSW will remain the primary market for the Orange Region, however there is potential to target the South East Queensland market for weekend escapes or drive tourism. This was identified as an opportunity through stakeholder engagements, who experienced growth in this market during and since the Covid-19, which is difficult to demonstrate through the data.

In addition, South East Queensland is also a strategic market opportunity as they do not have access to similar regional product offerings, in comparison to Sydney and Melbourne who have similar offers at their doorstep. As such the unique cool climate wines, quality food and agriculture of the Orange Region would position it well in the South East Queensland market.

3.5. Consumer Trends

Tourist Tracka data was utilised to analyse the consumer trends for the Orange Region. This data is a snapshot of the visitor economy in January 2020, 2021, and 2022.

In January 2022, families made up 43% of the visitor market from Greater Sydney. Similar trends were seen in January 2020 and 2021. The strongest family market from Greater Sydney is the Mainstream Family Market. In January 2022, this market grew by 4% in comparison to January 2020.

There is opportunity to leverage the opportunity for further growth in the family market, through the provision of more family-friendly accommodation and activities throughout the region.

Comfortable Cruisers are also a strong visitor market from Greater Sydney, however decreased by almost 10% in January 2022 compared to January 2020. This decrease in visitation from the Comfortable Cruisers market is likely due to the apprehension of older demographics to travel during the pandemic.

The Regional NSW market contributes significantly to visitation in the Orange Region. Majority of these markets are an older demographic that is typically low yielding.

The predominate consumer markets are the Golden Ages and Savvy Retirees. Targeting the friends and relatives of these travellers provides a strong opportunity for growth in the Orange Region visitor economy.

The Tourist Tracka data highlights vastly different trends in consumers from Regional NSW and Sydney. The Sydney market segments that visit Orange Region are much higher yielding and are likely to have a much more significant impact on the visitor economy.

F4. CONSUMER TRENDS

Consumer Trends from Greater Sydney



Mainstream Families

- Family orientated
- 71% are in fulltime employment
- 30% live in rural locations



Comfortable Cruisers

- Financially secure, affluent,
- Aged between 50 and 65
- High income households (more than \$150k p.a.)

Consumer Trends from Regional NSW



Golden Ages

- Aged 65-100
- Live in rural areas (39%)
- Most retired (74%) with a household income \$20k - \$40k
- Seek traditional media including newspapers and magazines



Savvy Retirees

- Retired but actively participate in cultural and sporting activities
- Largely metro dwelling to be near family and services.
- A keen interest in travel and current affairs

Source: Tourist Tracka, 2022.

3.6. Target Markets

The following have been identified as the target markets for the Orange Region. Whilst some are existing markets, emerging markets have also been identified in terms of their potential to drive visitation and yield.

Target markets have been summarised below based on existing visitor patterns and understating of market potential, as demonstrated in this section.

T1. TARGET MARKETS OVERVIEW

	PRIMARY / CURRENT MARKETS	SECONDARY / EMERGING MARKETS	
GEOGRAPHIC MARKETS	<p>Sydney and surrounds</p> <p>Sydney and surrounds are already the largest market for the Orange Region, contributing 49% of visitation, however with a population of 5.3+ million people there remains significant growth potential. Areas of western Sydney are within an easy 3.5 hours drive of the Orange Region. There is however also opportunity to target affluent suburbs of inner and coastal Sydney.</p>	<p>Regional NSW</p> <p>Regional NSW remains the second largest market for Orange Region. It is not considered as important as Sydney in terms of yield with higher levels of day tripping, however, remains critical in terms of economic benefit to the region. There are a number of Cities with large regional population bases within 1.5 hours drive that should be targeted including Forbes, Parkes, Dubbo and Corowa.</p>	<p>Brisbane and S.E. Queensland</p> <p>South-east Queensland lacks strong food and wine destinations similar to the Orange Region. This presents as a strong competitive advantage for the region in attracting this emerging market who seek to experience a high-quality food and wine region. Link Airways provide some services between Brisbane and Orange, however regularity of this service could be increased to support further visitation.</p>
TOURING MARKETS	<p>Domestic Touring Visitors</p> <p>Touring from Adelaide/Melbourne to Brisbane presents an opportunity for the Orange Region. Melbourne and Adelaide have highly mobile populations, with 5 million residents in Melbourne and 1 million residents in Adelaide. The region presents a unique stopover point for visitors seeking quality wine and dining experiences on journeys to Northern NSW and Queensland.</p>	<p>International Touring Visitors</p> <p>Prior to Covid-19, Sydney was attracting over 4 million annual international visitors. With COVID-19 travel restrictions easing and borders reopening, international travel is beginning to rebound.</p> <p>There is an opportunity for the Orange Region to capture greater share of this market with the development of formal touring routes for international visitors to maximise their stay in NSW. The development of the Western Sydney airport in the long term will support visitation to the Orange Region.</p>	
DEMOGRAPHIC / ACTIVITY MARKETS	<p>Comfortable Cruisers (55+)</p> <p>40% of the visitor market in the Orange Region is aged over 55 years. This market is strategically important as many are retired or semi-retired, with the flexibility to travel mid-week and during off-peak seasons.</p>	<p>Visiting Friends and Relatives</p> <p>The VFR market is strong for the region, with 28% of all visitors travelling for the purpose of visiting friends and relatives, as well as 44% of overnight visitors staying with friends and relatives. There is opportunity to undertake a campaign targeted campaign to educate residents on local products and experiences.</p>	<p>Young Professionals</p> <p>26% of the Orange Region market is aged between 15 and 34 years of age. The compelling wine and food products within the region make it an enticing destination for weekend escapes for this market.</p>

4. PRODUCTS, EVENTS & SUPPORTING INFRASTRUCTURE

4.1. Product Profile

The following product and experience assessment is a strategic review of the regions current experience offering. The review included existing inventories and desktop research of products, events and experiences, physical visitor information, site visits and consultation findings.

The Orange Region is characterised by its authentic experiences in wine and food. The high-quality wine, wineries, emerging breweries and distilleries, farmgate experiences and dining offerings are the primary strength and a key motivating visitation to the Orange Region.

Emerging strengths within the Orange Region include nature-based assets, arts, culture and heritage, events and festivals and boutique accommodation. These experiences require further investment and activation to become hero experiences. Although relatively untapped, these products are well-aligned to the Orange Region's primary strength of wine and food.

Although the Orange Region has seen strong visitor economy growth, there remain opportunities for further development to enhance the visitor experience throughout the Region. Gaps in the current product offering include large-scale accommodation, night-time economy, business events and family-friendly activities and products. Targeted and ongoing investment is required to meet the standards of the contemporary visitor market and attract target markets.

EXISTING PRODUCT PROFILE

		<p>PRIMARY STRENGTH</p> <p>Wine, Food, Beverage and Agritourism</p>	
<p>EMERGING STRENGTHS</p>			
 <p>Nature-based</p>	 <p>Arts, Culture & Heritage</p>	 <p>Sport and recreation</p>	
 <p>Events and Festivals</p>	 <p>Boutique Accommodation</p>		
<p>PRODUCT GAPS / OPPORTUNITIES</p>			
 <p>Business Events</p>	 <p>Night-time Economy</p>	 <p>Large-scale Accommodation</p>	 <p>Family-friendly Activities and Product</p>

4.2. Supporting Infrastructure

Supporting infrastructure, including towns and amenities, transport and access, and accommodation are crucial to the overall visitor experience, and the strength of the visitor economy industry.

The supporting infrastructure across the Orange Region does not appropriately service the growing visitor economy. The towns and villages within the Orange Region have potential to be vibrant destinations, however lack the supporting amenities and infrastructure to grow as visitor destinations.

Towns and Amenities

Orange City is a hub for business, retail and medical services for Regional NSW. As the primary visitor destination of the Orange Region, Orange City is well serviced and supported by a strong population and subsequent workforce.

There is an opportunity for Blayney and Cabonne LGAs to strengthen their services industry within their towns and villages by leveraging the strength and scale of the Orange regional city brand to support a growing visitor economy.

Telecommunication black spots and areas with poor services negatively impact the Orange Region visitor economy. Poor telecommunication infrastructure limits the ability of visitors to access visitor information, hinders business operations and impacts new business entrants. There is a need to improve telecommunications infrastructure throughout the region, particularly in Cabonne and Blayney LGAs.

Transport and Access

The Orange Region is well connected by road, with Orange City located on the Mitchell Highway. The highway experiences significant congestion on peak weekends across the Blue Mountains. The region is also connected by rail, which takes approximately five hours from Sydney, as well as by air through the Orange Regional Airport.

The Orange Region is well positioned for growth in visitation due to the region's proximity to Sydney, Canberra and other population centres, including Bathurst and Dubbo, as well as its strategic location on the Mitchell Highway.

Whilst the Orange Region is also well-connected to Sydney via the Orange Regional Airport, there could be improved passenger services across Australia,

including destinations in South-East Queensland, South Australia and Victoria.

Through the introduction of additional flights and new flight paths, the Orange Region is well-positioned to attract new markets and strengthen access for existing markets, such as Melbourne and Canberra.

Intra-region connectivity is poor. The Orange Region is poorly serviced by public transport, with infrequent bus routes and limited stops. Access between towns and villages via walking and cycling paths is also limited.

Accommodation

Accommodation in the Orange Region is often at its capacity due to its small accommodation stock and large transient workforce. The lack of capacity limits the regions' ability to support large-scale events and festivals.

Analysis of the current accommodation stock and consultation with stakeholders has highlighted the need for large-scale contemporary accommodation, such as Mercure, to accommodate the business market and fill gaps in current capacity.

Additionally, this analysis identified a need for accommodation suited towards family groups, such as self-contained apartments and houses. With a strong VFR market, the Orange Region must focus on providing adequate accommodation for this market.

There is an opportunity for the Orange Region to support investment in experiential accommodation that will provide a unique point of difference for the region and meet contemporary market expectations. Experiential accommodation includes farm stays, eco-cabins and eco-retreats.

5. GOVERNANCE, MARKETING & VISITOR SERVICING

5.1. Governance

The governance structure for tourism in the Orange Region is provided in the chart below, which outlines the responsibilities for each of the key organisations.

The structure below highlights how important Local Government is for supporting the visitor economy, particularly in terms of working closely with

industry and product development. There is opportunity for Orange360 to support some of this at a regional level to reduce duplication if resources were provided.

F5. REGIONAL GOVERNANCE STRUCTURE

Organisation / Overview	Visitor services	Destination marketing	Investment attraction/facilitation	Industry support and engagement	Industry training	Product development
<p>Destination NSW</p> <p>Lead government agency for the NSW tourism and major events sectors. Role is to position NSW as one of the world's premier tourism and events destinations and achieve the NSW Government's goals of tripling visitation expenditure by 2030.</p>		✓✓		✓	✓	✓
<p>Destination Central West NSW</p> <p>One of six NSW Destination Networks responsible for delivering on the NSW Government's objective to triple visitor expenditure by 2030.</p>		✓		✓	✓	
<p>Central West Joint Organisation</p> <p>The Joint Organisation (JO) consists of 10 member Councils in the Central West region of NSW. The JO establishes strategic priorities, provides leadership, advocacy and identifies opportunities for the region.</p>		✓	✓	✓		
<p>Orange360</p> <p>Launched in July 2018, Orange360 is the primary destination marketing organisation for the Orange region.</p>	✓	✓✓		✓	✓	
<p>Councils</p> <p>Councils act as enabler for the visitor economy by providing the foundations, including strategic planning, infrastructure services, assistance in product development, investment attraction, and support to the local industry.</p>	✓✓	✓	✓✓	✓	✓	✓✓

Lead Role ✓✓ Supporting Role ✓

5.2. Marketing

Orange360

Orange360 is the primary destination marketing organisation for the Orange Region. The organisation launched in July 2018 and has since experienced great success through buy-in from the three LGAs and local industry, with close to 350 registered members.

The organisation provides marketing through a unified Orange360 brand, and undertakes a seasonal approach to marketing the region, with marketing activities undertaken to promote products and experiences within the destination.

The five strategic priorities for Orange360, as outlined in the Orange360 Strategic Plan 2020-2024, include:

- Enhance our visitor experience;
- Build collaborative relationships;
- Integrate premium marketing across all touchpoints to drive demand;
- Position Orange360 as an aspirational destination; and
- Grow and evolve.

The organisation's success has been demonstrated through the growth in visitation to the Orange Region, buy-in and support from local industry, and the anecdotal industry understanding that new markets are being attracted to the region, much of which occurs through digital marketing.

In addition to direct marketing, the organisation also plays an informal but important role in both supporting and developing industry. Orange360 play a critical role in elevating the industry offering.

The business and community survey conducted by Urban Enterprise in 2022 (250 responses), found that 87% of business respondents were a member of Orange360. Of these businesses, the majority are satisfied with the marketing and promotional activities undertaken by Orange360 (63%).

A high proportion of businesses would like to see Orange360 attract new markets (43%), undertake more marketing of smaller businesses (35%) and support and organise more festivals (22%).

At present, limited resources and funding prevent Orange360 from performing at its full capacity. Continued support for Orange360 will allow the organisation to expand its marketing to attract new target markets and increase its capacity to take on a greater workload.

F6. BUSINESS PERCEPTION OF ORANGE360



Q. What has been your experience / perception of the marketing activities undertaken by Orange360?

Source/s: Orange Region Destination Management Plan 2022-2025 Business and Community Survey

Regional Collaboration

At present, the Orange Region undertakes limited collaboration with surrounding Councils and visitor destinations. Increasing collaborative marketing activities will enable the region to leverage visitation to surrounding regional cities and destinations.

Strengthening relationships with surrounding visitor destinations, such as Dubbo, Mudgee and Bathurst, can provide opportunities, such as international and domestic touring opportunities, alignment of events calendars to maximise visitation throughout the region and develop packaged products and experiences.

Partnership with the Central West Joint Organisation will be critical to achieving further regional collaboration. This will allow the Orange Region to leverage the visitation and success of the surrounding destinations for mutual benefit, by providing access to opportunities for joint marketing campaigns and ability to promote regional touring routes.

5.3. Visitor Servicing

Digital Visitor Servicing

The Orange360 website is the primary marketing asset utilised by the Orange Region, by the region, led by the Orange360 organisation. In addition, Orange360 social media accounts are utilised.

The website allows users to explore towns and villages through profiles and guides which include an inventory of accommodation, events, activities and dining available within the destination.

The Orange360 website has recently been updated and provides a high quality and engaging user experience. There is a need to continuously maintain and update the website to ensure it is contemporary, provides up to date visitor information, and is engaging for users.

Physical Visitor Information

The Orange Region is well-serviced by physical collateral such as visitor guides, brochures and maps developed by Orange360. The visually attractive physical collateral utilises QR codes to connect visitors to more information online.

There are two accredited Visitor Information Centres (VIC) in the Orange Region, located within the Orange Regional Museum and the Age of Fishes Museum. Both centres are open daily to service visitors.

There is a need to develop a regional approach to visitor services with consideration of physical collateral, digital information and reinforced branding and wayfinding. Orange, Cabonne and Blayney LGAs should consider collaborating on a regional visitor services and signage strategy.

Signage and Gateways

At present, visitors are experiencing a fragmented journey through the Orange Region.

Current tourism wayfinding and signage infrastructure throughout the three LGAs is outdated and varies in terms of colours, fonts and formats. This does not reflect the collective brand of the Orange Region.

The Orange Region lacks gateway signage that formally signals entrance into the region and smaller towns and villages. Gateway signage provides a sense of arrival for visitors and communicates the character and identity of the region.

There is opportunity to deliver gateway signage, as well as other wayfinding and signage infrastructure, that is well aligned to the Orange360 brand and positioning through the development of a signage strategy across the three LGAs.

F7. PRECEDENT – BAROSSA COUNCIL



Source: The Barossa Council, 2022.

F8. PRECEDENT – HEPBURN SHIRE COUNCIL



Source: Hepburn Shire Council, 2022.

6. KEY CONSIDERATIONS

The following are key considerations identified through research, engagement and site visits to the Orange Region.

EVENTS	PRODUCTS AND EXPERIENCES
<ul style="list-style-type: none">• Need for increased accommodation capacity to support large-scale events• Opportunity to grow events during the off-peak season• Need for investment in mid-scale conferencing centres / facilities• Opportunity to develop events with strategic alignment to key product pillars, such as wine, culinary, nature, cycling etc.• Need to streamline and enhance events permit processing, funding and management	<ul style="list-style-type: none">• Need for cycling and walking path links to wineries, nature-based attractions and towns and villages• Investment in natural assets is needed to create motivating attractions and add depth to the visitor experience• Need for investment in products and experiences targeted to the family market• Opportunity for the development of arts, culture and Indigenous cultural experiences to enrich the visitor experience• Need to improve high quality dining experiences, particularly in smaller townships• Need for further on-farm experiences, such as foraging, cafes and restaurants, and educational experiences• Opportunity to deliver higher-end experiences for the adult couple market, such as spa and wellness, retreats, and other boutique experiences

ACCOMMODATION

- Accommodation often at capacity, impacted by AIRBNB, large transient workforce and lack of housing supply
- Difficulty attracting investment in large-scale contemporary accommodation, such as Quest, Mercure etc.
- Lack of affordable housing for service sector workers impacts ability to attract and retain workers
- Lack of accommodation suited to the family market
- Opportunity to attract investment in experiential accommodation that provides a unique experience (farm stays, eco-cabins, eco-retreats etc.)
- Attract investment in health and wellness accommodation facilities, aligned to target market preferences and opportunities

ENABLING INFRASTRUCTURE

- Poor intra-region connectivity, including public transport, walking and cycling, and poor-quality roads
- Need for improved public transport connectivity between surrounding population centres, as well as smaller townships
- Improvements to directional signage, as well as poor quality and outdated tourism signage
- Continue advocating for increase in flights and new routes, including south-east Queensland destinations
- Continue advocating for high-speed trains from Sydney, telecommunications improvements
- Ongoing improvements to telecommunications networks and internet access

INDUSTRY COLLABORATION AND NEEDS

- Lack of industry collaboration and communication, as well as large proportion of the service sector not perceiving their business as part of the visitor economy
- Support from Council for events and festival organisers and streamlined event permit processing for multi-Council events
- Need to streamline development approvals processes
- Customer excellence education and training for operators and staff
- Need for enhanced industry collaboration to deliver product packaging
- Reduced business operating hours on weekends impacts visitor experience and satisfaction

MARKETS, AWARENESS AND MARKETING

- Continued support for and collaboration with Orange360
- Need to expand marketing to emerging/new markets
- Limited resources and funding for Orange360 prevent the organisation from performing at its full capacity
- Need for enhanced collaboration with major regional cities, to capitalise on international and domestic touring opportunities, to align events calendars and develop product packaging

PART B

Destination Management Plan Framework

The Orange Region Destination Management Plan Framework provides a vision, objectives, and measurable goals to guide visitor economy development over the next five years. This will be achieved through delivery of priority initiatives within the seven identified themes .

These have been prepared in response to the issues and opportunities for the region, and the destination management needs going forward.



7. Strategic Framework

7.1. Vision

The following section outlines the strategic framework to guide development of the Orange Region visitor economy. This includes a vision for tourism across the Region, objectives and success measures, and seven key themes to guide public and private sector investment.

VISION

The Orange Region will be a leading Australian visitor destination, enriched by vibrant towns and villages, providing the highest quality wine, food and escape to nature experiences.

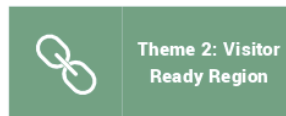
OBJECTIVES	TARGET	MEASURE/SOURCE
Grow the value of the visitor economy	<ul style="list-style-type: none"> • Increase in visitor expenditure • increase in visitor length of stay • Increase in visitation numbers 	<ul style="list-style-type: none"> • Visitor expenditure, length of stay and visitation to the Orange Region, using industry accepted data source
Create a visitor ready and unified industry	<ul style="list-style-type: none"> • Increased industry engagement, communication and networking • Improvement in customer satisfaction 	<ul style="list-style-type: none"> • Industry engagement • Qualitative and quantitative performance measures
Encourage visitor dispersal to towns and villages	<ul style="list-style-type: none"> • Increase in visitation to towns and villages 	<ul style="list-style-type: none"> • Regional visitor dispersal from Orange City to Cabonne and Blaney, using industry accepted data source

7.2. Themes

Key themes to guide future investment have been identified in response to strategic considerations.



Provide enabling infrastructure and attract investment in accommodation and facilities that will support visitor economy growth.



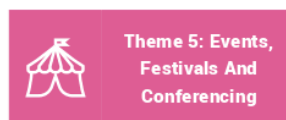
Ensure the soft infrastructure is in place to empower a capable and connected industry to work together towards a unified vision.



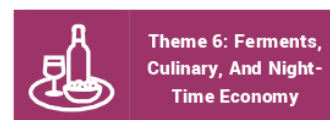
Reinforce and strengthen the Orange Region brand through marketing, positioning and placemaking.



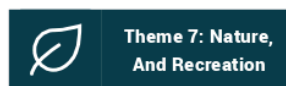
Showcase and celebrate local culture, creativity, and heritage to provide a rich visitor experience.



Build a strong tourism events and festivals brand and grow business and conferencing events to develop a well-rounded and sustainable events calendar.



Deliver high quality, contemporary and authentically Orange Region wine, ferments and culinary experiences, and activate a vibrant night-time economy.



Leverage the growth in nature based and recreational tourism through investment in infrastructure, promotions, activations and experiences, and passive recreation.

8. PRIORITIES AND ACTIONS

Identifying Priority Projects

In order to identify priorities, each project has been assessed against the overarching objectives.

Projects that align to these objectives and address critical issues or opportunities for the Orange Region have been prioritised above others to be included in the Destination Management Plan.

Timeframes

Projects have been identified using the following priority levels:

- Short term (within 1 year)
- Medium term (1-3 years)
- Long term (4 years +)

Actions identified as long term priorities are intended to begin during the Destination Management Plan period, however may have a longer delivery timeframe, into the next Destination Management Plan.

Delivery Responsibility

Stakeholders have been identified for each priority initiative in the action plans. Key stakeholders are:

- Councils (Orange, Blayney and Cabonne)
- Industry
- Destination Marketing Organization (DMO)
- Central West Joint Organisation (JO)
- State and Federal Governments and agencies

Current roles and responsibilities of these stakeholders are identified in section 5.1 Governance. Their roles in relation to delivery of the Destination Management Plan have been outlined below.

Council will deliver strategic planning projects that have been identified to support growth in the visitor economy. These should be led by Council and may require additional government funding and support. Additionally, Council may be required to initiate several identified projects and lead their direction; however initiatives may be delivered in partnership with industry, regional bodies and State Government.

Orange360, as the regional marketing organisation, manages the Orange360 brand and all content relating to the Orange360 brand.

Regional bodies, such as the Central West Joint Organisation (JO), will continue to undertake marketing for the broader central west region of NSW, including the Orange Region and major destinations such as Dubbo, Bathurst and Mudgee. Councils should continue to partner with the JO.

State and Federal Governments, as well as agencies such as Destination New South Wales, NPWS and Department of Forestry, guide state level project priorities and provide funding opportunities. Councils should continue to advocate to and develop strategic partnerships with these agencies, as well as seek funding opportunities when available, to support delivery of priority initiatives.

Actions within the plan will be as per individual Council resolutions and/ or individual Operational/ Delivery Plans, and thus not binding on partnering Councils.



Theme 1 Visitor Economy Foundations

Provide enabling infrastructure and attract investment in accommodation and facilities that will support visitor economy growth.

Enabling infrastructure within destination management are the assets often delivered and funded by Government. This includes roads, township streetscapes, parks, telecommunications, water assets, and services such as sewer and power. These are the elements that support private sector investment and also provide the backbone to carrying capacity within a destination.

This theme focuses on delivering quality infrastructure and the attributes that will support the

industry investment needed across the region, as well as an improved visitor experience.

In addition, there is a need to deliver a range of accommodation typologies to enable overnight stays from current and new visitors, and to support delivery of major events. Delivery of worker accommodation is also required to support a growing visitor economy workforce, as well as to mitigate regional housing pressures.

THEME 1 VISITOR ECONOMY FOUNDATIONS PRIORITY INITIATIVES

Township Enhancement and Infrastructure

Whilst there is an ongoing program of investment into Orange City streetscaping, there is a need for further enhancement of towns and villages to create attractive and high amenity destinations. This includes addressing streetscaping, landscaping, enhancement of amenity infrastructure, placemaking and road improvements.

Masterplans for each of the towns should be considered to deliver an improved investment climate, as well as provide higher amenity towns and villages suited to visitor expectations.

Specific projects that could be considered include:

- Landscaping and tree planting;
- Improvement of streetscapes and street furniture;
- Placemaking initiatives, events and casual activation;
- Re-sealing roadways; and
- Occasional closure of streets to create public spaces on weekends or during events.

Infrastructure Investment and Advocacy

The Orange Region experiences a range of infrastructure needs, which are required to support local businesses, improve the visitor experience, as well as support local residents. This includes:

- Telecommunications upgrades;
- Road capacity and quality;
- Rail and other public transport services;
- Services infrastructure for towns and villages (e.g. water, sewer).

Given the large number of towns and villages across the region, Councils should identify and prioritise strategic infrastructure projects that have the greatest need and that will provide the most economic and social benefit should be prioritised.

Accommodation Investment Attraction

The Orange Region requires significant investment in accommodation to service the current visitor market, expand its capacity for additional overnight stays, and attract large-scale events.

Whilst the existing supply of accommodation provides a range of boutique and smaller scale options to predominately service the adult couple and holiday leisure markets, there is a need for larger investments to support the business markets, family market and events visitors.

Councils can attract investors by promoting compelling, demand driven accommodation opportunities for the Orange Region. This should target the following accommodation gaps:

- Boutique, luxury accommodation (Orange Region);
- Large-scale hotel and serviced apartments (Orange City);
- Self-contained accommodation (Orange Region);
- High quality tourist park (Towns and Villages);
- Spa/wellness retreat accommodation (Towns and Villages); and
- Experiential accommodation e.g. glamping, farm stay, tiny homes (Towns and Villages).

In addition, there is a need for affordable housing across the region. Investment in accommodation should take into consideration the needs of the visitor economy workforce, mining industry housing needs impact on visitor accommodation, as well as needs of local community.

T2. THEME 1 VISITOR ECONOMY FOUNDATIONS ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Township enhancement and infrastructure development	Council	Medium	<ol style="list-style-type: none"> 1. Prepare masterplans for activation and enhancement of towns and villages. 2. Identify and prioritise strategic infrastructure projects for towns and villages and prioritise these across the region.
Infrastructure investment and advocacy	Council State and Federal Government	Ongoing	<ol style="list-style-type: none"> 1. Prioritise infrastructure needs to support the visitor economy. 2. Advocate for funding from relevant government agencies/private investors.
Accommodation investment attraction	Council Industry	Short	<ol style="list-style-type: none"> 1. Facilitate private sector investment in visitor accommodation by promoting investment and site opportunities and supporting the development approvals process. 2. Work with industry to identify housing needs and models for affordable housing delivery.



Empower a capable and connected industry to work together towards a unified vision.

The Orange Region is currently in the Growth stage of the destination lifecycle. At this stage, industry is experiencing significant growth and demand from products and experiences, and as a result experience significant growth pressures.

As a result, there are a range of industry capability and capacity needs that can be supported by Councils. This includes training and education for operators and staff in hospitality and industry support and engagement.

Council has a critical role in facilitating industry development. Council should provide the tools to ensure the existing business base can operate effectively. In addition, this will provide a sound investment climate for the private sector to invest in creating bookable and distributable tourism products and experiences.

THEME 2 VISITOR READY REGION PRIORITY INITIATIVES

Hospitality workforce skills and capacity

Training and education is needed for the visitor economy workforce, in particular the hospitality industry, to ensure the industry is capable and provide a high quality, professional experience to visitors.

There is opportunity to deliver high quality education for not only existing and new workforce, but also to attract students from across the country for hospitality training. The climate, local produce and strength of the food and wine scene in a very compact region provides the perfect setting for pathways in hospitality.

Collaboration is required between industry and Council to identify specific training and workforce needs, and explore opportunities for development.

Industry support and collaboration

The following capacity building activities would support industry development in the Orange Region:

- Deliver formal industry engagement.
- Establish a regional business concierge service to support industry engagement, business development and facilitate investment.
- Industry training to enhance digital presence, including digital, marketing, and social media training.

Council should consider increasing the resources allocated towards industry development and engagement opportunities in order to support industry growth.

Sustainable tourism management and resourcing

Currently, the resources to support tourism across the region are strained, with a heavy reliance on a declining volunteer base, limited pool of workers and financial resources for delivery.

In particular, Council arts and cultural facilities and tourism events rely heavily on volunteers to operate. This impacts the abilities of the facilities to operate consistently and invest in facilities.

In addition, workforce shortages result in understaffed businesses and may impact the ability of businesses to deliver high quality experiences, as well as limiting new business operations and expansion of existing businesses.

To improve sustainable tourism management and resourcing, Councils should consider:

- Strategies to attract new workers and retain existing workforce, including retaining youth in hospitality and providing improved pathways.
- Incentives and training to support volunteers and volunteer-based organisations, as well as to enable cross-Council events delivery.
- Potential increased funding allocation to support sustainable delivery of events by the local community and industry.

T3. THEME 2 VISITOR READY REGION ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Hospitality workforce skills and capacity	Council Higher education TAFE Industry DNSW	Medium	<ol style="list-style-type: none"> 1. Work with industry to identify local training and education needs to support the hospitality sector. 2. Establish a steering committee of Government, industry and education sector to explore potential models for training and education delivery.
Industry support and collaboration	Council Industry DNSW	Short	<ol style="list-style-type: none"> 1. Explore potential to formalise the existing industry engagement undertaken by Orange360. 2. In conjunction with the planning and economic development teams, investigate the establishment of a regional business concierge service to support industry engagement and development. 3. Identify industry training needs to enhance business digital presence, including digital, marketing, and social media training.
Sustainable tourism management and resourcing	Council Industry / Local Associations	Short	<ol style="list-style-type: none"> 1. Drive volunteerism through promotions and incentives. Consider the potential to undertake a regional volunteer ambassador program. 2. Undertake a review of governance organisations, facilities operations and event operations, to assess duplication of resources and identify ways to streamline delivery. 3. Identify local workforce gaps and consider options for workforce attraction, such as regional lifestyle campaigns and incentives to attract workers.



Theme 3 Identity, Awareness and Placemaking

Reinforce and strengthen the Orange Region brand through marketing, positioning and placemaking.

The Orange Region has experienced significant growth over the past 10 years. This is largely driven by demand-driving activities include regional marketing activities undertaken by Orange360, significant product development by the wine and dining sector, and a growing accommodation sector.

Establishing a unified and collaborative approach across the Orange Region will connect experiences, solidify the destination identity, and create compelling itineraries.

Continuing to strengthen the regional destination brand and growing market awareness is a priority for the Orange Region whilst in the growth phase. Ensuring destination marketing activities are tailored to attract target markets and grow market share of the destination will be critical.

THEME 3 IDENTITY, AWARENESS AND PLACEMAKING PRIORITY INITIATIVES

Gateways, place making and brand reinforcement

Currently, town signage and entries are branded according to the Council's branding, however there is a lack of in-region 'Orange Region' marketing.

There is an opportunity to reinforce the Orange Region brand through a more co-ordinated approach to delivering in-region signage, billboards and other public activations.

Key opportunities include:

- Delivery of Orange Region branded public art and town activations;
- Delivery of Orange Region branded billboards at gateway locations to signify entry into the region, as well as at strategic locations in-region to reinforce visitor understanding that they are in the Orange Region.

Marketing the Orange Region

Building on the success of Orange360 marketing activities to date, there is a need to continue strengthening the regional destination brand and growing market awareness.

Key areas of focus for marketing should include:

- Developing and implementing a targeted marketing plan
- Identifying current market awareness of the Orange Region, and undertake marketing activities to increase visitor market share from target markets.
- Engage with locals as ambassadors for the visitor economy. Consider the former Destination Melbourne 'Discover your own backyard' program as a successful precedent.

Council may consider increasing the resources allocated towards regional marketing capacity in order to substantially grow market awareness of the Orange Region.

Digital visitor information transformation

There are substantial resources attributed to physical visitor information in the Orange Region, with two accredited Visitor Information Centres (VIC) in the Orange Region, located within the Orange Regional Museum and the Age of Fishes Museum.

Whilst the Orange360 website provides high quality visitor information, there is a need to consider other digital visitor information throughout the region to engage visitors, encourage dispersal and reinforce the brand in region. Examples include the use of QR codes in-region to connect to digital visitor information, interactive signage and billboards, and augmented reality tools.

Promoting visitor dispersal

Visitation to Orange City is strong, however there is opportunity to increase dispersal of visitation into towns and villages to encourage increased length of stay and extract greater yield from visitors. This may include encouraging daytrips from visitors already in the region as well as encouraging new visitors to extend their stay to towns and villages. This will in turn enhance the visitor experience by providing a diversity of experiences.

There is opportunity to promote touring itineraries, including:

- Local village and regional touring.
- Encouraging daytrips from visitors staying in Orange to towns and villages.
- Major inland tour from Sydney taking in Bathurst, Mudgee, Dubbo and Orange Region.
- Melbourne to Brisbane Touring and Adelaide to Brisbane Touring.

T4. THEME 3 IDENTITY, AWARENESS AND PLACEMAKING ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Gateways, place making and brand reinforcement	Council Industry	Short	<ol style="list-style-type: none"> 1. Identify locations for in-region billboards that showcase the Orange Region brand. 2. Identify opportunities for public art and township activations across the region, and deliver these in a cohesive and strategic manner.
Strengthen the Orange Region identity	Council Industry Locals	Short / Ongoing	<ol style="list-style-type: none"> 1. Continue to monitor, update and implement regional marketing plan. 2. Undertake primary market research to set a benchmark for current market awareness of Orange Region amongst the population. 3. Continue to undertake targeted marketing campaigns to attract target markets. 4. Seek to establish a local ambassador program that encourages residents to engage in their 'backyard'. Consider the former Destination Melbourne 'Discover your own backyard' program.
Digital visitor information transformation	Council Industry	Short	<ol style="list-style-type: none"> 1. Undertake a digital visitor information services transformation program with consideration of digital and the contemporary consumer.
Promoting visitor dispersal	Council Industry Central West JO	Short	<ol style="list-style-type: none"> 1. Undertake a touring route strategy for the region with consideration of: <ol style="list-style-type: none"> a. Local village and regional touring. b. Major inland tour from Sydney taking in Bathurst, Mudgee, Dubbo and Orange Region. c. Melbourne to Brisbane Touring and Adelaide to Brisbane Touring. 2. Undertake in-region and online marketing activities to promote daytrips to Orange Region towns and villages, targeted towards visitors staying in Orange or planning a trip to the region. This could include promotions, discounts and other incentives to encourage exploration.



Theme 4 Creativity, Arts and Culture

Showcase, celebrate and preserve local culture, creativity and heritage to provide a rich visitor experience.

Arts and culture has the opportunity to be developed as a product pillar for the region, building on the growing arts scene, the range of makers and creators in the region, the Aboriginal living cultural history of the region, and the heritage and cultural backdrop of the region.

Arts and culture experiences add vibrancy to a destination, provide compelling reasons for new visitation to a destination, as well as enriching the experience for existing visitors to the region.

There are a range of existing museums, art galleries, arts and culture events that could be enhanced and activated. Development of a regional arts program across the three Councils should be considered, which will help to activate and brand the towns and villages through public art, art exhibits, cultural events and other activations.

In particular, the region has two major cultural assets that could be activated; the Orange cultural precinct and the Age of Fishes Museum.

The Orange cultural precinct has seen continual investment by Orange City Council, with the establishment of the Orange Library, Art Gallery and Orange Regional Museum. Further investment in the precinct is underway through the Orange Planetarium and Conservatorium. This will result in a compelling destination for visitors, and should be strengthened through delivery of an engaging program of exhibits and events, as well as branding and marketing.

The Age of Fishes Museum is one of only two fish fossil museums in the world and is a National Heritage site due to its international scientific significance. The existing museum could become an educational and cultural attraction with appropriate investment, activating and promotion.

In addition to these, working with Traditional Owners of the Wiradjari nation to develop products, experiences and educational offerings would provide a compelling experience for visitors, and create a platform for Traditional Owners to share their stories, culture and heritage.

THEME 4 CREATIVITY, ARTS AND CULTURE PRIORITY INITIATIVES

Orange Region arts and culture development

Orange City has seen continued investment in its cultural precinct, with the establishment of the Orange Library, Art Gallery and Orange Regional Museum. Further investment in the precinct is underway through the Orange Planetarium and Conservatorium, however improved precinct planning and branding are required to unify, elevate and activate the precinct.

A masterplan should be considered for the precinct following investment in these two facilities to ensure that the precinct facilities interact well. This should consider streetscaping, public space improvement, pathways and wayfinding signage.

In addition, there is an opportunity to elevate the offering at the Age of Fishes Museum, which is one of only two fish fossil museums in the world and is a National Heritage site due to its international scientific significance.

A curatorial study and concept plan should be developed, which should consider indoor and outdoor heritage exhibits and interpretation, and marketing and branding for the Museum.

Heritage activation program

The Orange Region has an extensive amount of heritage assets that are either in disrepair or underutilised. This includes heritage retail spaces, former hotels and other heritage infrastructure.

A heritage activation plan should be prepared which explores ways to activate further heritage and non heritage buildings. This should consider:

- Art installations and gallery spaces;
- Makers and creators' spaces and studios;
- Activation for pop-up events; and
- Retail spaces.

Indigenous cultural experience development

There is significant living Aboriginal cultural heritage in the Orange Region, with sites of significance located across the three Councils, and a wealth of local stories, culture and heritage.

There is an opportunity for Orange Region Councils to develop relationships with local Traditional Owner groups and to facilitate the preparation of a cultural experience development plan. This should consider sites of significance and may consider building on the Orange Regional Museum as a commencement point for the visitor journey.

T5. THEME 4 CREATIVITY, ARTS AND CULTURE ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Orange Region arts and culture development	Council Industry	Short	<ol style="list-style-type: none"> Undertake a masterplan and branding strategy for the Orange cultural precinct, which ensures that the precinct is connected, activated and accessible. This includes streetscaping considerations, footpath linkages, wayfinding signage and branding. Undertake a curatorial study and concept plan for the expansion and enhancement of the Age of Fishes Museum. This should consider indoor and outdoor heritage exhibits and interpretation. Develop a regional arts program to activate and enhance museums, art galleries, arts and culture events, public art and other township activations.
Heritage activation program	Council Industry	Short	<ol style="list-style-type: none"> A heritage activation plan should be prepared which explores ways to activate further heritage and non heritage buildings. This should consider: <ol style="list-style-type: none"> Art installations and gallery spaces; Makers and creators' spaces and studios; Activation for pop-up events; and Retail spaces.
Indigenous cultural experience development	Council Traditional owner groups	Short	<ol style="list-style-type: none"> Work with the local traditional owner groups to undertake a cultural experience development plan. This should consider sites of significance and build on the heritage centre as a commencement point for the visitor journey.



Theme 5 Events, Festivals and Conferencing

Build a strong tourism events and festivals brand and grow business and conferencing events to develop a well-rounded and sustainable events calendar.

The region has a strong and growing regional events calendar, with events such as FOOD Week experiencing substantial growth and attracting new markets to the region.

Events are a major driver of visitation, with recent research undertaken by Urban Enterprise indicating that events and festivals would motivate 48% of the Australian market to visit a new destination.³

Events are an important part of the visitor economy in terms of the direct economic contribution they provide but also in the way they bring awareness to

destinations. Alignment of events to target visitor markets is a key consideration for event prioritisation. In addition, developing one or more flagship events that have pull in the domestic market would support development of the region and growth in awareness and visitation.

Business events and conferencing is an opportunity for the Orange Region, and will support mid-week visitation. In particular, there is opportunity to attract the MICE market (meeting, incentive, conference, and exhibition) in the health, mining and Government sectors, due to the strong business base in these sectors. There is a need for Council and industry to collaborate and invest in facilities to support this market.

³ Urban Enterprise, consumer research of representative sample of Victorian market, 2022.

THEME 5 EVENTS, FESTIVALS AND CONFERENCING PRIORITY INITIATIVES

Regional events approach

The Orange Region has a vibrant and growing events calendar, with events dispersed across the region.

There is opportunity to consider a regional approach to events. This already occurs to some extent, with a large number of events currently held across two or three Councils, however delivery, management and processing of events could be further streamlined.

Councils should support the delivery of coordinated events in the Orange Region. This provides the region with an opportunity to showcase small townships and villages, as well as the local makers, growers and creators.

Opportunities for regional events enhancement include:

- Development of a regional flagship event which has the potential to showcase and promote the region's comparative strengths, and grow visitation and awareness of the Orange Region.
- Development of a regional approach to delivery and marketing of farmers markets to ensure the region is known for its quality produce.
- Development of a consolidated events register to promote the region's events and to ensure events are well-dispersed across the year.
- Streamlining cross-Council event permit processing and delivery to support event operators.

Business events feasibility study and strategy

Develop and deliver a Feasibility Study and Strategy which identifies opportunities for the business events sector. Consideration should be given to business target markets, including agriculture, medical, wine industry and other industries that align to the Orange Region brand.

Additionally, Council should consider conducting a facility assessment and Feasibility Study to ensure the region is well equipped to accommodate large-scale business events.

Deliver events infrastructure

There is a need to deliver events infrastructure to support the attraction of new events and retention of existing events. This includes indoor and outdoor facilities to support a range of event typologies.

The Orange multi-sport stadium has received funding for delivery and will be a key piece of infrastructure that has potential to drive growth in the sports events market. The stadium precinct also has potential to host other events and festivals, and its delivery should be prioritised.

T6. THEME 5 EVENTS, FESTIVALS AND CONFERENCING ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Regional events approach	Council Industry	Short	<ol style="list-style-type: none"> 1. Identification of potential future flagship event(s) that reinforce the regional brand, align to product strengths and benefit the three Councils. Market the event funding to local, regional and state-wide cultural event organisers. 2. Consider implementing a regional approach to delivery and marketing of farmers markets, including a farmers market guide and utilisation of Orange Region branding. 3. Develop a comprehensive events register and calendar for Orange Region events. Review the regional events calendar to identify seasonal gaps and opportunities. 4. Review and streamline the events permit process for cross-Council events.
Deliver events infrastructure	Council	Short-Medium	<ol style="list-style-type: none"> 1. Deliver the Orange Multi Sport Stadium and prepare an events development action plan to grow sports events tourism. 2. Undertake review of existing indoor and outdoor event spaces to support both tourism and business events.
Business events feasibility study and strategy	Council	Medium	<ol style="list-style-type: none"> 1. Undertake a Feasibility Study and Strategy which identifies opportunities for the development of business events.



Theme 6 Food, Ferments & Night-Time Economy

Deliver high quality, contemporary and authentically Orange Region beverage, culinary and produce experiences, and activate a vibrant night-time economy.

The region has a strong wine sector, growing ferments scene with emerging number of breweries and distilleries, a strong dining offer in Orange City and some towns and villages, and a growing farmgate experience offer.

There is a need for further dining experiences, in particular by providing cellar door and on-farm offers that will extract greater yield from the existing market.

In addition, a vibrant, diverse and safe night-time economy is required for the region as it continues to grow its visitor economy. The existing offer is currently limited, and particularly lacking during the mid-week. With an affluent business market both visiting and working in the region, as well as the holiday leisure market, the region is well-placed to support a vibrant night time economy.

Ongoing attraction and investment in contemporary food and beverage establishments as well as bespoke initiatives such as interactive digital spaces, creative lighting and family focused activations will help cement the Orange Region as a premier food and entertainment destination.

THEME 6 FOOD, FERMENTS & NIGHT-TIME ECONOMY PRIORITY INITIATIVES

Wine product enhancement

The Orange Region is uniquely placed in NSW as a cool climate wine region, however it is difficult to identify a signature wine variety that creates a point of differentiation. Think Barossa Shiraz, Tamar Valley Pinot Noir, King Valley Prosecco.

The Orange Region's area of unique comparative advantage is organic and biodynamic wines. This is an area that can be further leveraged and explored as part of the Orange Region branding, to grow awareness in the market and create a unique selling proposition.

In addition, there is opportunity for the Orange Region to establish itself as a leading wine region in Australia through the development of a Wine Education Centre, potentially leveraging the bio-dynamic and organic branding. This would provide a new visitor hub and be unique amongst Australia's wine regions. The wine education centre will be used to train vignerons, as well as the public, on biodynamic and organic wine techniques.

Food experience development

There is a need to support the development of 'visitor ready' local produce and dining experiences that align with the Orange Region brand to build the region's experiences offer. This includes:

- Fruit picking;
- Farmgate experiences;
- On-farm education;
- Provedores;
- Cellar doors; and
- Farm stays.

Council should work with local businesses, farmers, producers and industry leaders to develop unique, packaged farm experiences, such as education, farm exploration, hands-on experiences and farm stays, as well as to enhance existing cellar door experiences and deliver new and compelling cellar door offers.

Night time activation

Orange's City Centre is the region's hub for commercial activity and has a well-developed retail and services sector. At night however there are very few businesses operating and there is a lack of activity and vibrancy in the night time economy.

Placemaking should be considered which creates greater activation at night and builds vibrancy in Orange's City Centre.

This may consider artistic interventions such as projections and light sculpture as well as encouragement of a regular program of night time entertainment and activity such as music, night markets and activation of Robertson Park. Encouragement of businesses to extend opening hours should be considered as well as attracting new businesses into the town centre such as wine bars and other entertainment venues.

T7. THEME 6 FOOD, FERMENTS & NIGHT-TIME ECONOMY ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Wine product enhancement	Industry	Medium	<ol style="list-style-type: none"> 1. Wine industry to work with Orange360 to establish a biodynamic and organic wine brand for Orange Region. This will have links with Orange Region branding. 2. Undertake a feasibility for the establishment of the Orange Wine Education Centre.
Food experience development	Industry	Short-Medium	<ol style="list-style-type: none"> 1. Provide support to industry to develop food experiences. 2. Undertake communication to businesses to strengthen use of local produce at dining establishments, and facilitate networking between businesses.
Night time activation	Council Industry	Short-Medium	<ol style="list-style-type: none"> 1. Orange City Council to lead a night time activation plan. This will focus on opportunities to create activity in Orange City centre and the key tourism villages across the region.



Theme 7 Nature & Recreation

Leverage the growth in nature based and recreational tourism through investment in infrastructure, promotions, activations and experiences, and passive recreation.

The Orange region provides a large offering of natural assets for both active and passive recreation, many of which are currently untapped.

Walking, cycling and other recreation activities enrich the visitor experience for existing markets, as well as service the resident population. Activating and enhancing natural assets for recreation, both active and passive, will strengthen the proposition for a visit to the Orange Region, as it will provide a well-rounded experience for visitors.

In developing natural assets, there is a need to ensure the preservation and protection of the regions natural assets by undertaking targeted investments, and education to encourage responsible and sustainable visitation.

There is a need for tracks and trails to connect the regions towns and product and experience offering. There is a game-changing opportunity to create a shared trail connecting the region's wineries, given their proximity to Orange City and to each other.

In particular, cycling is a major opportunity for the region, with domestic cycle visitation growth of 9% per annum across Australia.⁴ Investment in infrastructure to support road cycling, gravel cycling, mountain biking and off road trails will position the Orange Region amongst Australia's premier nature-based and cycle destinations.

⁴ Tourism Research Australia, cycling participation, 2015-2019.

THEME 7 NATURE, CYCLING & RECREATION PRIORITY INITIATIVES

Enhancing natural assets and recreation

The Orange Region has a range of high quality nature-based assets, including national and state parks, reserves, and conservation areas, as well as a range of recreational areas such as parks and gardens.

There is opportunity to enhance and develop these assets to support visitor and community engagement in passive and active recreation.

There are a range of activities that could be considered on a site basis, including:

- Activities (equipment hire etc)
- Walking and cycling trails
- Picnic infrastructure (seating, BBQs etc)
- Low impact camping
- Water-based activities (e.g. kayaking, splash parks)
- Destination playground
- Signage

Investment should be prioritised at key locations across the region. The level of investment and amenity should be targeted to the site based on its environmental and cultural values, as well as the strategic opportunity for investment (i.e. proximity to towns/villages, wineries etc.).

In addition, targeted promotion of key nature-based destinations in marketing activities will be critical to activating and enhancing the nature-based and recreational offering for visitors.

Connecting the Orange Region - Walking and cycling trails masterplan and implementation

The Orange Region is well placed as a walking and cycling destination. There is opportunity to strengthen the regional trails network and promote cycling across the region.

Key opportunities to be explored include:

- Orange wine trail;
- Towns and villages trail connectivity;
- Rail trails;
- Gravel and road cycling loops;
- Sealing of road shoulders to support road cycling;
- Linkages between towns and villages; and
- Encourage private sector operators to develop guided hiking, canoeing, kayaking, cycling and other experiences.

T8. THEME 7 NATURE, CYCLING & RECREATION ACTION PLAN

Priority Initiative	Stakeholder(s)	Timeframe	Actions
Enhancing natural assets and recreation	Council	Short	<ol style="list-style-type: none"> 1. Collaborate with stakeholders (user groups, land managers etc) to develop a regional plan that highlights the opportunities for each asset, taking into consideration existing plans for nature-based sites (e.g. masterplans, management plans etc). 2. Identify the priority natural assets and enhancements needed. 3. Identify opportunities for funding and investment.
	Local Aboriginal Land Council (LALC)		
	User groups		
Connecting the Orange Region; Walking and cycling trails masterplan and implementation	NSW Parks and Wildlife	Short-Medium	<ol style="list-style-type: none"> 1. Undertake a masterplan for Orange Region trails which considers the following: <ol style="list-style-type: none"> a. Orange wine trail b. Towns and villages trail connectivity c. Old Rail Trail Utilisation d. Gravel and road cycling loops e. Sealing of road shoulders to support road cycling f. Linkages between towns and villages
	Department of Forestry		
	Council		

APPENDIX A DOCUMENTS REVIEWED

Federal Documents

- Tourism 2020 Strategy; and
 - A National Business Events Strategy for Australia 2020.
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State/Regional Documents

- Destination Country and Outback NSW Destination Management Plan 2018-2020;
 - NSW Visitor Economy Strategy 2030;
 - NSW State-wide Destination Management Plan 2019;
 - NSW Visitor Economy Industry Action Plan 2030;
 - Destination NSW China Tourism Strategy 2012-2020;
 - The NSW Regional Conference Strategy and Action Plan 2017-2021;
 - Aboriginal Tourism Action Plan 2017-2020; and
 - NSW Food and Wine Tourism Strategy and Action Plan 2018-2022.
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Local Documents (Council Strategies / Plans)

- Orange360 Strategic Plan 2020-2024;
 - Blayney Shire Destination Management Plan;
 - Orange Community Strategic Plan 2018-2028;
 - Activate Orange;
 - Orange Tourism Strategy 2016;
 - Cabonne Economic Development and Visitor Economy Strategy;
 - Cabonne Tourism Plan 2012-2022; and
 - Cabonne 2025 Community Strategic Plan.
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Complaints Management Policy

Policy	2C Complaints Management Policy
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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1. Introduction

Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality, and responsiveness will underpin service delivery. When they believe that their expectations have not been met, the Customer has a right to expect that the Council will deal with their concerns in a professional, respectful and timely manner.

This policy is intended to ensure that Council handles complaints fairly, efficiently and effectively. Council's complaint management system is intended to:

- Enable Council to respond to issues raised by people making complaints in a timely and cost-effective way;
- Boost public confidence in Council's administrative process; and
- Provide information that can be used by Council to deliver quality improvements in Council's services, systems and complaint handling.

This policy provides guidance to Council's staff and people who wish to make a complaint on the key principles and concepts of Council's complaint management system. It provides a framework to ensure complaints received are dealt with courteously, investigated thoroughly, resolved quickly and appropriately, in accordance with the relevant statutory requirements and this policy and procedure.

2. Scope

This policy applies to all staff receiving or managing complaints from the public regarding Council's services.

Code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

3. Organisational Commitment

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The below table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	<ul style="list-style-type: none"> • Report publicly on Council's complaint handling. • Provide adequate support and direction to key staff responsible for handling complaints. • Regularly review reports about complaint trends and issues arising from complaints. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. • Encourage staff to make recommendations for system improvements. • Recognise and reward good complaint handling by staff. • Support recommendations for service, staff and complaint handling improvements arising from analysis of complaint data.
Public Officer	Establish and manage Council's complaint management system.	<ul style="list-style-type: none"> • Provide regular reports to the General Manager on issues arising from complaint handling work. • Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate. • Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures. • Encourage staff managing complaints to provide suggestions on ways to improve the complaint management system. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. • Recognise and reward good complaint handling by staff.
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Assist people make a complaint, if needed. • Comply with this policy and its associated procedures. • Remain informed about best practice in complaint handling. • Provide feedback to management on issues arising from complaints. • Provide suggestions to management on ways to improve Council's complaints management system. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.
All staff	Understand and comply with Council's complaint handling practices.	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Be informed and aware of Council's complaint handling policies and procedures. • Assist people who wish to make complaints access the Council's complaints process. • Be alert to complaints and assist staff handling complaints resolve matters promptly. • Provide feedback to management on issues arising from complaints. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.

4. Definitions

Complaint - A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

A complaint covered by this Policy can be distinguished from:

- Public interest disclosures made by Council staff (see 2D Public Interest Disclosures: Internal Reporting Policy);
- Code of conduct complaints (see Council's policies 1B, 1D and 1E on Code of Conduct);
- Responses to requests for feedback about the standard of Council's service provision (see the definition of 'feedback' below);
- Reports of problems or wrongdoing merely intended to bring a problem to Council's notice with no expectation of a response (see definition of 'feedback');
- Service requests (see definition of 'service request' below); and
- Requests for information (see 2G Access to information policy).

Complaints Management System - All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

Dispute - An unresolved complaint escalated either within or outside of Council.

Feedback - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Service Request – A service request is likely to include:

- requests for approval;
- requests for action;
- routine enquiries about the Council's business;
- requests for the provision of services and assistance; and
- requests for explanation of policies, procedures and decisions.

Policy - A statement of instruction that sets out how Council should fulfil its vision, mission and goals.

Procedure - A statement or instruction that sets out how Council policies will be implemented and by whom.

Public Interest Disclosure - A report about wrong doing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.

5. Guiding Principles

5.1. Facilitate Complaints



5.2. People Focus

Council staff are committed to seeking and receiving feedback and complaints about Councils facilities, services, systems, practices, procedures and complaint handling. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- Provided with information about Councils complaint handling process.
- Provided with multiple and accessible ways to make complaints.
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.
- Provided with reasons for Councils decision/s and any options for redress or review.

The manager will acknowledge receipt of the complaint, informing the complainant who is managing the complaint and what the process to be followed for handling the complaint is.

5.3. No Detriment To People Making Complaints

Council staff will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

5.4. Anonymous Complaints

Council can accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. Where Council reviews a complaint and finds there is insufficient information to investigate, it will be closed with the action officer recording reasons why for audit trail purposes.

In some circumstances Council can deal with anonymous complaints however these can prove difficult where limited information is provided.

5.5. Accessibility

Council will ensure that information about how and where complaints may be made about Council is well publicised. Council will ensure that its systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, Council will communicate with them through their representative (if this is their wish). Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, Member of Parliament or another organisation).

6. Respond To Complaints

6.1. Early Resolution

Where possible, complaints will be resolved at first contact with the relevant departmental manager. If a complaint is resolved at the first point of contact that manager who received and addressed the complaint is required to make a file note in Council's records management system.

6.2. Responsiveness

Council staff will promptly acknowledge receipt of complaints.

Council staff will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated from Customer Service staff to the appropriate manager.

Council staff are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- The complaints process.
- The expected time frames for actions by Council.
- The progress of the complaint and reasons for any delay.
- Their likely involvement in the process.
- The possible or likely outcome of their complaint.

Council staff will advise people as soon as possible when Council are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Council staff will also advise people as soon as possible when Council are unable to meet time frames for responding to their complaint and the reason for the delay.

6.3. Objectivity And Fairness

Council staff will address each complaint with integrity and in an equitable, objective and unbiased manner.

Council staff will ensure that the person handling a complaint is different from the staff member whose service or conduct is the subject of the complaint. Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

6.4. Responding Flexibly

Council's staff are empowered to resolve complaints promptly and with as little formality as possible. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

7. Confidentiality

Council will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

8. Managing the Parties to A Complaint

8.1. Complaints Involving Multiple Agencies Or Areas

Where a complaint involves multiple organisations, Council will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within the organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Should a third party need to be contacted to resolve a complaint then the relevant Director should be informed.

Where Council services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of Council staff but also the actions of service providers.

8.2. Empowerment Of Staff

All staff managing complaints are empowered to implement Council's complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of Council's complaint management system.

8.3. Managing Unreasonable Conduct By People Making Complaints

Council staff are committed to being accessible and responsive to all people who approach Council with feedback or complaints. At the same time Council's success depends on:

- The health, safety and security of Council staff;
- Our ability to do our work and perform our functions in the most effective and efficient way possible; and
- Our ability to allocate Council resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with Council staff, their conduct can significantly affect the progress and efficiency of Council work. As a result, Council staff will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support staff to do the same in accordance with this policy.

Customer Service staff should escalate any complainant they find is being unreasonable to an appropriate Manager or Director. Customer Service staff will receive training to assist them to manage difficult complainants. Complainants will always be treated respectfully and in a courteous manner.

For further information on managing unreasonable conduct by complainants please see Council's Unreasonable and Unreasonably Persistent Customer policy.

8.4. Malicious, Frivolous And Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint.

A decision to take no further action on the complaint will be made by a member of staff at the level of Manager or higher and the complainant will be informed in writing that no evidence was found to support the allegations.

Council management may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints. Where the complaints relate to a member(s) of staff, such legal advice will be made available to the affected staff member(s) on request.

The matter may also be referred to the Public Officer, who will determine whether the complainant should be requested to apologise in writing to the employee or offer a full retraction.

Where the staff member believes that the nature of the complaint has impugned their professional or personal reputation, they must seek their own legal advice at their own expense with respect to any intended actions in seeking damages for defamation.

Where complaints against an individual staff member cause distress to the staff member, the staff member will be supported via the Employee Assistance Program.

8.5. Persistent Complainants

From time to time, Council will encounter complainants who are persistent and write again and again to the point that Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to future complaints.

Under these circumstances details of the number and nature of the complaints will be provided to the Director who will make a recommendation to the General Manager that further correspondence and/or telephone contact is to be restricted. The General Manager will consider all the facts and issues of the individual case prior to acting on any recommendation(s). Any action taken shall be in accord with Council's Unreasonable and Unreasonably Persistent Customer policy.

8.6. Difficult Complainants

In cases where a complainant's behaviour is aggressive or threatening e.g. the complainant:

- Is consistently rude or abusive or makes threats to staff or third parties using Council services or on Council premises.
- Causes damage to Council property or threatens physical harm to staff or third parties

Details of the aggressive or threatening behaviour are to be provided to the Director who will make a recommendation to the General Manager that access to the Council be restricted. The General Manager will consider all the facts and issues of each case. Any action taken shall be in accordance with Council's Unreasonable and Unreasonably Persistent Customer policy

All threats of violence will be reported to the NSW Police.

9. Complaint Management System



When responding to complaints, staff should act in accordance with Council's complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in Council's complaint management system are shown in the above diagram.

10. Receipt of Complaints

Verbal Complaints

Council staff aim to manage complaints and feedback, including anonymous approaches, when they are received. Face to face and telephone customer complaints will be received by Council's customer service staff in the first instance. When taking such complaints staff will endeavour to record details based on their interpretation of the complaint and the requested outcome sought. To this end the recorded complaint should be repeated to the complainant for endorsement.

Written Complaints

Written complaints and feedback, whether anonymous or otherwise, received by Council in writing (hardcopy or email or via website) will be assessed by the records staff and appropriately assigned to a Department Manager / Director.

Council will also assign a unique identifier to the complaint file in Council electronic records management system. The Department Manager responsible for the complaint will inform their Director or General Manager that the complaint has been received and is being managed.

It is the responsibility of Managers to keep Directors and the General Manager informed of complaint management occurring at that time.

The record of the complaint will document:

- The contact information of the person making a complaint.
- Issues raised by the person making a complaint and the outcome/s they seek.
- Any other relevant information.
- Any additional support the person making a complaint requires.

11. Acknowledgement of Complaints

With the exception of anonymous complaints Council will acknowledge receipt of each complaint promptly, and preferably within fourteen (14) working days. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

12. Initial Assessment and Addressing Of Complaints

12.1. Initial Assessment

After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within Council's control. Council will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, Council will consider:

- how serious, complicated or urgent the complaint is
- whether the complaint raises concerns about people's health and safety
- how the person making the complaint is being affected

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- the risks involved if resolution of the complaint is delayed, and
- whether a resolution requires the involvement of other organisations.

12.2. Addressing Complaints

After assessing the complaint, Council staff will consider how to manage it. To manage a complaint Council staff may:

- give the person information or an explanation
- gather information from the person or area that the complaint is about, or
- investigate the claims made in the complaint.

Council staff will keep the person making the complaint up to date on Council's progress particularly if there are any delays. Council will also communicate the outcome of the complaint using the most appropriate medium. Which actions Council decides to take will be tailored to each case and take into account any statutory requirements.

13. Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, Council staff will contact the person making the complaint and advise them:

- the outcome of the complaint and any action taken;
- the reason/s for Council's decision;
- the remedy or resolution/s that Council have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, Council staff make any adverse findings about a particular individual, consideration will be given to any applicable privacy obligations under the Privacy and Personal Information Protection Act 1998 and any applicable exemptions in, or made pursuant to that Act, before sharing Council's findings with the person making the complaint.

14. Closing the Complaint, Record Keeping, Redress and Review

Council staff will keep comprehensive records about:

- How the complaint was managed.
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations.
- Any outstanding actions that need to be followed up.

Council staff will ensure that outcomes are properly implemented, monitored and reported to the complaint handling Manager and/or Senior Management.

15. Alternative Avenues for Dealing with Complaints

Council staff will inform people who make complaints about the internal review options and also external review options available to them.

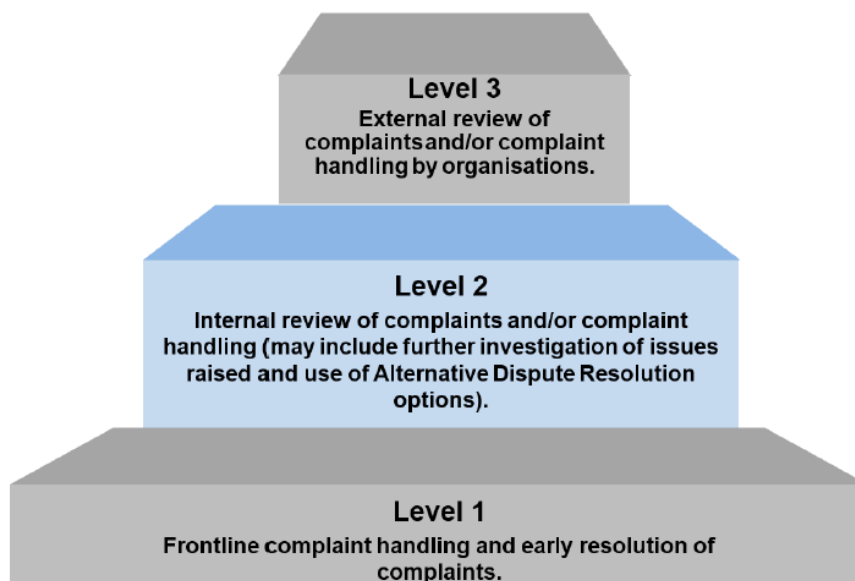
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Blayney Shire Council will in the first instance manage complaints at the Customer Service or managerial level. This will enable complainants to appeal any dissatisfaction internally to Directors or the General Manager. Dissatisfied complainants are encouraged to appeal internally as their first recourse.

Complainants can also appeal externally. The key agencies for external appeals are:

Investigations & Review Branch Office of Local Government Premier's Department Locked Bag 3015 NOWRA NSW 2541 Telephone: (02) 4428 4100 Email: olg@olg.gov.nsw.au	The Office of the Ombudsman Level 24 580 George Street SYDNEY NSW 2000 Telephone: (02) 9286 1000 Toll Free: 1800 451 524 Email: nswombo@ombo.nsw.gov.au
Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2000 Telephone: (02) 8281 5999 Toll Fee: 1800 463 909 Email: icac@icac.nsw.gov.au	Information & Privacy Commissioner GPO Box 7011 Sydney NSW 2001 Toll Free: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au

16. Levels of Complaint Handling



Council aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision. Written complaints will be assessed by Records staff and appropriately referred to the relevant Manager. Records staff will be trained to

undertake the initial assessment of complaints so that they are appropriately referred. (Level 1).

Where a person making a complaint is dissatisfied with the outcome of Council's actions they should appeal to the General Manager. (Level 2). The General Manager will ask a Director or the Public Officer to review the complaint, the actions already taken and report back for a response to the complainant.

This level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision(s) already made.
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of review of their complaint, they may seek an external review of Council's decision (by the Ombudsman for example). (Level 3).

17. Accountability and Learning

17.1. Analysis and Evaluation of Complaints

Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests Council receives for internal and/or external review of Council's complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service and make improvements.

Both reports and their analysis will be provided to Council's General Manager and senior management for review.

17.2. Monitoring of the Complaint Management System

Council will continually monitor Council's complaint management system to:

- ensure effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

17.3. Continuous Improvement

Council are committed to improving the effectiveness and efficiency of its complaint management system. To this end, Council will:

- support the making and appropriate resolution of complaints;
- implement best practices in complaint handling;
- recognise and reward exemplary complaint handling by staff;
- regularly review the complaints management system and complaints data; and
- implement appropriate system changes arising out of Council's analysis of complaints data and continual monitoring of the system.

End of Policy

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Lasted Reviewed:	09/07/2007	07/145
	12/11/2012	1211/014
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	XX/XX/2022	
Next Review:	19/03/2024	



Public Interest Disclosures: Internal Reporting Policy

Policy	2D
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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INTERNAL REPORTING POLICY

PUBLIC INTEREST DISCLOSURES ACT 1994

DEFINITIONS

Three key concepts in the internal reporting system are “corrupt conduct”, “maladministration” and “serious and substantial waste of public money”. Definitions of these concepts are outlined below.

(1) Corrupt conduct

“Corrupt conduct” is defined in the Independent Commission Against Corruption Act 1988 (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

(2) Maladministration

“Maladministration” is defined in the Public Interest Disclosures Act as conduct that involves action or inaction of a **SERIOUS NATURE** that is:

◆ **contrary to law** (s.11(2)(a) - for example:

- ◆ decisions or actions contrary to the law or ultra vires
- ◆ decisions or actions contrary to lawful and reasonable orders from persons or body's with authority to make or give such orders
- ◆ a breach of natural justice/procedural fairness
- ◆ unauthorised disclosure of confidential information

◆ **unreasonable** (s.11(2)(b)) - for example:

- ◆ decisions or actions:
 - ◆ inconsistent with adopted guidelines or policy
 - ◆ made or taken without obvious relationship to the facts or circumstances
 - ◆ so unreasonable that no reasonable person could so decide or act (i.e. irrational)
- ◆ relevant considerations not taken into account or irrelevant considerations taken into account
- ◆ serious delay
- ◆ wrong, inaccurate or misleading advice leading to detriment

- ◆ means used not reasonably proportional to ends to be achieved (i.e. excessive use of authority)
- ◆ failure to rectify identified mistakes, errors, oversights or improprieties

- ◆ **unjust** (s.11(2)(b)) - for example:
 - ◆ decisions or actions not justified by any evidence, so unreasonable that no reasonable person could so decide to act (i.e. irrational), or unconscionable
 - ◆ partial, unfair or inequitable decisions or actions
 - ◆ abuse of power

- ◆ **oppressive** (s.11(2)(b)) - for example:
 - ◆ unconscionable decisions or actions
 - ◆ abuse of power, intimidation or harassment
 - ◆ punitive, harsh, cruel or offensive decisions or actions

- ◆ **improperly discriminatory** (s.11(2)(b)) - for example:
 - ◆ inconsistent application of laws, policies or practices when there is no reasonable, justifiable or appropriate reason to do so
 - ◆ distinctions applied not authorised by law, or failure to make a distinction which is authorised or required by law
 - ◆ failure to perform duties impartially and equitably

- ◆ **based wholly or partially on improper motives** (s.11(2)(c)) - for example:
 - ◆ decisions or actions for a purpose other than that for which power was conferred
 - ◆ decisions or actions for personal advantage
 - ◆ bad faith

1. PURPOSE AND CONTEXT OF THE POLICY

The purpose of the Public Interest Disclosures Act (PID) 1994 is:

1. To encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector; and
2. To 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.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

This policy seeks to:

1. To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Blayney Shire Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, a nominated Disclosures Officer, the Mayor, or the General Manager.
2. To 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.)
3. To 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.

2. ROLES AND RESPONSIBILITIES IN COUNCIL

This policy will apply to:

- Members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council.

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 victimize or harass anyone who has made a disclosure.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

3. COUNCIL COMMITMENT

Blayney Shire Council, as an ethical Council, is committed to acting in accordance with the spirit and letter of the PID Act by:

- creating a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council
- 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, both financial and human, 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 or create
 - correct any problem that is identified
 - reassess or review the policy each year to ensure it is still relevant and effective.

4. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within the Blayney Shire Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. 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 member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. 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 someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. 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, see the NSW Ombudsman's guideline on [what can be reported](#).

d. 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, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Other wrongdoing

Although reports about the previous four 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 the Blayney Shire Council's policies.

Even if these reports are not dealt with as protected disclosures, the Blayney Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5. WHEN WILL A REPORT BE PROTECTED?

The Blayney Shire Council will support any staff who report wrongdoing. For a report to be considered a protected 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 Ombudsman Guidelines provides further detail on when a report will be protected).
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are 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 staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although the Blayney Shire Council will still deal with these reports, 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.

8. MAINTAINING CONFIDENTIALITY

The Blayney Shire 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.

We are 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, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

9. WHO CAN RECEIVE A REPORT WITHIN THE BLAYNEY SHIRE COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the Blayney Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the guidelines supporting this policy.

If you are council staff and your report involves a councillor, you should make it to the General Manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Blayney Shire Council who can receive a protected disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected 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.

The General Manager must make sure there are systems in place in the Blayney Shire Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager may be contacted on 02 6368 2104.

b. 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 protected 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.

The Mayor must make sure there are systems in place in the *Blayney Shire Council* to support and protect staff 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 Independent Commission Against Corruption.

The Mayor may be contacted on 02 6368 2104

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the *Blayney Shire Council* who can deal with them appropriately.

The Disclosures Coordinator (Director Corporate Services) may be contacted on telephone 02 6368 2104.

d. Disclosures officers

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Council's Disclosures Officers may be contacted as follows:

- Director Infrastructure Services on telephone: 02 6368 2104
- Director Planning and Environmental Services on telephone: 02 6368 2104
- Manager Human Resources on telephone: 02 6368 2104

10. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BLAYNEY SHIRE COUNCIL

Staff are encouraged to report wrongdoing within the Blayney Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the Blayney Shire Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff 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 Police Integrity Commission (PIC) — for police misconduct
- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- 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 the Blayney Shire 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 staff who report wrongdoing to an investigating authority.

b. *Members of Parliament or journalists*

To have the protections of the PID Act, staff 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, the Blayney Shire 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 Blayney Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Blayney Shire 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.

11. THE INVESTIGATION PROCESS

All disclosures will be promptly and thoroughly assessed. Decisions as to the most appropriate action to be taken on the disclosure will also be made promptly. The basis for these decisions will be properly documented.

If an internal investigation is to be conducted, terms of reference will be drawn up in order to clarify the key issues to be investigated. An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation plan is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

An internal investigation will be authorised by the General Manager and the disclosure coordinator with an appropriate investigator appointed.

Strict security will be maintained during the investigative process. All information obtained will be secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made. Where possible, interviews will be taped.

A report will be prepared when an investigation is complete. This report will include:

- the allegations;
- a statement of relevant facts and the evidence relied upon in reaching any conclusions;
- the conclusions reached and their basis; and
- recommendations to address any wrongdoing identified and any other matters arising during the investigation.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is to be included in the report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

A flowchart of Blayney Shire Council's Internal Reporting System is annexed to this policy.

12. FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report 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.

This information will be given 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 Blayney Shire 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.

13. 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 protected disclosure.

The Blayney Shire Council will not tolerate any reprisal action against staff 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 has 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.

a. Responding to reprisals

The Blayney Shire Council will act to protect staff 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 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.

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.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

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. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace

- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation 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.

These directions will only be taken if the member of staff who made the disclosure 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 or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. 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.

14. SUPPORT FOR THOSE REPORTING WRONGDOING

The Blayney Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected 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.

All staff who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through the appropriate channels will suffer disciplinary action for having done so.

Staff within Blayney Shire Council who can receive an internal protected disclosure will also support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those suffering any form of reprisal. Details of support officers appear in section 9 of this policy.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

16. SUPPORT FOR THE SUBJECT OF A REPORT

The Blayney Shire Council is committed to ensuring staff 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.

17. REVIEW

This policy will be reviewed by council every twelve/eighteen months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

18. MORE INFORMATION

Staff can access advice and guidance about the PID Act from Blayney Shire Council Disclosures Coordinator (Director Corporate Services / Public Officer on telephone 6368 2104) and the NSW Ombudsman (for general advice on telephone 9286 1000 or toll free 1800 451 524) or its website at www.ombo.nsw.gov.au.

19. RESOURCES

The contact details for external investigating authorities that staff can make a protected 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 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street,
Sydney NSW 2000

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

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
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 serious and substantial waste in local government agencies:

Office of Local Government
Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra,
NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: oiinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

20. LEGISLATION AND REFERENCES

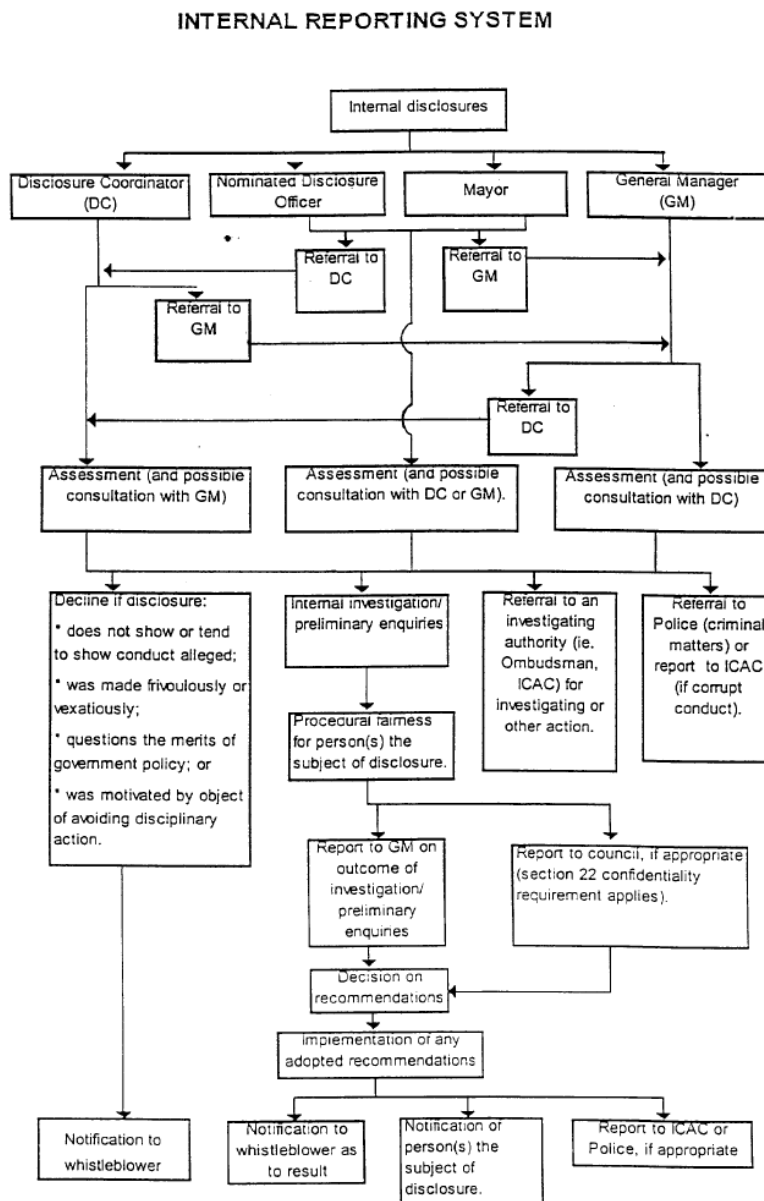
Blayney Shire Council references and relevant Codes & Policies

- 1B Code of Conduct
- 2C Complaints Management Policy
- 2F Fraud Control Policy
- 9A Occupational Health and Safety Policy
- 7P Grievance Handling Policy and Procedure

External References

- Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
- NSW Ombudsman: Changes to the public interest guidelines system – information for public authorities 2011
- NSW Ombudsman: Model internal reporting policy (local government) 2011
- NSW Ombudsman: Public Interest Disclosures Guidelines 2011
- NSW Ombudsman: What should be reported – http://www.ombo.nsw.gov.au/publication/PDF/guidelines/PID_guideline_B2-What_should_be_reported_6June2011.pdf

21. DIAGRAM: INTERNAL (PROTECTED DISCLOSURES) REPORTING SYSTEM



End of Policy

Adopted:	09/11/1998	725
Last Reviewed:	14/05/2007	07/094
	14/11/2011	1111/012
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	16/02/2018	1802/015
	XX/XX/2022	
Next Review:	19/03/2024	



Gifts & Benefits Policy

Policy	2E
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

Purpose of the Gifts and Benefits Policy

- To provide clear guidelines for Councillors, staff members and other representatives of Council to enable them to deal with any offer of a gift or benefit;
- To protect Councillors, staff members and other representatives of Council from being compromised or to avoid the public perception of bias;
- To provide a safe working environment by reducing situations which can cause undue stress and anxiety; and
- To demonstrate to suppliers, citizens and other agencies that Council will deal with all matters in an impartial, transparent and accountable manner.

Background

In carrying out their role as Councillor, staff member and other representative of Council of a local government body, individuals and/or groups may from time to time, be offered gifts to establish an amicable initial business relationship, to display appreciation or demonstrate good faith in an ongoing business relationship.

The acceptance of gifts and other benefits has the potential to compromise a Councillor's and Council employee's position by creating a sense of obligation in the receiver and so undermining their impartiality. The acceptance of a gift can also affect the public's perception of the integrity and independence of the Council and its employees.

To ensure propriety in all such dealings, it is essential that Council adopt a policy and procedure for the acceptance of gifts and benefits, so that all gifts and benefits are declared and recorded in a Gifts and Benefits Register.

This policy has been produced to guide to assist in guiding Councillors, staff members and other representatives of Council during the course of their official duties upon being offered a gift or benefit. The acceptance of gifts and benefits is a potential problem for many public officials. Deciding where to draw the line between the proper and improper acceptance of gifts or benefits can be difficult.

For the purposes of this policy, reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Blayney Shire Council has a zero tolerance rule with respect to compliance with this policy.

Policy Statement

Council officials will act with integrity at all times. Acceptance of gifts and benefits has real and perceived opportunities for undermining integrity.

This Policy sets out the basis on which Blayney Shire Council will manage offers of gifts or benefits in accordance with the obligations set out in Council's Code of Conduct.

You must not:

- seek or accept a bribe or other improper inducement
- by virtue of your position acquire a personal profit or advantage, real or perceived, which has a monetary value.

You must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- act in a particular way (including making a particular decision);
- fail to act in a particular circumstance;
- otherwise deviate from the proper exercise of your official duties.

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members include parents, spouses or de facto partners, children and siblings.

Responsibilities

Councillors, Staff Members and Other representatives of Council

The obligation to disclose instances relating to this policy rests with Councillors, members of staff and other representatives of Council and should be in accordance with the gifts and benefits procedures.

Councillors, staff members and other representatives of Blayney Shire Council must comply at all times with this policy and Council's Code of Conduct.

Council staff members and other representatives of Council must complete, the electronic declaration form or the hardcopy declaration form (for those staff members who do not have computer access), for all offers of a gift or benefit and submit the declaration form to their Supervisor, or General Manager (in the case of a Councillor or Director), within two (2) weeks of receiving the offer.

Councillors, members of staff and other representatives of Council, who have prior notice of the receipt of a benefit or hospitality, such as attendance at a

sporting event, should receive prior written approval to attend. The recipient is to ensure their declaration is submitted and authorised by the Supervisor or General Manager.

Management

The General Manager, or their delegate, will establish and maintain a Gifts and Benefits Register.

The Supervisor, or General Manager (in case of a Councillor and Directors), must authorise electronically, or sign/date paper copy declaration forms, scan and register the completed document in to Data works, and task to the Director of Corporate Services (as the General Manager's delegate), who will process the information into the Gifts and Benefits Register.

Procurement, Contracts and Tendering

All procurement activities are to be conducted in an ethical manner and in accordance with:-

- Policy 1B Code of Conduct for Councillors
- Policy 1C Code of Conduct for Staff
- Policy 1B Code of Conduct for Council Committee Members,
Delegates of Council and Council Advisers Councillors
- Policy 3G Purchases of Goods and Services
- Policy 13A Tender Procedures

Council representatives involved in corporate purchasing or procurement must not accept any form of gift, benefit or from suppliers or potential suppliers.

Council representatives involved in evaluating contracts, expressions of interest, tenders or other proposals must not accept any form of gift, benefit or hospitality from contractors, potential contractors, tenderers or associated parties. Any offer of gifts must be declared in writing as part of the evaluation process.

The recipient of any gift, benefit or hospitality offered and/or received must complete the electronic gift register form and submit it to the Director (or General Manager) for authorisation.

Circumstances where gifts or benefits may be acceptable

Gifts or other benefits not essentially token or inconsequential in kind (including moderate acts of hospitality) should only be accepted:

- where they are not obtained by virtue of a public official's office or position
- where a gift is given to a public official in a public forum in appreciation for the work, assistance or involvement of the public official or an agency, and refusal to accept the gift would cause embarrassment or affront

- if there is no possibility that the recipient might be, or might appear to be, compromised in the process, or
- in circumstances generally approved by the principal officer of the agency, or on any other occasion with the formal written approval of the General Manager, preferably obtained beforehand.

Approval of the General Manager should only be given where the acceptance of the gift is unlikely to be seen by a reasonable 'impartial observer' to create a conflict of interest, or influence the performance of duties or functions.

Gifts Benefits and Bribes

Gifts

For the purpose of this policy, "gifts" made to individuals in the course of a business relationship are usually given for commercial purposes, such as to create a feeling of obligation in the receiver.

Such examples of gifts may include (but are not limited to):-

- Money
- Alcohol
- Clothes
- Products
- Tickets

A councillor or employee should not accept an offer of cash or a cash-like gift, regardless of the amount. "Cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

Benefits

For the purpose of this policy, the term "benefit" is used to refer to something which is believed to be of value to the receiver, such as a service. Some examples may include:-

- a. Tickets to major sporting events or other entertainment.
- b. Corporate hospitality at a corporate facility or sporting venue.
- c. A new job or promotion.
- d. Preferential treatment, such as queue jumping.
- e. Access to confidential or sensitive information.
- f. Discounted products for personal use.
- g. Frequent use of facilities such as a gymnasium or holiday home.
- h. Free or discounted travel, Frequent Flyer points and free training sessions.
- i. Free or subsidised lavish meals or hospitality etc.

Bribes

“Bribery” is defined as an inducement by offering any undue reward by, or to any person in public office in order to influence his or her behaviour in that office, and incline that person to act contrary to the known rules of honesty and integrity.

Councillors, members of staff and other representatives of Council must not offer or seek a bribe. Receiving or offering a bribe is an offence under both Common law and NSW legislation.

A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor, or the General Manager. Council will take steps to report the matter to ICAC and the police immediately.

Token Gifts

Token gifts and benefits of a nominal value usually do not create a sense of obligation on the receiver and are unlikely to influence, or appear to influence, in the exercise of his or her official duties.

Compliance and Exemptions

This policy applies to all staff and Councillors of Blayney Shire Council. Failure to comply with this policy could be considered a breach of the Code of Conduct and may lead to disciplinary action and/or other sanctions, including dismissal.

Blayney Shire Council has a zero tolerance rule with respect to compliance with this policy. Any applications for exemptions from the requirements of this policy are to be in writing to the General Manager. Exemptions are entirely at the General Manager’s discretion and will be determined in writing with reasons given for any specific exemptions. In determining an exemption, the General Manager will also determine whether the gift in question is able to be kept by a particular staff member or whether it should be shared at the workplace.

The following are considered exempt:

1. Invitations to appropriate out of hours social functions organised by groups, such as, Council committees and community organisations
2. Free meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops
3. Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business
4. Ceremonial gifts – from visiting delegations
5. Ceremonial gifts – from sister cities

6. Industry networking functions hosted by Industry Group at a major event e.g. NSW Tourism group function at Bathurst race event.

Examples of the circumstances where exemptions MAY be approved by the General Manager, include:

- Learn to swim staff of the CentrePoint Sport & Leisure Centre – for gifts of token value children who attend learn to swim classes as a Christmas gift or gift of thanks associated with their role.
- Ceremonial gifts – presented to staff members as thanks for presenting at conferences/seminars
- Ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages

Any gifts approved through the General Manager exemption process will still be subject to the following requirements:

For the purpose of this policy token value is defined as 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.

Any gifts with an estimated value of more than token value should be rejected or returned.

The following gifts and benefits would normally fall below the token value:

- inexpensive pens or stationery
- chocolates
- flowers
- modest bottle of wine
- cup of coffee.

By contrast, the following gifts and benefits would be likely to be more than the token value:

- tickets to sporting events
- jewellery
- works of art
- discounted products for personal use
- use of facilities such as gyms.

Ceremonial gifts – an official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation or country. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the organisation, and therefore the gift is considered to be for the organisation, not a particular individual.

Where you have accepted a token gift or benefit from a person, you must not accept a further gift or benefit from the same person or another person associated with that person 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 a person associated with that person, during the same 12-month period would exceed \$50 in value.

Gifts and Benefits Register

All gifts, benefits and hospitality must be declared and recorded in Council's publicly available Gifts and Benefits Register against the name of the recipient. The name of the person who offered the gift and their agency or organisation must also be included.

There must also be a record of the decision that was taken in relation to the gift or benefit, and by the authorising Supervisor, or General Manager (in the case of a Councillor or Director), so that it can be shown that the Council was open and transparent in dealing with the gift or benefit.

Councillors and Designated Persons lodging pecuniary interest returns under Section 449 of the local Government Act, 1993 (NSW) are not required under Schedule 3 of the Act to disclose gifts and benefits under the value of \$500, unless they are among gifts totalling more than \$500 made by the same person over a twelve (12) month period. In the interests of openness and transparency, Designated Persons are also required to declare and record the offer and/or receipt of all gifts or benefits of more than token/nominal value in the Gifts and Benefits Register.

Procedures

- 1 Should you receive a gift or benefit, you must notes immediately after the incident has occurred, detailing the date, time, location, discussion and any other comments that could assist you with your later recollections of the incident.
- 2 Obtain a copy of the Declaration Form, which is available through the Councillor Portal or Council Intranet.
- 3 With regards to the paper copy,
 - They are to be scanned into Council's Corporate Records System.
 - The authorising Supervisor (If they have access) is to record the entry into Council's electronic register.
 - In the event that the Supervisor does not have access, then the authorising director is required to electronically record.
- 4 All gifts and benefits that become the property of Council should be delivered to the General Manager's Office (or his delegate) for appropriate storage or disposal.
- 5 If you have been offered a bribe, you must inform your Director or the General Manager immediately and the General Manager must inform ICAC and the Police.

Related Legislation, Policies and Guidelines

Crimes Act 1900 (NSW) Section 249 of the Crimes Act 1900 (NSW) creates an offence if a Councillor or employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. This also pertains to receiving benefits for showing favour or disfavour to any person in relation to their official duties.

Local Government Act 1993 – Section 440 of the Act requires that Councils adopt a Code of Conduct. The section states that serious corrupt, of which bribery is an example, may lead to the dismissal or temporary suspension from office of a Councillor or of a staff member.

Local Government (General) Regulation 2005, clauses 184 & 185 – relating to gifts and contributions to travel pecuniary interests to be disclosed in Section 449 returns.

Blayney Shire Council Codes of Conduct

Gifts and Benefits – Public Agencies Fact Sheet (NSW Ombudsman’s Office), March 2012.



GIFTS AND BENEFITS DECLARATION FORM

DEPARTMENT

(Please tick)

- | | |
|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Infrastructure Services |
| <input type="checkbox"/> Environmental Services | <input type="checkbox"/> Executive Services |

YOUR DETAILS

Name: _____

Title: _____

Office Location: _____

Phone No (w): _____

DETAILS OF GIFT OR BENEFIT

Person who offered gift or benefit: _____

Company/Organisation: _____

Date gift or benefit offered: _____ / _____ / _____

Description of gift or benefit: _____

Estimated value of the gift or benefit: \$ _____

What did you do with the Gift or Benefit?

Signed: _____ Date: _____ / _____ / _____

Signed: _____ Date: _____ / _____ / _____
(General Manager / Director)

PLEASE FORWARD COMPLETED FORM TO YOUR SUPERVISOR FOR RECORDING INTO COUNCIL'S ELECTRONIC GIFTS REGISTER.

This form is to be only used when the staff member does not have access to the electronic gift register.

Adopted:	12/03/2008	08/048
Lasted Reviewed:	12/03/2008	08/048
	11/04/2011	1104/005
	12/11/2012	1211/014
	16/04/2018	1804/010
	19/08/2019	1908/011
	XX/XX/2022	
Next Review:	19/03/2024	



Fraud and Corruption Control Policy and Plan

Policy	2F
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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POLICY

INTRODUCTION

Council is committed to preventing fraud at its origin and believes that an emphasis on prevention and detection is the best way to deal with fraud. The focus of Council's policy and plan on fraud control is to encourage the public and staff to understand that fraudulent and corrupt acts against Council are unacceptable, may constitute a criminal offence and will be prosecuted.

This is required as Council is entrusted to manage its assets and resources in a responsible, ethical and efficient manner.

It is therefore important that all Councillors, Council staff, delegates, volunteers, contractors, consultants, committee members and customers have clear direction and an understanding of the expected behaviours and actions that they must abide by.

This policy has the following objectives:

- To ensure that councillors, staff and council representatives are aware of their responsibilities for identifying possible exposures to fraudulent activities and for establishing controls and procedures for preventing such fraudulent activities and or detecting such fraudulent activity when it occurs.
- To provide guidance as to the action which should be taken where fraudulent activity is suspected.
- To provide clear guidance as to the process of investigating fraudulent activities, and provide a suitable environment to report such matters.

This policy should be read in conjunction with Council's Code of Conduct and Business Ethics Statement and the Internal Reporting System.

DEFINITIONS

AS8001 – 2008 is the Fraud and Corruption Control Standards by Standards Australia.

Corruption – corruption and corrupt conduct are defined in the ICAC Act 1988 (s.7, 8, 9) as:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Additionally, corrupt conduct can also be the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence;
- A disciplinary offence; and/or
- A situation where there are reasonable grounds for dismissal or dispensing or terminating the Councillor or a public official.

Fraud - Council has adopted the definition of fraud contained in the Australian Standard 8001-2008 on fraud and corruption control, which defines it as:

Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where 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 the improper use of information or position for personal financial benefit.

Fraud Control Improvement Kit - The kit that has been developed by the Audit Office of NSW to help organisations deal with fraud.

Public Official - includes Councillors, Council staff, contractors, volunteers, Council committee members and delegates of Council.

FRAMEWORK

The administration of this policy is based around a holistic approach to fraud, and involves actions on the following fronts:

- Prevention – to establish and maintain a good governance framework through well established procedures that reduce the chances of fraud;
- Detection – sound auditing and checking procedures to deal with any transactions or activities that do not align with the expected procedures, and
- Response – detailed reporting and investigation procedures to deal with any potential fraud. A sound response system includes appropriate action to deal with any fraudulent activity.

The Audit Office has established a 10 attribute framework to deal with fraud as follows:

- Leadership;
- Ethical framework;
- Responsibility structures;
- Fraud control policy;
- Prevention systems;
- Fraud awareness;
- Third party management systems;
- Notification systems;
- Detection systems; and
- Investigation systems.

The Council's fraud framework is built around the above 10 attributes, as detailed in the Fraud Control Improvement Kit.

1 Leadership

A successful fraud control framework is led by a committed and accountable executive. The Council, General Manager and Directors will lead the organisation in the development of the fraud framework.

2 Ethical Framework

The Council has adopted and established the following documents in delivering the sound and ethical culture and behaviour required of public officials in the prevention of fraud and corruption throughout the organisation:

- The Model Code of Conduct as developed by the Office of Local Government, and
- The Council's established set of Values.

Senior staff shall set the example in regards to exercising and demonstrating high levels of integrity in the execution of their roles and functions by regular training of and reinforcement through internal communications to staff of the importance of complying with Council's Code of Conduct and the Internal Reporting Policy and Procedure.

3 Responsibility Structure

The General Manager and Directors are authorised to receive reports of fraud. If the suspected fraud relates to the General Manager, then the matter can be reported to the Mayor, as per the reporting mechanism for the Model Code of Conduct.

Reports regarding suspicious and/or illegal activities can also be reported directly to external agencies including:

- NSW Police Force
- Office of Local Government
- The NSW Independent Commission Against Corruption (ICAC)
- The NSW Ombudsman.

All staff are expected to report known or suspected fraud to the Mayor, General Manager or Directors as soon as possible.

4 Fraud Control Policy

The Fraud and Corruption Control policy sets out the Council's system of fraud control and covers the responsibilities for managing fraud.

5 Audit, Risk and Improvement Committee

The Audit, Risk and Improvement Committee (ARIC) has been established and assists in reviewing the effectiveness of Council's fraud and corruption control strategies and plan.

6 Prevention Systems

The Council's prevention system consists of the following features:-

- Fraud Risk Assessments – as detailed in the Risk Framework;
- Fraud Control Plan;
- Fraud Database – register established to record all incidents;
- Ethical workforce – pre-employment screening to ensure staff employed are of the highest ethical behaviour;
- Separation of duties – to ensure no one staff member controls a process entirely;
- Delegations of authority – to ensure measures are in place to control activities;
- Position descriptions, Charters for Committees – limit the level of activity public officials can undertake;

7 Third Party Management Systems

The Council establishes appropriate controls, segregation of duties and delegations of authority to deal with third parties.

The Council has established a Statement of Business Ethics Policy to reinforce the expected standards of behaviour for public officials and any third parties dealing with Council.

8 Reporting

Although audits and reviews may be undertaken to detect incidence of fraud and corruption, most incidences are identified by staff members or the public. All staff are encouraged to promptly report any suspicions of fraud and corruption that they become aware of.

Consistent with its strong commitment to ensuring an ethical workplace, Council has developed an Internal Reporting Policy, in accordance with the Protected Disclosures Act 1994, which facilitates the reporting of suspicions of corrupt conduct, maladministration, or serious and substantial waste of public money. This guidance material helps staff and the public make protected disclosures and complements existing communication channels between supervisors and staff.

Staff and members of the public can make a Public Interest Disclosure and protect their identity, if they so desire.

Reporting directly to Council is an option for staff and the community. Reporting to an external entity as detailed under the "Responsibility Structure" is also available.

9 Detection Systems

Various internal control measures have been established to help detect fraud and these include:

- segregation of duties
- approvals and authorisation
- verification
- reconciliations
- management reviews
- risk assessments
- physical security
- job rotation
- internal and external audits.

10 Investigation Systems

When an allegation of fraud is made against an employee, the General Manager and / or Director(s), will discuss the matter with the person making the allegation. This person may be asked to make a written statement regarding the allegations.

The staff member alleged to have committed the fraud may be interviewed during this preliminary stage. Staff members can be accompanied during the interview by their manager or other nominated member of staff.

The applicable Director will organise a preliminary assessment of the allegation and provide details to the General Manager on the findings. If the allegation is serious enough and / or the evidence is compelling, then the matter may warrant a full investigation. In the event that the General Manager is the subject of a suspected fraud, the matter must be reported to the Mayor and the Mayor is responsible for investigating the suspected fraud with the assistance of appropriate staff (consistent with the Procedure for the Administration of the Code of Conduct or the Public Interest Act 1994 – Procedure for Assessing Disclosures and Investigations).

If a full investigation is to be followed, the General Manager / Mayor will need to determine whether the matter is referred to an external agency such as the NSW Police, ICAC or the NSW Ombudsman. The General Manager / Mayor may wish to refer it to the Code of Conduct Complaints Coordinator and have the matter referred to using the Code of Conduct Investigation procedures.

Investigations are to use appropriate and legal data gathering and analysis mechanisms to come to valid conclusions. (Refer Public Interest Act 1994 – Procedure for Assessing Disclosures and Investigations).

Table 1 Assessing Disclosures and Flowcharts, from Council's Procedure for Assessing Public Interest Disclosures and Investigations, provides an overview of the process.

TRAINING AND COMMUNICATION

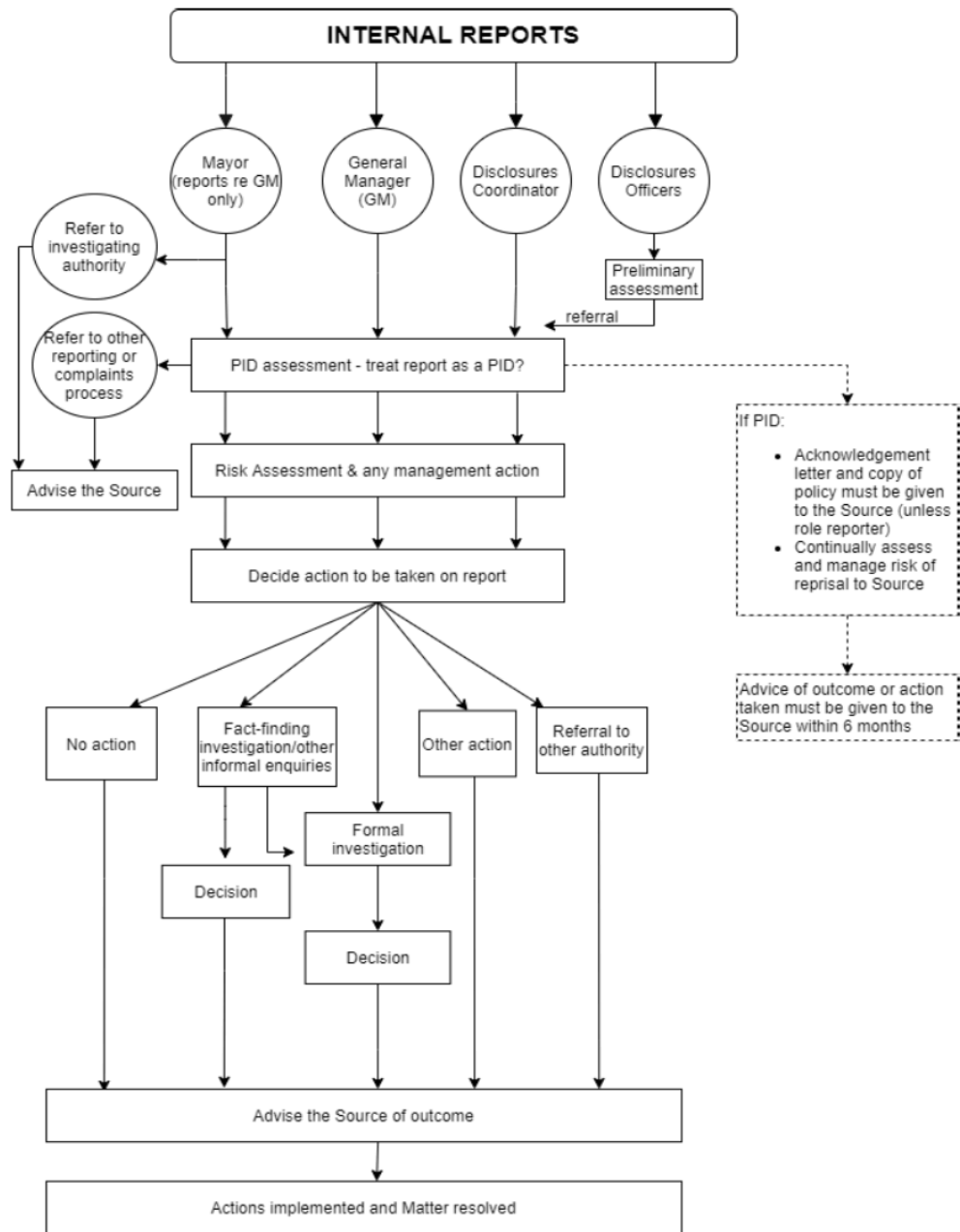
This Policy will be communicated to staff through Council's Internal Communication methods.

DISCIPLINARY ACTION

Where internal investigations confirm fraud has occurred, appropriate disciplinary action will be recommended having regard to Council's Code of Conduct, the relevant industrial instrument and other relevant legislative provisions.

Pursuant to section 440D of the Local Government Act 1993, the General Manager may temporarily suspend a member of staff in connection with serious corrupt conduct. Serious corrupt conduct is defined as corrupt conduct that may constitute a serious indictable offence done in connection with the exercise of the staff member's duties.

Table 1: Assessing Disclosures and Flowcharts



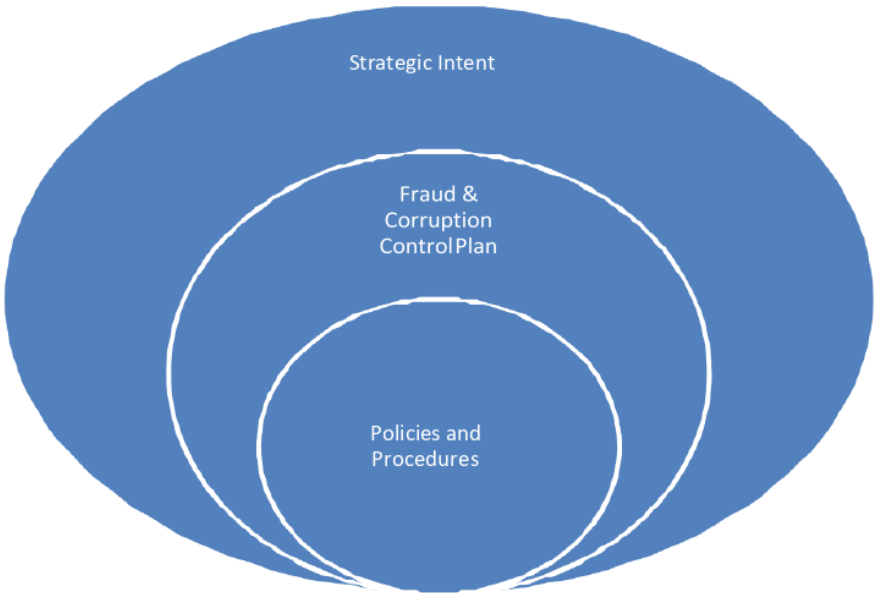
FRAUD AND CORRUPTION CONTROL PLAN

INTRODUCTION

This plan provides the basis for various control strategies to address risk exposures associated with Fraud and Corruption. It also forms an integral part of the Corporation's integrity framework which consists of the following:

- Fraud and Corruption Control Plan
- Fraud and Corruption Control Policy
- Code of Conduct
- Statement of Business Ethics

The relationship of the above key drivers of integrity are presented in the following diagram:



A key element of the Fraud and Corruption Control Plan is the Fraud and Corruption Control Policy.

The Plan follows the guidelines of the Australian Standard 8001-2008, Fraud and Corruption Control (the Standard) and tailors the requirements of the Standard to the Council environment.

While it is recognised that even the most stringent of governance frameworks may not prevent all fraud and corruption, the Plan summarises the Council's framework for the prevention, detection, investigation and reporting of such activity.

STATEMENT

Blayney Shire Council is committed to a work environment that is resistant to fraud and corruption and is dedicated to implementing effective measures to minimise fraud and corruption risks.

Blayney Shire Council does not tolerate fraudulent or corrupt behaviour and will take appropriate action against Council officers, contractors and elected members who have participated in such behaviour, and those who allowed it to occur.

SCOPE

The Fraud and Corruption Prevention Plan applies to:

- Councillors
- Council Officers
- Contractors working for Blayney Shire Council
- Other people who perform public official functions on behalf of Council, such as volunteers

DEFINITIONS

Corruption – corruption and corrupt conduct are defined in the ICAC Act 1988 (s.7, 8, 9) as:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Additionally, corrupt conduct can also be the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence;
- A disciplinary offence; and/or
- A situation where there are reasonable grounds for dismissal or dispensing or terminating the Councillor or a public official.

Fraud - Council has adopted the definition of fraud contained in the Australian Standard 8001-2008 on fraud and corruption control, which defines it as:

Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where 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 the improper use of information or position for personal financial benefit.

External Fraud - Fraud committed against Council by non-Council staff such as by customers, suppliers or contractors.

Internal Fraud - Fraud that is also known as "workplace fraud". It is fraud that is committed by Council staff in the workplace of Council.

Whilst internal fraud forms part of corrupt conduct, it is delineated here as a separate entity due to the fact that internal fraud can be perpetrated by an individual acting alone, also fraud in its own right occurs predominately when governance systems in place fail. i.e. that fraud is possible when systems in place are deficient and an organisation's resistance to fraud is ultimately found within the structures of the organisation.

AREAS WITHIN COUNCIL WHERE FRAUD AND CORRUPTION MAY OCCUR

Fraud and corruption may occur in Council in the following areas:

- Managing people – delegations, recruitment, supervision of staff, secondary employment.
- Managing external relationships – conflicts of interest, procurement, commercial activities, joint ventures, sponsorship.
- Managing services and products – client relationships, community affiliations, regulatory functions, and resource allocation.
- Managing money – accounts management, cash handling, credit cards, grants and program funding, payroll.
- Managing information – confidential information, electronic transactions, IT systems.
- Managing assets – disposal of goods and property, intellectual property, management of resources, use of resources.

CORRUPT CONDUCT

In addition to the above definition, corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority.

Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this policy, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before this policy was adopted and that any person or persons involved are no longer public officials.

Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.

Conduct may amount to corrupt conduct even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:

- matters arising in the State or matters arising under the law of the State, or
- matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.

The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.

AREAS OF POSSIBLE RISK

Based on studies by ICAC the following public sector operational areas and functions are perceived to have high fraud and corruption risk ratings:

- Financial functions – such as the receipt of cash, revenue collection and payment systems, salaries and allowances, and entertainment expenses
- Construction, development and planning functions – ranging from land rezoning or development applications to construction and building activities
- Regulatory functions – involving the inspection, regulation or monitoring of facilities and operational practices, including the issue of fines or other sanctions
- Licensing functions – such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- Demand driven or allocation-based functions – where demand often exceeds supply, including the allocation of services, or the provision of subsidies, financial assistance, concessions or other relief
- Procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration
- Other functions involving the exercise of discretion, or where there are regular dealings

between public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

DETECTION

Local Government is susceptible to fraud and no system of preventative controls can provide absolute assurance. As such, Council has systems established through the Fraud and Corruption Control Plan to assist with the detection of fraud as soon as possible after it has occurred, in the event that the Council's preventative systems fail.

The source of fraudulent activity may be:

- Internal:** perpetrated by an employee or contractor of an organisation;
- External:** perpetrated by a customer or an external service provider; or
- Complex:** involve collaboration between employees, contractors, and external service providers.

Measures to detect internal, external, and complex fraud fall into two main categories, passive measures and active measures:

Passive measures	Active measures
Include controls or activities that do not require the active and ongoing involvement of management, but exist as a means by which fraud is detectable within an organisation.	Include controls that require the assertive involvement of management and by their nature are designed to detect or assist in detecting fraud within an organisation.

Key elements of fraud and corruption detection will include:

Compliance with policies and procedures

Management and staff are required to ensure that Council policies for which they are responsible or administer are implemented in accordance with not only the policy but also the associated procedural framework.

Integrity Reviews

The Director Corporate Services will lead a program of integrity reviews in the application and administration of key Council policies, where fraud or corruption is identified as a risk. This may include:

- post transactional reviews of payroll
- post transactional reviews of payments
- procurement practices
- strategic information analysis

Annual Fraud Review

The Director Corporate Services will lead an annual Fraud Review, reported to Manex and subsequently the Audit, Risk and Improvement Committee, including assessment against the following categories:

- Prevention
- Detection (passive measures)
- Detection (active measures)

Warning signs (red flags)

Awareness of warning signs (red flags) for possible fraud or corruption is a useful method of detection. Often fraud indicators are inter-related and in some situations, evidence of one indicator may imply a potential risk but may not constitute fraud or corruption. The more inter-related indicators identified, the higher the risk of potential fraud or corruption.

Internal fraud

Examples of Internal Fraud perpetrated on Councils include:

- Unauthorised use of Council plant and equipment
- Claiming un-worked hours on time sheets
- Theft of money or goods from Council or its customers
- Allowing contractors to not fully meet contract requirements
- Deliberate transfer or miscoding of financial transactions to achieve favourable reported budget outcomes in a performance bonus environment

Early warning signs: people

- Unexplained and/or sudden sources of wealth
- Unwillingness to share duties, refusal to take leave
- A lifestyle above apparent financial means; the provision of gifts to other staff members
- Failure to keep records and provide receipts
- Refusal to implement internal controls
- The replacement of existing suppliers upon appointment to a position or unusually close association with a vendor or customer
- Employees who are aggressive or defensive when challenged, and/or controlling of certain colleagues
- Poorly reconciled cash expenses or customer accounts
- Employees known to be under external financial pressure
- Employees under apparent stress without identifiable pressure
- Employees making procedural or computer enquiries inconsistent or not related to their normal duties
- Managers/Staff who avoid using established procurement processes (e.g. Purchases with credit cards to purchase items outside the procurement framework or established practices)
- Employees who appear to make a large number of mistakes, especially those leading to financial loss
- Employees with competing or undeclared external business interests
- Employees (especially managers) with too much hands-on control
- An unusual number of customer complaints, and/or customers or suppliers insisting on dealing with just one individual

Early warning signs: areas and activities

- Financial information reported is inconsistent with key performance indicators
- High overheads
- Reconciliations of subsidiary ledgers to general ledger not up to date
- Abnormally high and increasing costs in a specific cost centre function
- Inadequate segregation of duties

External fraud

Examples of External Fraud perpetrated on Councils include:

- Theft of money or goods from Council
- Obtaining benefits by use of false identity or false qualifications
- Supplying goods or services of a lower standard or quality than promised
- Client applications for government assistance with inconsistent signatures, mismatched fonts or handwriting on different pages of the same document
- Invoices which look different to previous invoices issued by the same provider
- Lack of supporting evidence, or falsified supporting evidence, that eligibility criteria for grant or community funding has been met
- Expenditure has exceeded approved budgets for grant funding but there is not adequate information to explain the variance
- A high volume of transactions from one service provider, such as a registered training

organisation, used to support a licence, may indicate collusion between applicants and the provider

- A high volume of attempts to obtain sensitive information such as usernames, passwords and credit card details (e.g. Phishing emails, whaling attacks).

Corruption

- Taking or offering bribes (this could be in the form of cash, vouchers, gifts, free tickets, merchandise, product or services)
- Awarding contracts to family or friends
- Using or leaking privileged information for personal benefit
- An employee seeking or being offered a discount from a council supplier for a personal purchase / contract, where there may be a perceived or actual conflict.
- Continued use of suppliers or contractors that do not meet required performance standards
- Intentional steering or preference toward a particular supplier through a tender evaluation process by a panel member

BUILDING A FRAUD AND CORRUPTION RESISTANT CULTURE

Council will at all times promote an organisational culture that demonstrates complete intolerance of corrupt behaviour or misconduct. The foundation of these principles is to be found in the Model Code of Conduct that each member of the organisation must adhere to. The Fraud Control Plan is framed to build upon the Code of Conduct and translate the emphasis on the individual to include the organisation and the systems by which it operates.

It is vital for any public organisation to maintain public confidence to ensure the organisation has the credibility to carry out its function with the authority of its stakeholders. Council must deal with any corruption or fraud related issue, whether perceived or realised, in the following manner to maintain such public confidence:

- Any matter is to be dealt with expediently with no undue delay
- Any matter is to be dealt with as transparently as practicable with accountabilities and responsibilities clearly defined
- Any matter must be dealt with thoroughly to ensure all possible elements of corruption or misconduct have been considered and examined

All levels of the organisation must remain vigilant and committed to maintenance of a resistant culture to unethical behaviour. Ultimately the General Manager and Directors are to provide leadership and direction at all times in exemplifying the principles of Council's Code of Ethics.

FAIRNESS AND DUE PROCESS

Whilst it is important to be diligent in dealing with any allegation of fraudulent or corrupt conduct by staff, it is equally important to ensure that the basic civil rights and welfare of Council staff involved are not inappropriately managed. This means that all staff must be presumed innocent until sufficient proof is found to establish otherwise. Staff under investigation will continue to be given support in particular with regard to welfare if they find themselves subject to such an investigation or inquiry. Equally however, Council will take all steps to ensure a vigorous and thorough examination is carried out within the legal and ethical parameters available.

In a similar vein, Council staff who report fraudulent or corrupt behaviour and/or are witnesses to such incidents, disclosed under the Public Interest Disclosures: Internal Reporting Policy, will also be given every support reasonably available to them as they are entitled to under present legislation. Confidentiality for all involved parties will be protected as much as is practicable in any given circumstance by Council.

Staff will have the Council's support if mistakes or omissions arise whilst the officer is acting in good faith. This plan and Council's associated policy should not be construed as a departure from this approach.

RELATED INFORMATION

Legislation

Local Government Act (LGA) 1993
Local Government (General) Regulation 2005
Independent Commission Against Corruption Act 1988
Public Interest Disclosures Act 1994
NSW Audit Office Fraud Control Guidelines
Australian/New Zealand Standard on Risk Management
Workplace Video Surveillance Act 1998
Ombudsman Act 1974
Public Finance and Audit Act 1983
Police Integrity Commission Act 1996
Government Information (Public Information) Act 2009

Council Policies

1A Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy
1B Code of Conduct
2C Complaints Management Policy
2D Internal Reporting Policy
2D Internal Reporting Policy
2E Gifts and Benefits Policy
2H Business Ethics Policy
2I Enterprise Risk Management Policy & Plan
3G Procurement of Goods and Services Policy
4C Corporate Credit Card Policy
8A Internet and Email and Internet Policy
8C Information Technology Security and Usage Policy
8G Information Security Policy
11C Privacy Management Plan

End of Policy

Adopted:	11/08/2008	08/209
Lasted Reviewed:	12/11/2012	1211/014
	19/03/2018	1803/014
	20/04/2020	2004/008
	18/10/2021	2110/008
	XX/XX/2022	
Next Review:	19/03/2024	



Access to Information Policy

Policy	2G
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. Principles

Blayney Shire 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

2. Community Awareness

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. Also Council publishes for inspection documents listed under Schedule 5 of the Government Information (Public Access) Act 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.

3. Background

Applications for documents will be assessed 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 the 'Access to Information Guidelines' and relevant legislation.

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 relevant legislation including:

- 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 (EPA) Act 1979
- Companion Animals Act 1998

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with operational needs may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will pursue ways to assist in defining the request to become more manageable and Council will endeavour to release alternate information that may sufficiently respond to the 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.

The General Manager has authority to approve Guidelines for Information Access, which is to be available to members of the public.

4. Accessing Information

Council will deal with requests to inspect documents in accordance with the Government Information (Public Access) Act 2009 (GIPA) free of charge but reasonable photocopying fees may apply under the Act. It is governed by legislation that requires its operations to be open and accountable, and to handle personal information in a fair and reasonable manner.

Council will ensure that legitimate requests for access to information are handled promptly and in a manner that enables the members of the public to access information which is in the public's interest. It is also recognised that privacy of others, legal and commercially sensitive information will be handled in a responsible manner.

There is a right of access under the GIPA Act to certain documents held by Council unless there is an overriding public interest not to do so. Any applications under GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act. Charges for formal applications are in accordance with the GIPA Fees and Charges and include an application fee specified in Council's Schedule of Fees & Charges.

Council will also provide access to information under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998, and the NSW Health Records and Information Privacy Act (HRIPA) 2002.

An individual has the right to access and amend records held by Council which may contain their personal details, matters relating to their business affairs or their health.

If information is held on individuals request for documents, files or systems should be made under the GIPA Act. The Act provides for consultation with the individuals or relevant third parties prior to the disclosure of information.

5. Information Available

Council publishes open access, or mandatory release, information on its website unless there is an overriding public interest against disclosure or do so would impose an unreasonable additional cost on Council. Should costs be deemed unreasonable Council will make the information available to the applicant in another suitable format such as viewing a hard copy at the Council's Office.

Information identified as 'Open Access Information' and is available on Council's website is:

- Council's policy documents;
- a publication guide with information about the Council's structure and functions, and listing the type of information that is publicly available;
- a disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public
- a register of contracts worth more than \$150,000 that Council has with private sector bodies
- a record of 'Open Access Information' that Council does not make publicly available on the basis of an overriding public interest against disclosure

In addition, schedule 5 of the GIPA Act requires that certain documents held must be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the Offices of Council during ordinary office hours. Any current and previous document may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

6. 'Open' Informal Access documents

'Open' Informal Access documents are:

Information about Council

- The model code prescribed under section 440 (1) of the LGA
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy
- Annual Reports of Bodies Exercising Functions Delegated by Council

- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

Information about Development Applications

- Development Applications and any associated documents received in relations to a proposed development:
- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA

- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

Copies of documents provided to the public are done so for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document and the copyright / owner's consent is required if any part of the document is used for any other purpose.

Council may include 'other' documents on the website that are frequently requested and deemed to be in the public's interest as a result of a previous request under the GIPA Act. Council will endeavour to release this information in response to an informal request, subject to any reasonable conditions as Council sees fit to impose. However, notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted where the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- contains personal or confidential information about a third party that requires consultation, or
- would involve an unreasonable amount of time and/ or resources to produce.

7. Exemptions to Access

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of the Council's resources. Council will always explain, to the applicant, reasons for applying an exemption.

Council will not classify information as exempt unless there are clear reasons for doing so. If documents partly contain exempt information, this information will be withheld and the remaining information will be available under the Act. In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

The GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that Council will consider in applying the public interest test. Considerations are grouped under the following headings:

- responsible and effective government
- law enforcement and security
- individual rights, judicial processes and natural justice
- business interests of agencies and other persons
- environment, culture, economy and general matters
- secrecy provisions (in legislation other than those listed in Schedule 1)
- Exempt documents under Freedom of Information legislation in all Australian States except NSW

In applying the public interest test, Council will not take into account:

- that disclosure might cause embarrassment to, or loss of confidence in, the Council;
- that information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as particulars personal to the applicant. Under the GIPA Act there are 12 categories of information (eight of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure.

The eight Local Government categories are:

1. Information subject to an overriding secrecy law (26 specifically named Acts)
2. Information subject to the direction or order of a court or other body with the power to receive evidence on oath
3. Information subject to legal professional privilege
4. 'Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information and information in relation to specific functions of the Public Trustee)
5. Documents affecting law enforcement and public safety.
6. Specific information relating to transport safety
7. Specific reports concerning the care and protection of children
8. Specific information relating to Aboriginal and environmental heritage.

Generally under the GIPA ACT, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for 'excluded information' are invalid under the Act.

In dealing with informal applications, Council will apply a similar decision making framework.

8. Accessing Information and Making an Application

The public may obtain access to information as follows:

- Council's website
- Written request to Council for the information and Council will advise whether the information requested:
 - is *open access*, or *mandatory release* information that is readily available and where and how to get the information
 - should be made available as part of a *proactive release* of information
 - can be disclosed through an *informal release*, for example where no third party personal information is involved
 - Requires a *formal access application*, and accompany the required fee and photocopying charges.

To make an informal request for access to information under the GIPA Act Council may require the completion of an 'Informal Access to Information Request' form but no fee is required with this application.

To make a formal request for access to information under GIPA Act, the 'Formal Access to Information' Request Form must be completed. The Formal Application fee as detailed in Council's Schedule of Fees & Charges is payable and processing charges may be applicable. GST does not apply in relation to these charges. Council will acknowledge receipt of formal access applications within five working days.

If a fee for photocopy is required the applicant will be notified under the GIPA Act of the amount payable. Charges will be as per Councils' Schedule of Fees and Charges and GST is payable.

9. Time Limits

Council will acknowledge receipt of formal access applications within five working days and further notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time.

Council may extend the time by up to 15 working days where consultation is required with a third party or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable (see Rights of Review and Appeal).

If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused' and Council will refund the application fee and the applicant may seek internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

10. Rights of Review and Appeal

Where a member of the public is refused access of a formal application under GIPA Act, staff will provide details of the reasons for refusal to the applicant in writing. An applicant who has been refused access by Council to information requested under a formal request has three options of review available:

Internal Review:

Application to Council for an internal review. This is review will be conducted by someone more senior than the original decision maker and the application will be accompanied by a fee prescribed in Council's Schedule of Fees & Charges (GST exclusive).

Applicants have 20 working days from notification that their original application has been reused to ask for an internal review.

Review by the Information Commissioner

If an applicant is not satisfied with the internal review, or does not wish one to be conducted, they can ask for a review by the Information Commissioner.

Applicants have eight weeks from notification that their original application has been reused to ask for a review.

Review by the Administrative Decisions Tribunal (ADT).

If an applicant is not satisfied with the decision of the Information Commissioner or an internal review by the Agency or if they do not want to take these options they can apply to the Administrative Decisions Tribunal (ADT).

If the applicant has already had a review by the Information Commissioner, they have four weeks from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have eight weeks from notification of the decision to make this application.

It is noted that there are no rights of review in respect of informal applications, but the applicant may make a formal application at any time.

End of Policy

Adopted:	14/02/2011	1102/011
Lasted Reviewed:	14/02/2011	1102/011
	12/11/2012	1211/014
	19/03/2018	1803/014
	XX/XX/2022	
Next Review:	19/03/2024	



Statement of Business Ethics

Policy	2H
Officer Responsible	General Manager
Last Review Date	XX/XX/2022

Strategic Policy

Introduction

This statement provides guidance for the private sector when doing business with Blayney Shire Council.

It outlines Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in their dealings with Council. This Statement also outlines what goods and services external providers and contractors can expect of the Council.

Council aims to promote integrity and ethical conduct, consistent with the positions of trust they hold and we expect no less of the service providers and contractors that undertake work for us.

This statement is designed to ensure that business relationships between this Council and external private sector service providers and contractors are fair and productive for all.

Our Key Business Principles

The principle of best value for money is at the core of Council's business relationships with private sector suppliers of goods and services.

Best value for money does not automatically mean the lowest price. Rather, Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability, and timeliness in determining true value for money.

Part of obtaining best value for money also includes ensuring all of our business relationships are honest, ethical, fair and consistent.

Our business dealings will be transparent and open to public scrutiny wherever possible. Given the nature of some of Council's work, there will be times when the details of some business relationships will not be made publicly available.

We are committed to the purchase of all goods, equipment and services through established NSW Government contracts systems, where possible and reasonably practical. Where Council does not use this established system, Council will define the reasons for this action.

What you can expect of us

Blayney Shire Council will ensure that all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent with best practice and the highest standards of ethical conduct.

Our staff are bound by Council's Code of Conduct. When doing business with the private sector, Blayney Shire Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations and act in the public interest.
- Abide by the law and all relevant Council policies and procedures.
- Avoid any conflicts of interest (whether real or perceived).
- Always act with due care and diligence.
- Not use their position to obtain opportunities for future employment and not allow themselves or their work to be influenced by plans for, or offers of, employment outside Council.

In addition, all Council procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids
- All procurement activities and decisions will be fully and clearly documented to provide an audit trail and to allow for an efficient performance review of contracts
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
- Tenders will not be called unless Council has firm intention to proceed to contract
- This Council will not disclose confidential or proprietary information.

What we ask of you

We require all private sector providers of goods and services to observe the following principles when doing business with Council:

- Respect for obligation of public officials to act with the statement
- Deliver value for money
- Help Council prevent unethical practices in our business relationships
- Comply with Council's procurement policies and procedures
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interests as soon as you become aware of the conflict
- Act ethically, fairly and honestly in all dealings with Council
- Take all reasonable measures to prevent the disclosure of confidential Council information
- Refrain from engaging in any form of collusive practice including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties and not act secretly or fraudulently
- Refrain from discussing Council business or information with the media
- Assist Council to prevent unethical practices in our business relationships
- Commit to not offer staff or officials inducements or incentives such as money, gifts, benefits, entertainment
- Commitment to not exert pressure on Council staff or officials to act in ways that contravene Council's Statement of Business Ethics or Code of Conduct

- To ensure the integrity and confidentiality of Council information and commercial in confidence information received from other contractors and suppliers, as a general rule, you should not offer to employ or engage in any capacity Council staff while they are employed by Council or within 12 months of ceasing employment, if there is a risk of breach of confidentiality.

Why is compliance important?

By complying with our statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Blayney Shire Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with this, Council's stated principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

The ICAC Act defines those engaged as consultants and contractors by public authorities as 'public officials'. Therefore, contracted consultants and contractors are subject to the ICAC Act and are considered public officials for the purposes of the ICAC Act.

Further, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council's honest or impartial exercise of official functions.

You should also be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Investigation for corruption and other offences
- Loss of reputation
- Loss of rights (*such as loss of operating or trading licences or loss of development approval*)
- Matters being referred for criminal investigation.

Consequences for Council staff or officials may include:

- Investigation
- Dismissal or loss of civic office
- Disciplinary action
- Potential criminal charges

Guidance Notes

Incentives, gifts, benefits

In general, this Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should refrain from offering any such 'Incentives' to Council staff.

Council awards contracts and determines applications solely on the basis of merit. Gifts (including token gifts) must **not** be offered in connection with any business dealings and Council officials are not permitted to ask for any reward or incentive for doing their job.

Offering gifts and benefits may be seen as an attempt to unfairly influence us in our roles.

If a gift is accepted, Council requires the staff member to record the gift in the Gifts and Benefits register. (See Gifts and Benefits Policy for procedures).

Tendering

Council's tendering process does not permit applicants to canvass, lobby or contact Council staff or officials other than the advertised contact person. Applicants will be disqualified from tendering if they do anything that may be considered as an attempt to influence Council's decision.

Supplier Interaction

Suppliers, consultants and contractors must deliver value for money and not engage in relational selling techniques. Business relationships should always be conducted professionally, with attendance at Council sites by appointment only.

Businesses wanting to tell Council about new products or services should email: council@blayney.nsw.gov.au

Conflict of Interest

Council staff are required to disclose any potential conflicts of interest. Council extends this requirement to all of our business partners, contractors and suppliers.

Secondary Employment and Post –separation employment

Council will not authorise officials to undertake secondary employment if it could create a real or perceived conflict of interest between the official's public role and private interests.

Council officials have a duty to maintain public trust and not use any commercially sensitive information to help get future employment in the private sector or for personal financial gain.

You must not offer employment to Council officials because it may be publicly seen as obtaining an unfair advantage or trying to unfairly influence us in carrying out our public duty.

The following post-separation employment conditions are imposed on staff:

- Staff must not disclose confidential information obtained in the course of their employment.

- Staff must not convert any property of the Council to their own use unless properly authorised.

Confidentiality

All Council information should be treated as confidential unless otherwise indicated.

Communication between parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of Blayney Shire Council equipment, resources and information

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

Council maintains a lot of information about its customers and the community. Council has an obligation to protect this information and maintain its integrity. It is expected that you will treat all Council information appropriately and use it for the purpose it was provided.

Council resources are to be used ethically, effectively, efficiently and carefully in the course of official duties and must not be used for private purposes, except where private use has been authorised. It is expected that you will treat our resources in the same manner.

Should you have any questions regarding this statement or to provide information about suspect behaviour please contact us:

91 Adelaide Street
PO Box 62
Blayney NSW 2799
Phone: (02) 6368 2104
Email: council@blayney.nsw.gov.au

End of Policy

	Date	Minute
Adopted:	09/02/2009	0902/006
Review History:	09/02/2009	0902/006
Repealed:	12/11/2012	1211/014
Adopted:	13/07/2015	1507/009
Review History:	13/07/2015	1507/009
	19/03/2018	1803/014
	XX/XX/2022	
Next Review:	19/03/2024	



Legislative Compliance Policy

Policy	2K
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. PURPOSE

The purpose of this policy is to provide a framework for legislative compliance across all aspects of the Council's operations in order to achieve the highest standards of good governance.

Council is committed to conducting its functions and activities lawfully and in a manner that is consistent with its compliance obligations.

The Legislative Compliance Policy (Policy) establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:

- identifying a clear legislative compliance framework within which Council operates;
- promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
- developing and maintaining practices that facilitate and monitor compliance within Council;
- seeking to ensure standards of good corporate governance; and
- engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

2. SCOPE

This policy applies to Councillors, staff, volunteers and contractors of the Blayney Shire Council.

The Policy is aligned with Council's objectives as articulated in the Council Integrated Plans. Council recognises that there are four elements for an effective compliance program:

- Commitment – to and the establishment of a compliance program;
- Implementation – of a compliance program, including ongoing education and maintenance;
- Monitoring and Measuring – reporting and supervision of the compliance program; and
- Continual Improvement – regular review and continual improvement of the compliance program.

3. DEFINITIONS

Legislation - Laws that are made by Parliament, or under the authority of Parliament are called legislation, or statutes. "Acts" are primary legislation. Acts may authorise the making of Regulations, Orders and Notices and there are referred to as subordinate legislation.

Legislation compels or directs the action of individuals, industry and other groups in specified circumstances and also outlines actions that are not to be taken, in order to achieve certain policy objectives.

Delegations Register – Councils have certain duties which they must perform, and certain powers which they must exercise, pursuant to the Local Government Act 1993, as well as a number of other Acts. Under the Local Government Act 1993, Council is able to delegate those duties to staff and Committees of Council.

The Delegation Register is a listing of those functions which Council has delegated to appropriate staff and Committees of Council.

4. POLICY STATEMENT

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day to day operations of Council.

The processes and structures will aim to:

- Develop and maintain a system for identifying the legislation that applies to Council's activities and functions.
- Assign responsibilities for ensuring legislative and regulatory obligations are fully implemented by Council.
- Provide education and awareness for Councillors and Council officers in the legislative requirements that affect them.
- Provide people with the resources to identify and remain up-to-date with legislative changes.
- Establish a mechanism for reviewing situations where non-compliance has occurred.
- Review and assess the system for compliance.

5. POLICY IMPLEMENTATION

5.1 Obligations

Councillors, staff, volunteers and Council contractors are responsible for ensuring the Council complies with all relevant legislation. These responsibilities however differ across the organisation, based on the role / position requirements of the individual and their direct involvement in statutory functions.

5.1.1 General Responsibilities

While the Council does not expect Councillors, staff, volunteers or Council contractors to be fully conversant with every State and Federal law, all are expected to be aware of the common areas of legislation that affect their role.

In addition, staff members are expected to be aware of a range of employment related laws (for example legislation relating to work, health and safety, equal opportunity, bullying and harassment), and are expected to be aware that certain actions may be subject to the criminal code (such as theft, assault, etc.).

Staff members should also be aware of any Council policies, codes, Australian Standards or statements that are relevant to their areas of responsibility.

5.1.2 Delegated Responsibilities

Staff members with delegated authority for carrying out statutory requirements, in accordance with the Delegations Register, are expected to develop a clear understanding of the relevant provisions as they relate to their responsibilities, and make themselves aware of changes to legislation and its impact on Council activities.

5.1.3 Management Responsibilities

Any staff member responsible for the management or supervision of staff must ensure appropriate information is disseminated to all workers under their responsibility. They are responsible for ensuring that risk due to non-compliance is minimised and workers under their responsibility are kept fully informed, briefed and/or trained about the key legal requirements relevant to their work.

They are also required to ensure that information relating to legislative changes is disseminated to appropriate staff members, and that recordkeeping systems and practices that capture evidence of compliance are in place.

5.2 Consequences of Non-Compliance

Councillors, staff, volunteers and Council contractors should be aware that any failure to comply with the law could be a criminal act, or result in a breach of the law or a breach of discipline.

Failure to comply with legal requirements could result in:

1. Disciplinary proceedings;
2. A hearing by the Pecuniary Interest Tribunal into complaints concerning alleged failures by Councillors, staff, delegates and advisors to disclose pecuniary interests;
3. Dismissal of the Mayor and Councillors and the appointment of an Administrator;
4. Removal of a Council's planning powers and the appointment of an Administrator;
5. The appointment of an Environmental Administrator (under relevant environmental legislation);
6. Legal proceedings against the Council for orders to remedy or restrain breaches of certain Acts, or for other legal challenges relating to such things as acting beyond the scope of authority of power, or failing to provide natural justice, possibly resulting in costly litigation and awards of damages;
7. Complaints about the conduct of the Council or staff members being referred to the Ombudsman, ICAC, Audit Office, Office of Local Government, or other relevant bodies;
8. Criminal proceedings;
9. Disruption to management, staff morale problems and bad publicity resulting from any of the above.

5.3 Application of Legal Requirements

The obligation to comply with legal requirements does not relieve the Council or individual staff members of the moral or ethical obligation to mitigate the effects of

rigid adherence to the letter of the law where that results in, or would result in, unintended or manifestly inequitable or unreasonable treatment of an individual or organisation. For example:

1. If the law gives the Council discretion, it should be exercised in a fair and reasonable way;
2. If the law does not give the Council discretion, fairness may involve adopting a broad interpretation in certain circumstances rather than a rigid adherence to legality;
3. Other options may be available to the Council to mitigate any unreasonable or inequitable effects of compliance with the law. These could include, for example, waiving debts, refunding fees or charges, offering an expression of regret or an apology, deferring regulatory action to allow for an authorisation to be obtained, fast tracking an assessment and determination of an application, etc.

In a similar manner, policies, codes, standards, etc. should not be applied inflexibly but on the basis of merit, with proper consideration being given to the particular circumstances of each individual case.

Staff members should have regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies. They should comply with their terms unless there are justifiable grounds for taking another course of action within the scope of the discretion available to the decision-maker.

5.4 Strategies for Ensuring Compliance

The General Manager will ensure a range of methods are adopted for use by Council staff to ensure compliance with key legislative changes.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Policies and Strategies

- Blayney Shire Council Community Strategic Plan
- Blayney Shire Council Local Environmental Plan
- Delegation Register
- All Council policies and plans developed in accordance with legislation

End of Policy

Adopted:	19/08/2019	1908/010
Lasted Reviewed:	19/08/2019	1908/010
	XX/XX/2022	
Next Reviewed:	19/03/2024	



Community Infrastructure Projects Policy

Policy	3H
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. Introduction

It would be helpful for community and sporting groups if Council introduced a policy for dealing with the application of funds received by organisations and community groups towards the construction of new asset or renewal of community assets on Council owned or controlled land. The policy will not cover routine maintenance of assets and amenities that are the responsibility of the community or sporting group. In view of the administrative time and costs involved only eligible projects with a total cost exceeding \$2,000 GST exclusive will be considered under the policy. This policy will permit the burden of the goods and services tax (GST) to be carried and claimed by Council if strict conditions are met.

Council will give preference to projects that are in accord with the priorities established under the Integrated Planning and Reporting Process.

This policy will cease to operate if there are changes to the GST that prevent Council from carrying out the steps required under the policy.

2. Purpose

To establish a policy to assist organisations and/or community groups to build/renew their facilities located on Council owned or controlled land and who are not registered to pay GST. Effectively this assists sporting and community groups in funding asset renewals or new assets by allowing the GST to be claimed resulting in greater funding being available for the project.

3. Policy

Scope of Project

All project proposals will need to be formally submitted to Council for consideration and adoption. The project will need to demonstrate a community benefit for current and future generations. The proposal must also contain:

- Contact details of all organisation's Project Manager with authorisation details from the organisation to act on the organisation's behalf.
- A budget and a timeline for the completion of the project.
- Sources of funds expected to be used for the project together with the related break up of those funds.

To be eligible under the policy, Council needs to be satisfied that applicant organisation must have the financial capacity to repay the costs that will be incurred by Council on its behalf under this policy. Council reserves the right to request payment in advance for goods and or services from the applicant organisation which seeks treatment under this policy.

Purchase Orders

- All purchase orders are to be made out in advance of supply (no confirmation orders permitted) and approved by Council.
- All purchases are to be made with persons or organisations with a registered ABN.
- Applicants are required to comply with Council's Procurement of Goods and Services Policy.

Invoices

All invoices to be made out in the name of Blayney Shire Council. Council payments will be made within 30 days following approval for payment from the organisation's Project Manager.

Council will generally invoice the applicant organisation for the amount due under the policy at the end of the project. Council reserves the right to make progress claims upon the applicant organisation if the project size warrants that procedure. This will be discussed at the time the application is lodged with Council.

4. Responsibility

Council's Finance Section has the responsibility of processing the claims of organisations and community groups under this policy. This includes ordering, establishment of job numbers, processing and payment of invoices and collection of monies due under the policy.

5. Related Documentation

Local Government (General) Regulation 2005
A New Tax System (Goods and Services Tax) Act (1999)
Blayney Shire Council Procurement of Goods and Services Policy

End of Policy

Adopted:	Date: 08/12/2014	Minute: 1412/007
Last Reviewed:	Date: 08/12/2014	1412/007
	19/03/2018	1803/014
	XX/XX/2022	
Next Reviewed:	Date: 19/03/2024	



Related Parties Disclosures

Policy	4D
Officer Responsible	Chief Financial Officer
Last Review Date	XX/XX/2022

Strategic Policy

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1. Purpose of the Related Parties Disclosures Policy

From 1 July 2016, Council is required to disclose Related Party Relationships and Key Management Personnel (KMP) compensation in its Annual Financial Statements.

The purpose of this policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

2. Definitions

AASB 124 - means the Australian Accounting Standards Board, Related Party Disclosures Standard.

Act - means the Local Government Act 1993.

Close members of the family of a person - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependants of that person or that person's spouse or domestic partner.

Entity can include companies, trusts, joint ventures, partnerships, incorporated association or unincorporated group or body and non-profit associations such as sporting clubs.

Key Management Personnel (KMP) - as defined under section 5 of this policy.

KMP Compensation - means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- *Short-term employee benefits*, such as wages, salaries and social security contributions, paid annual leave and paid sick leave,
- profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- *Post-employment benefits* such as pensions, other retirement benefits, post employment life insurance and post-employment medical care;
- *Other long-term employee benefits*, including long-service leave or sabbatical leave, jubilee or other long-service benefits,
- long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- *Termination benefits*.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. Materiality does not refer to a dollar sum solely and the nature of the transaction may result in disclosure even if a small dollar value. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Possible (Possibly) Close members of the family of a person - are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a. that person's brothers' and sisters';
- b. aunts', uncles', and cousins' of that person's spouse or domestic partner;
- c. dependants of those persons' or that person's spouse or domestic partner as stated in (b); and
- d. that person's or that person's spouse or domestic partners', parents' and grandparents'.

Related Parties - as defined under section 6 of this policy.

Related Party Transaction - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

Regulation - means the Local Government (General) Regulation 2005.

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

Remuneration means remuneration package and includes any money, consideration, benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

3. Background

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments (Councils).

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- disclosure of any related party relationship;
 - must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;
- Key Management Personnel (KMP) Compensation Disclosures;
 - must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

4. Policy Statement

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances; including commitments, in its Annual Financial Statements. Generally, disclosure shall only be made where a transaction has occurred between council and a related party of council. In addition, the transaction must be material in nature or size, when considered individually or collectively.

When assessing whether such transactions are significant the following factors shall be taken into consideration:

- significance in terms of size;
- was it carried out on non-market terms;
- is it outside normal day-to-day council operations;
- was it subject to council approval;
- did it provide a financial benefit not available to the general public;
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

Regard must also be given for transactions that are collectively, but not individually significant.

To enable Council to comply with AASB 124 Council's KMP, as defined within this Policy, are required to declare full details of any Related Parties and Related Party Transactions. Such information shall be retained and reported, where necessary, in Council's Annual Financial Statements.

5. Key Management Personnel

AASB 124 defines KMP's as "those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity."

For Council purposes KMP include:

- the Mayor,
- Councillors,
- Administrators,
- the General Manager, and
- Directors.

6. Related Parties

For the purposes of this policy, related parties of Council are:

- entities related to Council;
- KMP of Council;
- close family members of KMP;
- possible close family members of KMP's; and entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

In addition, a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are part of a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;

- they are controlled or jointly controlled by close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or
- possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

The following shall be considered as close family members of KMP:

- a) Children and dependents of the Mayor, Councillors, General Manager and Directors;
- b) Spouse/domestic partner of the Mayor, Councillors, General Manager and Directors;
- c) Children and dependents of a spouse/domestic partner of the Mayor, Councillors, General Manager and Directors;
- d) Other Family Members of a KMP that may be expected to influence, or be influenced by, that person in their dealings with Council.

Close family members shall be identified in the Related Party Declaration made by a KMP.

7. Related Party Transactions

Related Party Transactions are required to be disclosed regardless of whether a price is charged. Such transactions may include:

- compensation paid to KMP;
- purchase or sale of goods (finished or unfinished);
- purchase or sale of property and other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- quotations and/or tenders;
- commitments; and
- settlements of liabilities on behalf of Council or by Council on behalf of the related party.

8. Disclosure

AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its Annual financial statements by aggregate or general description and include the following detail:

- the nature of the related party relationship; and

- relevant information about the transactions including:
 - the amount of the transaction;
 - the amount of outstanding balances, including commitments, and
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - details of any guarantee given or received;
 - provision for doubtful debts related to the amount of outstanding balances; and
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

All transactions involving Related Parties shall be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to KMP or their related parties that occur within normal employee, customer or supplier relationships and at arm's length that are immaterial or insignificant shall be excluded from detailed disclosures. Such activity shall be disclosed in the financial statements by general description.

Disclosures that Related Party Transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

AASB requirements in this regard are available at Attachment A

9. Procedures

The method for identifying the close family members and associated entities of KMP shall be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

It is not the responsibility of the KMP is to make an assessment as to whether they have any related party transactions or not. It is their responsibility to identify all their related parties. The determination of and assessment of transactions will be undertaken by relevant Council staff.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions, utilising the Reporting Templates (Attachment B), to the General Manager.

Information provided will be held on a centralised register. Access to the register shall be available to only those who may lawfully be granted access after consideration of matters of privacy and other legislative requirements.

The register shall be used as a basis for information for inclusion into Council's Annual Financial Statements to satisfy Related Party reporting requirements.

10. Related Parties Disclosure timetable

Disclosures of Related Parties and Transactions shall be required of Key Management Personnel at least annually.

The due dates for Disclosures will be 30 June annually.

Key Management Personnel should provide updates on Related Parties and Transactions as issues arise or material changes occur by submitting an updated Related Parties Disclosure Form at times other than the collection date listed above if their situation changes.

11. Privacy

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

12. Review

This policy shall be reviewed at specified review intervals and may be reviewed if any of the following events occur:

- corporate restructure that impacts of the KMP's;
- the related legislation/documents or OLG Local Government Code of Accounting Practice that impact on application of the policy are amended or replaced; and
- other circumstances that may arise as determined by resolution of Council.

13. Related Legislation, Policies and Guidelines

Local Government Act 1993

Australian Accounting Board Standard – AASB124 Related Parties Disclosures

Local Government Act 1993

Local Government (General) Regulation 2005

Local Government Code of Accounting Practice

Blayney Shire Council Code of Conduct

Attachment A – AASB References

Reference	Reporting Requirements
AASB124.17	<p>The entity discloses key management personnel compensation in total and for each of the following categories:</p> <ul style="list-style-type: none"> a. short-term employee benefits; b. post-employment benefits; c. other long-term benefits; and d. termination benefits; <p>Key management personnel (KMP) are not named – disclosure on an aggregate basis only.</p> <p>Short-term employee benefits include non-monetary benefits.</p>
AASB124.18	<p>If there have been transactions between related parties, the entity discloses the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.</p> <p>Types of Transactions:</p> <ul style="list-style-type: none"> a. purchases or sales of goods (finished or unfinished); b. purchases or sales of property and other assets; c. rendering or receiving of services; d. leases; e. transfers of research and development; f. transfers under licence agreements; g. transfers under finance arrangements (including loans and equity contributions in cash or in kind); h. provision of guarantees or collateral; i. commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and j. settlement of liabilities on behalf of the related party. <p>The following information, at a minimum, is disclosed:</p> <ul style="list-style-type: none"> i. the amount of the transactions; ii. the amount of outstanding balances, including commitments, and terms and iii. conditions (i.e. secured or unsecured) and the nature of consideration to be provided in settlement; and details of guarantees given or received; iv. provisions for doubtful debts related to the amount of outstanding balances; and v. the expense recognised during the period relating to bad or doubtful debts due from related parties.

Reference	Reporting Requirements
AASB124.19	The entity separately discloses all the information required by Paragraph 18 at the following levels: <ul style="list-style-type: none">a. subsidiaries;b. associates;c. joint ventures in which the entity is a joint venturer;d. key management personnel of the entity or its parent; ande. other related parties.
AASB124.24	The entity discloses items of a similar nature in aggregate, except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity.

Attachment B – Related Party Disclosure Form



Related Parties - Disclosure Form

Name of Key Management Personnel (KMP):

Related person <i>and/</i> or entity	Relationship of KMP with the person or entity

Notification

I _____,
(Full name)
 _____ notify that,
(Position)

to the best of my knowledge, information and belief that as at the date of this notification, the above list includes all existing and potential related parties that may transact with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the above period.

I permit authorised Council Officers and other permitted recipients specified in Council’s Related Parties Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named KMP: _____

Dated: _____

Adopted:	18/04/2017	1704/010
Lasted Reviewed:	16/04/2018	1804/010
	XX/XX/2022	
Next Review:	19/03/2024	



Plaques and Memorials Policy

Policy	26C
Officer Responsible	Manager Urban Services & Projects
Last Review Date	

Strategic/Operational Policy

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OBJECTIVES

To provide a standardised and consistent policy framework for management of plaques, memorials, and memorial gardens, including existing, installation of new, and the assessment of new requests for plaques, memorials, and memorial gardens within public spaces in the Blayney Shire Council Local Government Area (Blayney Shire).

To ensure compliance with relevant legislative and Geographical Names Board (GNB) guidelines.

DEFINITIONS

“Plaque” - A flat tablet of metal, stone, engraved pavers (footpath) or other material which may include text and/or images that commemorate a person, event, or historical information relevant to a particular location. The tablet may be fixed to an object, building or hard ground surface located within public open space.

“Memorial” – An object (e.g., an obelisk) established to commemorate a person, group, association, or event. In the context of this Policy, memorial does not include a tree, but may include a memorial garden if proposed for a major public open space.

“Memorial Garden” – Memorial gardens are areas planted for a specific purpose, generally to commemorate a person or an historical event. Key features include the style and preferred plantings.

“Public Open Space” – Is all Council owned or managed land that is open or accessible to people, including:

- Council owned public open space including parks, bushland reserves and sports fields,
- Land managed by Council but owned by another body,
- Reserve furniture within public space (such as benches, picnic tables etc),
- Any other infrastructure within public space (such as picnic shelters, barbeques, playgrounds, fences etc), and
- Activity centre locations, including footpaths, median strips, public squares, recreation grounds and laneways.

SCOPE

This Policy covers plaques, memorials, and memorial gardens on Council owned or managed land, including streets, reserves, parks, or other public open space.

All new plaques, memorials, and memorial gardens will be required to conform to this Policy. Existing plaques, memorials, and memorial gardens in the Blayney Shire that predate this Policy, should not be taken as a precedent for the approval of any future plaques or memorials.

This Policy does not apply to cemeteries and crematoriums.

BACKGROUND

Public open space plays a significant part in Blayney Shire's social and cultural heritage and makes a valued recreational, environmental, and aesthetic contribution for people who live, work, and enjoy recreation in the Blayney Shire. Plaques, memorials, and memorial gardens provide recognition and can contribute to an understanding of events or individuals closely associated with the history or the community of the Blayney Shire.

Any decision regarding plaques, memorials, or memorial gardens needs to take into consideration the balance between the desire to commemorate events or individuals and the ongoing enjoyment of visually uncluttered public spaces.

POLICY OBJECTIVE

The objective of this Policy is to enable Council to:

- Provide an opportunity to recognise and celebrate significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the Blayney Shire.
- Protect the intended purpose, environmental values, and aesthetic appearance of Council public space.
- Provide a clear and equitable framework to manage requests for plaques, memorials, or memorial gardens to be located within Council public space.
- Ensuring risks are adequately considered in relation to plaques, memorials, and memorial gardens on Council land.

Council recognises that plaques, memorials, and memorial gardens provide recognition and are important in celebrating significant historical events and individuals closely associated with the leadership, cultural and social development within the Blayney Shire.

General Principles

To protect the intended purpose and aesthetic appearance of Council owned or controlled public space. Council does not generally encourage installation of plaques and memorials on land owned or managed by Council.

Plaques, memorials, and memorial gardens will only be considered where they are consistent with Council's strategic and urban design vision for the proposed location. The proposal must be consistent with relevant Council strategies, master plans and the land's public purpose. It must not result in a change of use of the land, or not negatively impact the aesthetic or environmental value of public space.

They must meet all relevant planning and building requirements and are to be designed and sited in a way that will not damage the supporting structure or natural environment or create a public risk. They are to be constructed in a manner that will require little ongoing maintenance and will be resistant to vandalism.

Plaques attached to an asset like a seat, building, etc. must be durable and must have a life equivalent to the asset to which they are attached.

All costs associated with the design, construction, installation and maintenance of plaques, memorials, or memorial gardens are to be paid by the person/group making the request. Once approved, installation of any plaque, memorial, or memorial garden must be undertaken by Council (cost to be negotiated). Once installed they will become the property of Blayney Shire Council and may be entered into Council's Asset Register.

Maintenance of plaques and memorials must only be undertaken by Council. Community involvement in the maintenance of memorial gardens may be considered in some circumstances.

Council does not guarantee to retain plaques, memorials, or memorial gardens in perpetuity. Generally, they will be retained in place for as long as practicable, with the following exceptions:

- The area in which the item is sited is to be redeveloped,
- Ongoing maintenance costs are prohibitive,
- In the case of a plaque, the asset to which it is attached has reached the end of its useful life; or
- The condition of the plaque or memorial is poor.

If a plaque, memorial, or memorial garden is removed for any of the reasons above, Council will not guarantee replacement, however replacement plaques or memorials of similar or different style or form may be considered. All reasonable efforts will be made to identify, contact, and advise relevant stakeholders (including family members).

Existing plaques, memorials, and memorial gardens

Existing plaques, memorials and memorial gardens will generally be retained in place for as long as practicable, subject to exceptions listed above. Non-compliant / unauthorised plaques, memorials, and memorial gardens will be removed by Council as soon as practicable. Where possible, Council will attempt to contact the community organisation, next of kin / family to return the non-compliant / unauthorised plaque or memorial.

New Plaques initiated by Council

Plaques may be installed by Council on Council owned or managed land, buildings, or structures to commemorate an opening of a new or refurbished Council building or facility, or a historically significant event, or site.

Where project funding has been provided by an external agency, such as the NSW or Australian Government, and acknowledgement of the funding agreement is required in the form of a plaque, the layout and wording of the plaque will be in accordance with the funding agreement.

Plaques installed by Council will be funded by Council. Council may seek a financial contribution from funding partners if applicable.

Requests for new plaques, memorials, and memorial gardens initiated by the public

Council will consider requests for new plaques, memorials, or memorial gardens on land owned or managed by Council, including those from private individuals and community groups. They will only be considered where the following criteria are met:

- They are strongly linked to the Blayney Shire community and recognise:
 - an act of bravery,
 - returned service men and women,
 - a substantial / significant contribution to leadership, cultural or social aspects (e.g., famous sports identities, educators, etc.),
 - a significant contribution to development or a shared community history (e.g., industry, civic, or community leaders), or
 - the contribution has been exceptional and extends beyond what might reasonably be expected through paid employment or voluntary contribution to the community.
- For individuals being commemorated:
 - they will not generally be considered until the significant person has been deceased for at least one year, to allow for appropriate development of historical perspective. Approval will be sought from a deceased person's next of kin or appropriate relative(s) where practicable. However, in exceptional circumstances Council may approve plaques or memorials commemorating significant living persons at Council's discretion.
 - they include substantiated / verified evidence of the persons significant contribution. Further, Council may undertake community consultation (including with the Blayney Shire Local & Family History Group) to substantiate the significant contribution.
- They commemorate a significant historical or cultural event which has a deep meaning for the broader Blayney Shire community or are of national or state significance.

Additionally, the subject of a requested plaque, memorial, or memorial garden must also have a clear association with and strong relevance to the proposed location and must not have been commemorated elsewhere in the Blayney Shire Council area already.

Memorials including open space public seating with attached plaques will be considered only where they meet the requirements of this policy and are consistent with Council's strategic and urban design objectives for the proposed site, including any masterplans for the site.

Significant donations for public space infrastructure (e.g., barbeques, picnic shelters etc.) may be acknowledged by mounting a plaque on or adjacent to the infrastructure.

Council approval can be sought for memorial gardens from Community groups. Applications made will need to include the site and proposed location, design (including preferred plantings), and demonstrate that community consultation has been undertaken.

APPROVAL PROCESS

Placement of plaques, memorials, or memorial gardens in public open space requires prior written approval from Council. Persons making initial enquiries should contact Council.

If the applicant(s) wishes to proceed with a plaque, memorial, or memorial garden in a public space, they must satisfy the requirements of this Policy, including the provision of substantiated / verified evidence to support the request.

New plaques, memorials, or memorial gardens initiated by Council

Plaques, memorials, or memorial gardens initiated by Council must comply with this Policy.

The final layout, wording, or style shall be submitted to the relevant Asset Custodian for approval. The wording, layout, or style may vary as appropriate based on the needs of the facility/event.

Final approval for the design and location of any proposed plaque, memorial, or memorial garden may be subject to a Council resolution.

Requests for new plaques and memorials initiated by the public

Applications for new plaques, memorials, and memorial gardens must be in writing and must demonstrate compliance with this Policy. They should include all relevant details including proposed text, images, garden style (including preferred plantings) as well as the preferred location.

Review of the design and layout, wording and location of any proposed plaque, memorial, or memorial garden will be undertaken by relevant Council staff in accordance with this Policy. A Council resolution may be required to approve the installation in some instances.

Any request for the placement of a plaque, memorial, or memorial garden within public space that is managed by but not owned by Council will initially be assessed for compliance with this Policy. If assessed by Council as compliant the request will be referred to the landowner for final approval. Approval from other responsible authorities may be required if a plaque or memorial is proposed on land controlled by legislation.

Once approved, the design, manufacture and installation will be coordinated by Council and all costs will be borne by the applicant. In some instances, Council may contribute toward the cost of the manufacture and/or installation.

Plaques, memorials, and memorial gardens placed in Council public open space without Council approval will be removed. All reasonable efforts will be made to identify and contact the persons responsible for placing the item to advise them of this Policy and to return any removed item to them.

RELATED DOCUMENTS

NSW Government, Geographical Names Board, *Commemorative naming fact sheet*. September 2018.

Blayney Shire Council, *Roads, Street and Bridge Names Policy (25F)*.

End

6

	Date	Minute No.
Adopted:		
Last Reviewed:		
Next Review:		



Disposal of Assets

Policy	3J
Officer Responsible	Director Corporate Services
Last Review Date	9/03/2018 XX/XX/2022

Strategic Policy

Objectives

To ensure when Council has determined an asset will be disposed of that there is adequate consideration of the method of disposal.

1. POLICY:

- a) The “apparent value” of assets shall be determined by the relevant Manager as listed in this policy who has carriage of management of the asset.
- b) “Apparent value” will be determined by the Manager with consideration of the book value, and/ or the replacement value of the asset and/or an assessment of the market value of the asset made by taking into consideration the potential to sell the assets, the perceived value of the asset to a buyer, its life stage and condition, potential for obsolescence and usefulness for future needs.
- c) The Manager should detail the assumptions they use in estimating the asset’s value in preparing their recommendation to dispose of the asset.

2. ASSETS WITH AN APPARENT VALUE OF LESS THAN \$1,000

- a) Assets with an apparent value of less than \$1,000 each will be disposed of using a method that maximises the return to Council;
- b) Assets with an apparent value of less than \$1,000 shall be disposed of by a method determined by the relevant Manager who must document the process of determining the asset disposal methodology and ensure full documentation is placed on Council’s records management system detailing the decision making process and actions taken;
- c) The Manager shall ensure the Chief Financial Officer is aware of the disposal of the asset;
- d) The Manager must be aware and have control of the process of disposal of these assets and be aware and conduct the disposal in light of risk assessment considerations and must ensure no conflict of interest issues are present in the means of disposal chosen.

3. ASSETS WITH AN APPARENT VALUE OF MORE THAN \$1,000

- a) Assets disposal will be assessed on a case by case basis for assets with an apparent value of more than \$1,000 by the relevant Manager and the attached memo will be completed to be considered by the General Manager;
- b) Managers will consider the following in their assessment and formulation of recommendations to dispose of an asset provided in the memo: Market forces and impact on return from the sale of the asset should be considered and commented upon;
- c) Community need for the asset and alternative resources which could be considered to be substitutes should be assessed;

- d) The strategic worth of the asset and its long term benefit to the community should be assessed;
- e) The purchase price and maintenance costs incurred over the lifespan of the asset should be assessed to determine, where possible, a return on investment of a particular asset;
- f) The funds raised from the sale of an asset should be considered as to their use and this must be reflected in the Council's Operational Plan and Delivery Program and include in the recommendation how this will be achieved.

4. METHODS OF DISPOSAL

- a) Assets of significant apparent value (being more than \$150,000) are to be disposed of either by auction or tender;
- b) Real property (land and buildings) disposal methodology will always be determined by Council, via a resolution;
- c) All motor vehicles and plant, except those on novated leases, shall be disposed of via public auction, trade-in or tender processes. Motor vehicles will not be made available to council staff or councillors in private sale arrangements.
- d) For other assets, the Manager who has carriage of the assets will provide to the General Manager a recommended method of disposal which shall be made after assessing the means to maximise the return to Council;
- e) The General Manager will determine the manner of disposal for information technology (IT) assets, office furniture, stores items and scrap materials (including scrap metal) on each occasion disposal is recommended by a Manager;
- f) Where a recommendation for destruction of an asset is made, the Manager will provide the General Manager with the assessment criteria used to determine that the asset has no potential to realise a return for Council and will detail the method of destruction and name of the officer who will be charged with the responsibility of ensuring the asset is destroyed.
- g) If after offering an asset for sale, if no interest in purchasing the asset is shown, the Manager may recommend to the General Manager the asset be dumped and provide the recommended best means for managing the dumping process to ensure environmental management conditions are observed
- h) Dumping or destroying of assets shall be undertaken after consideration of the environmental issues so that any hazardous substances shall be assessed to ensure safe disposal

- i) Assets can only be donated to other organisations if the organisation can:
 - affirm in writing their status as a non-profit organisation;
 - provide written acknowledgement of receipt of the asset;
 - acknowledge Council will not be responsible for any repair or maintenance of the asset;
 - acknowledge that all copyright or licensed content has been removed (for example, software on computers);
 - take responsibility for the timely removal of the asset and any associated costs that arise from the assets removal;
 - acknowledge council’s donation to the organisation via a media release that Council approves.

5. PROCEEDS FROM ASSET DISPOSAL

- a) Where not applied to the purchase of replacement vehicles or plant, proceeds of all motor vehicle and plant sales will be restricted for the purpose of Plant Replacement or as approved by Council in approval of such a transfer.
- b) The funds generated from the sale of land and/or buildings will be internally restricted for the purpose of Property Development or as determined by Council in approval of such a transfer.

6. ASSETS CARRIAGE FOR PURPOSES OF DISPOSAL

The following staff are determined to have carriage of assets and are responsible for the assessment and recommendations to dispose of assets:

Motor vehicles and plant items	Director Infrastructure Services
Information technology assets	Manager Information Technology
Real property (land and buildings)	General Manager
Office furniture	Chief Financial Officer
Stores items	Director Infrastructure Services
Scrap metal	Manager Operations

7. DOCUMENTATION OF ASSET DISPOSAL PROCESSES

- a) Documentation detailing decisions made on asset disposal is to be archived in Council’s records management system by the relevant Manager;
- b) Receipt of the disposal of materials to a licensed scrap dealer or contracted engineer are to be included in the documentation;
- c) The Finance Department is to be informed by the relevant Manager of the disposal of all assets in order that the assets register can be updated and accounting treatments for disposed assets initiated;

- d) Where a councillor or member of Council's staff or members of the immediate family of a councillor or member of staff purchase an asset, the General Manager is to authorise countersign the documentation that specifies the price.



Memorandum

To: General Manager
 From: [Click here and type name]
 Date: [Click here and type date]
 Subject: Disposal of Assets – Recommended Actions

Asset number(s): (where applicable)	
Asset(s) description:	
Asset type	<input type="checkbox"/> IT asset <input type="checkbox"/> Plant or motor vehicle <input type="checkbox"/> Scrap metal <input type="checkbox"/> Other – specify _____
Reason requesting approval to dispose of asset(s):	<input type="checkbox"/> Technically Obsolete or Inefficient <input type="checkbox"/> Identified as part of asset replacement in Operational Plan <input type="checkbox"/> Unserviceable – Beyond economic repair <input type="checkbox"/> Surplus to current and foreseeable future needs <input type="checkbox"/> Other – specify _____ _____
If failing, cost of repair – attach quotation(s)	
Cost of replacement if required – indicate new vs second hand options assessed – also purchase vs lease options etc. attach quotation(s):	

Recommended method of disposal:	<input type="checkbox"/> Tender – Council resolution will be required and Manager to determine Open or Selective Tendering processes <input type="checkbox"/> Expression of interest <input type="checkbox"/> Public auction <input type="checkbox"/> Destruction - include details of reasons for recommending destruction, method of destruction and officer who will be responsible for the destruction as per policy requirements in an attachment to this memo <input type="checkbox"/> Other – specify _____
General Manager / Director comments - required for assets where the Manager has determined an apparent value >\$1,000	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected Signed: _____ Date: _____
Advice to Finance and Asset sections sent – required for all assets regardless of apparent value – attach advice to Finance and Asset sections to this memo when archiving.	Relevant Manager: _____ Date: _____

NB: A completed memo is to be archived on Council's records management system by the author of this memo along with all quotations and associated documentation relating to the disposal of the asset(s).

End of Policy

Adopted:	15/02/2016	1602/015
Lasted Reviewed:	15/02/2016	1602/015
	19/03/2018	1803/014
Next Review:	19/05/2025	



Pensioner and Hardship Assistance Policy

Policy	5E
Officer Responsible	Chief Financial Officer
Last Review Date	19/02/2018XX/XX/XXXX

Strategic Policy

Objectives

To provide a framework in response to applications from property owners, ratepayers and customers experiencing genuine hardship in meeting their commitment to payment of their rates, annual charges and fees to Council.

Policy Statement

1. Council recognises that ratepayers may experience financial hardship in some circumstances in paying rates, annual charges, and fees. The Local Government Act 1993 provides for the following assistance to ratepayers and customers:
 - Periodical payment arrangements for overdue rates and charges [S. 564];
 - Writing off or reducing interest accrued on rates or charges [S. 564 & 567];
 - Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from general revaluation of land in the Local Government Area [S. 601];
 - Waiving, or reducing rates, charges and interest of eligible pensioners [S. 575, 582]
 - Waiving or reducing Council fees when the inability to pay is due to hardship [S. 610E]
2. Council will consider each application for assistance on its own merits. A ratepayer may be eligible for consideration for Hardship Assistance in the payment of overdue rates, annual charges, interest, and fees, where:
 - the person is unable to pay due rates, charges fees or accrued interest when due and payable for reasons beyond the persons' control; or
 - payment when due would cause the person hardship.
3. In determining eligibility Council require the request to be made in writing to the General Manager, providing reasonable proof of financial hardship. Council may also request details of assets, income and living expenses, and such other information required to make a valid assessment. Council may also request that the ratepayer attend an interview to assist Council in the understanding of the issues causing hardship.
4. The criteria for assessment will be, but is not limited to
 - the amount of any rate increase when compared to the average rate increase for the rate category,
 - income from all sources,
 - living expenses,
 - reason for financial hardship,
 - length of occupancy.

Assistance to Eligible Pensioners

1. Council will provide a rebate of rates to eligible pensioners who are granted a mandatory pensioner concession under Section 575 of the Local Government Act 1993.
2. Council will provide assistance to eligible pensioners who are experiencing financial difficulties, by offering alternative payment arrangements and reasonable extension to payment timetables. All payment arrangements must:
 - a. pay the balance owing within a reasonable time frame;
 - b. not exceeding two years from the date of the arrangement being made; and
 - c. include future rates and charges which will be levied during the arrangement period.
3. In order to avoid hardship under section 577 of the NSW Local Government Act 1993, Council may extend the pensioner concession to ratepayers who jointly occupy a dwelling and are jointly liable for rates and charges with an eligible pensioner, if it considers proper to do so.

Backdating of Pensioner Rebates

1. Backdating of pensioner rebate claims pursuant to Section 579 of the NSW Local Government Act 1993 is limited to one (1) previous rating year only, or part thereof.
2. Backdating is only to occur where adequate substantiation can be provided to satisfy the essential criteria of the granting of a rates and charges pensioner concession.
3. Claims made beyond one (1) previous rating year must be requested in writing and referred to Council.

Hardship Assistance by Periodical Payment Arrangements

1. Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payment arrangements for due and payable rates, and charges. Council or the ratepayer may initiate a proposal for a periodical payment agreement. In accordance with section 568 of "the Act", payments will be applied towards the payment of rates and charges in the order in which they became due. Council will provide information on the amounts due and payable on relevant notices.
2. Council may also write off or reduce the accrued interest and costs on rates and charges if the person complies with the periodical agreement (section 542(2)). If the ratepayer fails to make the periodical payment in accordance

with the agreement, the payment plan may be cancelled. Full payment of the amount outstanding will be due immediately.

Hardship Assistance by Writing off Accrued Interest and Costs

Council applies interest rates to the maximum allowable under section 566 of "the Act". However Council may write off accrued interest and costs on rates or charges payable by a person under Section 567 of "the Act" and the Local Government (General) Regulation 2005 where:

- the person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or
- the person is unable to pay accrued interest for reasons beyond the person's control, or
- payment of the accrued interest would cause the person hardship.

Hardship Assistance Due to Certain Valuation Changes

Under Section 601 of "the Act", any ratepayer who incurs a rate increase following a new valuation of land values may apply to Council for rate relief, if the new rate payable causes the ratepayer to suffer substantial hardship. [Section 601 (1)]

Council will encourage aggrieved ratepayers to make an appropriate application under the appeal provisions of the NSW Valuation of Land Act 1916. Council may provide assistance, by offering alternative payment arrangements and reasonable extension to payment timetables.

All payment arrangements must:

1. pay the balance owing within a reasonable time frame;
2. not exceed two years from the date of the arrangement being made; and
3. include future rates and charges which will be levied during the arrangement period.

Hardship Assistance Due to Impact of Special Rate Variations

Any ratepayer who incurs a rate increase resulting from the implementation of a special rates variation can apply to Council for Hardship Assistance if the increase in the amount of rates payable would cause them substantial hardship.

Writing off of Rates, Charges and Interest

In the cases where Council determines to write off rates, charges or interest, the General Manager shall write off debts to the maximum amount allowable under Council delegation. Any amount above that may only be approved by a Council resolution.

Privacy and Confidentiality

Council Officers will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the privacy and confidentiality of all ratepayers' personal circumstances.

End of Policy

Adopted:	14/11/2011	1111/014
Last Reviewed:	14/11/2011	1111/014
	12/11/2012	1211/014
	14/04/2014	1404/005
	19/02/2018	1802/015
Next Review:	15/03/202214/09/2025	



Privacy Management Plan

Policy	11C
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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PREFACE

The *Privacy and Personal Information Protection Act 1998* (the "PIIPA") requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

In particular, the object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

OBJECTIVE

To ensure Council information is used in accordance with the principles of open and transparent government, within the parameters of confidentiality and the Privacy and Personal Information Act, 1998.

PART 1 – INTRODUCTION

The Privacy and Personal Information Protection Act 1998 (“PPIPA”) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 (“HRIPA”);
- the dissemination of those policies and practices to persons within the Council;
- the procedures that the Council proposes for internal review of privacy complaints;
- such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information
- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government (“the Code”) made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the “LGA”) in a manner that seeks to comply with the PPIPA.

This Plan outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection

Principles and the Health Privacy Principles as they apply to the Council;

- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

Where the Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

1.1 What is "personal information"?

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

1.2 What is not "personal information"

"Personal information" does not include "information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Section 4A of the PPIPA also specifically excludes "health information", as defined by section 6 of the HRIPA, from the definition of "personal information", but includes "health information" in the PPIPA's consideration of public registers (discussed below). "Health information" is considered in Part 4 of this Plan.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act)).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper;
- Personal information on the Internet;

- Books or magazines that are printed and distributed broadly to the general public;
- Council Business papers or that part that is available to the general public;
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

Council's decision to publish in this way must be in accordance with PPIPA.

1.3 Policy on Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.

1.4 Application of this Plan

The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including community members of those committees which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.

1.5 Personal Information held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities.

The Council holds personal information concerning its customers, ratepayers and residents, such as:

- rates records; and
- DA applications and objections; and
- various types of health information (see page 37 for detailed examples).

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns;
- wage and salary entitlements; and
- health information (such medical certificates and workers compensation claims).

1.6 Applications for suppression in relation to general information (not public registers).

Under section 739 of the Local Government Act 1993 ("LGA") a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

1.7 Caution as to unsolicited information

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

Note that for the purposes of section 10 of the HRIPA, the Council is not considered to have "collected" health information if the receipt of the information by the Council is unsolicited.

Section 4(5) of the PPIPA also provides that personal information is not "collected" by Council if it is unsolicited.

PART 2 – PUBLIC REGISTERS

A public register is defined in section 3 of the PPIPA:

“...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).”

A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.

The Council holds the following public registers under the LGA: ***

- Section 53 - Land Register
- Section 113 - Records of Approvals;
- Section 449 -450A - Register of Pecuniary Interests;
- Section 602 - Rates Record.

***Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which the PPIPA applies.

Council holds the following public registers under the Environmental Planning and Assessment Act:

- Section 100 – Register of consents and approvals
- Section 149G – Record of building certificates

Council holds the following public register under the Protection of the Environment (Operations) Act:

- Section 308 – Public register of licences held

Council holds the following public register under the Impounding Act 1993:

- Section 30 & 31 – Record of impounding

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

2.1 Public registers, the PPIPA and the HRIPA

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Despite the exclusion of "health information" from the definition of "personal information" under section 4A of the PPIPA, section 56A of the PPIPA *includes* as "personal information", "health information" on public registers.

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) provides that in order to ensure compliance with section 57(1), a Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used as a guide)

Councils also need to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the "public register" provisions).

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA or as health information for the purposes of part 6 of the PPIPA.

2.2 Effect on section 6 of the GIPA Act

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any inconsistency. Therefore:

1. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
2. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - (i) if it is allowed under section 57(1) of the PPIPA; **and**
 - (ii) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

2.3 Where some information in the public register has been published

That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

2.4 Disclosure of personal information contained in the public registers

A person seeking a disclosure concerning someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose *relating to* the purpose of the register”.

2.5 Purposes of public registers

Purposes of public registers under the Local Government Act

Section 53 - Land Register – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals – The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of Pecuniary Interests – The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which the council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record - The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

Purposes of public registers under the Environmental Planning and Assessment Act

Section 100 – Register of consents and approvals – The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates – The primary purpose is to identify all building certificates.

Purposes of public registers under the Protection of the Environment (Operations) Act

Section 308 – Public register of licences held – The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the Impounding Act

Section 30 & 31 – Record of impounding – The primary purpose is to identify any impounding action by Council.

Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

2.6 Applications for access to own records on a public register

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

2.7 Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

2.8 Other registers

Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

PART 3 – THE INFORMATION PROTECTION PRINCIPLES

3.1 Information Protection Principle 1 – Section 8

Section 8 Collection of personal information for lawful purposes

- (1) *A public sector agency must not collect personal information unless:*
 - (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *A public sector agency must not collect personal information by any unlawful means.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.

Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:

- Community Land Development Act 1989
- Companion Animals Act 1998**
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire ~~Brigades and Rescue~~ Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act ~~1989~~2003
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act ~~1991~~2010
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency Service Act 1989
- Strata Schemes (~~Freehold Development~~) Act ~~1973~~2015
- Strata Schemes (~~Leasehold Development~~)Management Act ~~1986~~2015;
- Swimming Pools Act 1992
- ~~Public Health Act 1991~~

This list is not exhaustive.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Coastal ~~Protection Management Act 1979~~2004;
- ~~Environmental Offences and Penalties Act 1989~~;
- Government Information (Public Access) Act 2009;
- Heritage Act 1977;
- State Emergency and Rescue Management Act 1989;
- Unclaimed Money Act 1995;
- ~~Unhealthy Building Land Act 1990~~.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

**Companion Animals Act

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

Role of the Privacy Contact Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Contact Officer prior to adoption or use.

The Privacy Contact Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose;
2. If that lawful purpose is directly related to a function of Council; and
3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

3.2 Information Protection Principle 2 – Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or*
- (b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

Council Policy

The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the Land Titles Office would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council owned businesses
- Council consultants
- Private contractors

- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 2.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

- (iii) Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

1. Council has obtained authority from the person under section 9(a) of the PPIPA.
 2. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
 3. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
 4. The collection of personal information indirectly where one of the above exemptions applies.
 5. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.
- The only other exception to the above is in the case where Council is given unsolicited information.

3.3 Information Protection Principle 3 - Requirements when collecting personal information

Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,*
- (b) the purposes for which the information is being collected,*
- (c) the intended recipients of the information,*
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) the existence of any right of access to, and correction of, the information,*
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 2).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- Lodging Development Applications;
- Lodging objections to Development Applications;
- Lodging applications for approval under the LGA;
- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2); and
- When collecting an impounded item.

In relation to the Privacy Notification Form that may be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.

Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 3 contains a sample Privacy Notification Form that could be used for post-collection.

External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 3.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.4 Information Protection Principle 4 - Other requirements relating to collection of personal information

Section 11 Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and*
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the EEO Officer, Council's solicitor, Public Officer or other suitable person. Should Council have any residual doubts, the opinion of the Office of the Privacy Commissioner NSW will be sought.

3.5 Information Protection Principle 5 - Retention and security of personal information

Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) that, if it is necessary for the information to be given to a person in connection*

with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council may comply with this principle by using any or all of the following or similar documents:

- Records and Archives Services Manual;
- The Council's Policy on Security of and Access to Misconduct Files;
- Council's Internet Security Policy;
- Information Technology Security Policy; and
- General Records Disposal Schedule for Local Government.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.6 Information Protection Principle 6 - Information held by agencies

Section 13 Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) *whether the agency holds personal information, and*
- (b) *whether the agency holds personal information relating to that person, and*
- (c) *if the agency holds personal information relating to that person:*
 - (i) *the nature of that information, and*
 - (ii) *the main purposes for which the information is used, and*
 - (iii) *that person's entitlement to gain access to the information.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's

entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where council receives an application or request by a person as to whether council holds information about them, council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of the Council's GIPA Act rates structure.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 6.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Reporting matters

The Council will issue a statement to be included on its Web page (if it has one) and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

3.7 Information Protection Principle 7 - Access to personal information held by agencies

Section 14 Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 14 of the PPIPA requires a council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the General Manager, who will make a determination. A sample form is provided at Appendix 5.

Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Manager of Personnel, who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 7.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

3.8 Information Protection Principle 8 - Alteration of personal information

Section 15 Alteration of personal information

- (1) *A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
 - (a) is accurate, and
 - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*
- (2) *If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*
- (3) *If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.*
- (4) *This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.*
- (5) *The Privacy Commissioner’s guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.*
- (6) *In this section (and in any other provision of this Act in connection with the operation of this section), **public sector agency** includes a Minister and a Minister’s personal staff.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 15 of the PPIPA allows a person to make an application to council to amend (*this includes by way of corrections, deletions or additions*) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager Personnel in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 8.

Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further

documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

The Council's application form for alteration under IPP 8 is at Appendix 6 at the end of this Plan.

Where Council is not prepared to amend

If the Council is not prepared to amend the personal information in accordance with a request by the individual the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an amendment is made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council. The Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

3.9 Information Protection Principle 9 - Agency must check accuracy of personal information before use

Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

3.10 Information Protection Principle 10 - Limits on use of personal information

Section 17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.*

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.

Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

External and related bodies

Each of the following will be required to comply with the Information Protection Principle 10:

- Council owned businesses
- Council consultants;

- Private contractors; and
- Council committees.

Council will seek to contractually bind each of these bodies or persons to comply.

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose.

The form of consent should include the following elements:

I (1)	.....	(1) insert full name
of (2)	.....	(2) insert address
hereby consent under section 17(a) of the Privacy and Personal Information Protection Act 1998 to (3):	.....	(3) insert Council name
using the information collected from me by (4):	.....	(4) insert name of collecting body/person
for the purpose of (5):	.....	(5) insert purpose/s info was collected for
Signature	.....
Name to be printed	.....
Date signed	/ /	

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 10.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. *Protection of the public revenue* means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with Information Protection Principle 10 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the Department of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

3.11 Information Protection Principle 11 - Limits on disclosure of personal information

Section 18 Limits on disclosure of personal information

- (1) *A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*
 - (a) *the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
 - (b) *the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or*
 - (c) *the agency 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.*
- (2) *If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

The Privacy Code of Practice for Local Government

The Code makes provision for council to depart from this principle in the circumstances described below:

1. Council may disclose personal information to public sector agencies or public utilities on condition that:
 - (i) the agency has approached Council in writing;
 - (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency, and
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s.
2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

The council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 11.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (ii) if the disclosure is to an investigative agency.

(Note: "investigative agency" is defined at s.3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

3.12 Information Protection Principle 12 - Special restrictions on disclosure of personal information

Section 19 Special restrictions on disclosure of personal information

- (1) *A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, 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.*
- (2) *A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*
 - (a) *a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or*
 - (b) *the disclosure is permitted under a privacy code of practice.*
- (3) *For the purposes of subsection (2), a **relevant privacy law** means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.*
- (4) *The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.*
- (5) *Subsection (2) does not apply:*
 - (a) *until after the first anniversary of the commencement of this section, or*
 - (b) *until a code referred to in subsection (4) is made,**whichever is the later.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

1. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose personal 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.

Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly

consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. "Authorised person" means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

PART 4 – HEALTH PRIVACY PRINCIPLES

In 2002, most references to 'health information' were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils were expected to comply with the HRIPA in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information *also* includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;
- an individual's express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; or
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Protection Principles ("HPP") set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds;
- Issuing of clean up orders which may include recording information about a residents health, GP professional contact details or involvement with mental health services;
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- Meals on wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes;
- Seniors bus outings where information may be collected on special medical needs;
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system;
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc;
- Physical exercise classes;

- Some councils run Podiatry services;
- Information may be collected through a healthy community program;
- Children's immunization records; and
- Family counsellor/youth support workers records.

HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

Health Privacy Principle 1

Purposes of collection of health information

- (1) *An organisation must not collect health information unless:*
- (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *An organisation must not collect health information by any unlawful means.*

Health Privacy Principle 2

Information must be relevant, not excessive, accurate and not intrusive

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) *the information is collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

Health Privacy Principle 3

Collection to be from the individual concerned

- (1) *An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.*
- (2) *Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.*

Health Privacy Principle 4

Individual to be made aware of certain matters

- (1) *An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the*

circumstances to ensure that the individual is aware of the following:

- (a) *the identity of the organisation and how to contact it,*
 - (b) *the fact that the individual is able to request access to the information,*
 - (c) *the purposes for which the information is collected,*
 - (d) *the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind,*
 - (e) *any law that requires the particular information to be collected,*
 - (f) *the main consequences (if any) for the individual if all or part of the information is not provided.*
- (2) *If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:*
- (a) *making the individual aware of the matters would impose a serious threat to the life or health of any individual, or*
 - (b) *the collection is made in accordance with guidelines issued under subclause (3).*
- (3) *The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).*
- (4) *An organisation is not required to comply with a requirement of this clause if:*
- (a) *the individual to whom the information relates has expressly consented to the organisation not complying with it or,*
 - (b) *the organisation is lawfully authorised or required not to comply with it, or*
 - (c) *non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998, or*
 - (d) *compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or*
 - (e) *the information concerned is collected for law enforcement purposes or,*
 - (f) *the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.*
- (5) *If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.*
- (6) *Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.*
- (7) *The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1)

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so. (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 5).

Health Privacy Principle 5

Retention and Security

(1) *An organisation that holds health information must ensure that:*

- (a) *the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) *the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and*
- (c) *the information is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) *if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*

Note. Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

(2) *An organisation is not required to comply with a requirement of this clause if:*

- (a) *the organisation is lawfully authorised or required not to comply with it, or*
- (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

(3) *An investigative agency is not required to comply with subclause (1)(a).*

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5).

Health Privacy Principle 6

Information about health information held by organisations

- (1) *An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:*
 - (a) *whether the organisation holds health information, and*
 - (b) *whether the organisation holds health information relating to that individual, and*
 - (c) *if the organisation holds health information relating to that individual:*
 - (i) *the nature of that information*
 - (ii) *the main purposes for which the information is used, and*
 - (iii) *that person's entitlement to request access to the information.*
- (2) *An organisation is not required to comply with a provision of this clause if:*
 - (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 7

Access to health information

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*

Note. Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.
- (2) *An organisation is not required to comply with a provision of this clause if:*
 - (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 8

Amendment of health information

- (1) *An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:*
 - (a) *is accurate, and*
 - (b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to day, complete and not misleading.*
- (2) *If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the individual to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*

- (3) *If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.*

Note. Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

Amendment of health information held by public sector agencies may also be able to be sought under the Privacy and Personal Information Protection Act 1998.

- (4) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 9

Accuracy

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.

Council Policy

Council will provide details about what health information Council is holding about an individual and with information about why Council is storing that information and what rights of access the individual has (HPP 6).

Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).

Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8).

Council will make sure that the health information is relevant and accurate before using it (HPP 9).

Health Privacy Principle 10

- (1) *An organisation that holds health information must not use the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

- (a) **Consent**

the individual to whom the information relates has consented to the use of the information for that secondary purpose, or

- (b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or,

Note: For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

- (c) **Serious threat to health or welfare**
the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:
(i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
(ii) *a serious threat to public health and safety, or*
- (d) **Management of health services**
the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:
(i) *either:*
(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
(B) *reasonable steps are taken to de-identify the information, and*
(ii) *if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
(iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (e) **Training**
the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:
(i) *either:*
(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
(B) *reasonable steps are taken to de-identify the information, and*
(ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
(iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (f) **Research**
the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
(i) *either:*
(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*
(B) *reasonable steps are taken to de-identify the information, and*
(ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
(iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or*
- (g) **Find missing person**
the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or

- (h) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**
the organisation:
- (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
 - (ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (i) **Law enforcement**
the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (j) **Investigative agencies**
the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (k) **Prescribed circumstances**
the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) The exemption provided by subclause (1) (j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent (HPP 10).

Health Privacy Principle 11

(1) *An organisation that holds health information must not disclose the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

(a) **Consent**

the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or

(b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

- (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (ii) *a serious threat to public health or public safety, or*

(d) **Management of health services**

the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

(i) *either:*

- (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) *reasonable steps are taken to de-identify the information, and*

(ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*

(iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

(e) **Training**

the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

(i) *either:*

- (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) *reasonable steps are taken to de-identify the information, and*

(ii) *if the information could reasonably be expected to identify the individual, the information is not made publicly available, and*

(iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

- (f) **Research**
the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
- (i) *either:*
 - (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
 - (B) *reasonable steps are taken to de-identify the information, and*
 - (ii) *the disclosure will not be published in a form that identifies particular individuals or from which an individual's identity can reasonably be ascertained, and*
 - (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (g) **Compassionate reasons**
the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:
- (i) *the disclosure is limited to the extent reasonable for those compassionate reasons, and*
 - (ii) *the individual is incapable of giving consent to the disclosure of the information, and*
 - (iii) *the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and*
 - (iv) *if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or*
- (h) **Finding missing person**
the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- (i) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**
the organisation:
- (i) *has reasonable grounds to suspect that:*
 - (A) *unlawful activity has been or may be engaged in, or*
 - (B) *a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or*
 - (C) *an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and*
 - (j) *discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or*
- (k) **Law enforcement**
the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (l) **Investigative agencies**
the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or

- (m) **Prescribed circumstances**
the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or*
 - (c) *the organisation is an investigative agency disclosing information to another investigative agency.*
- (3) *The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.*
- (4) *Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:*
- (a) *to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or*
 - (b) *to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.*
- (5) *If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*
- (6) *The exemptions provided by subclauses (1) (k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

Council Policy

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates; or
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect; or
- If an exemption applies (HPP 11).

Health Privacy Principle 12

Identifiers

- (1) *An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.*
- (2) *Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
 - (a) *the individual has consented to the adoption of the same identifier, or*
 - (b) *the use or disclosure of the identifier is required or authorised by or under law.*
- (3) *Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
 - (a) *the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (1) (c)-(k) or 11 (1) (c)-(l), or*
 - (b) *the individual has consented to the use or disclosure, or*
 - (c) *the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.*
- (4) *If the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:*
 - (a) *adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or*
 - (b) *use or disclose an identifier of the individual that has been assigned by the public sector agency.*

Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

Health Privacy Principle 13

Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

Council Policy

Council will provide health services anonymously where it is lawful and practical (HPP 13).

Health Privacy Principle 14

Transborder data flows and data flow to Commonwealth agencies.

An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless: the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or

- (a) the individual consents to the transfer, or*
- (b) the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or*
- (c) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or*
- (d) all of the following apply:*
 - (i) the transfer is for the benefit of the individual,*
 - (ii) it is impracticable to obtain the consent of the individual to that transfer,*
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or*
- (e) the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:*
 - (i) a serious and imminent threat to the life, health or safety of the individual or another person, or*
 - (ii) a serious threat to public health or public safety, or*
- (f) the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or*
- (g) the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.*

Council Policy

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

Health Privacy Principle 15

Linkage of health records

- (1) An organisation must not:*
 - (a) include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or*
 - (b) disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.*
- (2) An organisation is not required to comply with a provision of this clause if:*
 - (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or*
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or*
 - (c) the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with HPP 10 (1) (f) or a disclosure of the information that complies with HPP 11 (1) (f).*

(3) *In this clause:*

health record means an ongoing record of health care for an individual.

health records linkage system means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Training Seminars/Induction

During induction, all employees should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of the Council including staff of council businesses, and members of council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

5.2 Responsibilities of the Privacy Contact Officer

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

5.3 Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

PART 6 – INTERNAL REVIEW

6.1 How does the process of Internal Review operate?

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within **6 months** of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

The Council must notify the applicant of the outcome of the review within **14 days** of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

6.2 What happens after an Internal Review?

If the complainant remains unsatisfied, he/she may appeal to the Administrative Decisions Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

PART 7 – OTHER RELEVANT MATTERS

7.1 Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

7.2 Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

7.3 Misuse of personal or health information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

7.4 Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every three (3) years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

7.5 Regular review of Privacy Management Plan

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

7.6 Further information

For assistance in understanding the processes under the PPIPA and HRIPA, please contact the Council or the Office of the Privacy Commissioner NSW.

PART 8 – APPENDICES

Appendix 1: Statutory Declaration for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council

Statutory Declaration
Oaths Act, 1900, Ninth Schedule

I, the undersigned ⁽¹⁾ (1) insert full name

of ⁽²⁾ (2) insert address

in the State of New South Wales, do solemnly and sincerely declare that:

I am ⁽³⁾ (3) insert relationship, if any, to person inquired about

I seek to know whether ⁽⁴⁾ (4) insert name

is on the public register of ⁽⁵⁾ (5) Applicant to describe the relevant public register

The purpose for which I seek this information is ⁽⁶⁾ (6) insert purpose for seeking information

.....

The purpose for which the information is required is to ⁽⁷⁾ (7) insert purpose

.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

.....
Signature of Applicant

Declared at:

in the said State this day of 20

before me.

.....
Signature of Justice of the Peace/Solicitor

.....
Name of Justice of the Peace/Solicitor to be printed

Appendix 2: Privacy Notification Form - Section 10 (Pre – Collection)

(Addressed to the person from whom information is about to be collected or has been collected.)

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- _____ (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: Voluntary Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council

- maybe unable to process your application.
- will be unable to process your application.

Council is collecting this personal information from you in order to:

.....
You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it ***is not*** Council who holds or controls the information, please state below who does:

.....
(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to: _____

Signature _____

Name to be printed _____

Date signed / /

Appendix 3: Privacy Notification Form - Section 10 (Post – Collection)

(Addressed to the person from whom information has been collected.)

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- officers within the Council;
- data service providers engaged by the Council from time to time;
- any other agent of the Council; and
- _____ (INSERT NAME OF OTHER INTENDED RECIPIENTS)

The supply of information by you is: Voluntary Not voluntary

If you cannot provide, or do not wish to provide, the information sought, the Council may: _____

Council has collected this personal information from you in order to: _____

You may make application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it **is not** Council who holds or controls the information, please state below who does:

_____ (INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)

Enquiries concerning this matter can be addressed to: _____

Signature _____

Name to be printed _____

Date signed / /

Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine whether Council holds personal information about a person.

Personal information held by the Council

I, ⁽¹⁾ _____ (1) insert full name
of ⁽²⁾ _____ (2) insert address
Hereby request the General Manager of ⁽³⁾ _____ (3) insert name of Council

provide the following:

- Does the Council hold personal information about me? Yes No
- If so, what is the nature of that information? _____

- What is the main purpose for holding the information? _____

- Am I entitled to access the information? Yes No

My address for response to this application is:

_____ State: _____ Post Code: _____

Note to applicants

Council **will not** record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

The Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

Appendix 5: Application under section 14 of the Privacy And Personal Information Protection Act 1998: For access to Applicant's Personal Information

Personal information held by the Council

I, ⁽¹⁾ _____ (1) insert full name
of ⁽²⁾ _____ (2) insert address
Hereby request that the ⁽³⁾ _____ (3) insert name of Council

Provide me with:

- (a) access to all personal information held concerning myself; or
- (b) access to the following personal information only (**LIST INFORMATION REQUIRED BELOW**):

My address for response to this application is:

_____ State: _____ Post Code: _____

Note to applicants

As an applicant, you have a right of access to personal information concerning yourself that is held by the Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- the correct amount of fees has not been paid;
- there is an exemption to section 14 of the PPIPA; or
- a Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

Appendix 6: Application under section 15 of the Privacy and Personal Information Protection Act 1998: For alteration of Applicant's Personal Information

Personal information held by the Council

I, ⁽¹⁾ _____ (1) insert full name
of ⁽²⁾ _____ (2) insert address
Hereby request that the ⁽³⁾ _____ (3) insert name of Council

alter personal information regarding myself in the following manner:

- I propose the following changes: _____
- The reasons for the changes are as follows: _____
- The documentary bases for those changes is as shown on the attached documents

Note to Applicants :

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by the Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to: _____

End of Policy

	Date	Minute
Adopted:	14/08/2000	452
Last Reviewed:	09/07/2007	07/145
	12/11/2012	1211/014
	08/04/2013	1304/005
	21/05/2018	1805/014
	XX/XX/2022	
Next Review:	17/06/2024	



Unreasonable and Unreasonably Persistent Customer Policy

Policy	2J
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. Policy Statement

Council is committed to putting the customer at the heart of everything we do.

Blayney Shire Council is committed to:

- Ensuring that all customers are treated fairly and reasonably.
- Providing guidance, education and training as appropriate for staff and Councillors in dealing with customers.
- Ensuring that Council resources are used efficiently and effectively when dealing with customers.
- That unreasonable requests, persistent behaviour and harassment is reduced.

2. Scope

This policy applies to all dealings with customers by Blayney Shire Council staff and elected members, and in particular those difficult customers who:

- Cannot be satisfied;
- Make unreasonable demands;
- Constantly raise the same issue with different staff; and/or
- Are rude, abusive or aggressive.

This policy is not intended to prevent customers from raising legitimate and important concerns, enquiries or requests, or from pursuing them. However, Blayney Shire Council has a duty to ensure that it provides value for money services for all its residents and local communities. An unreasonable or unreasonably persistent customer can take up a disproportionate amount of time that can hinder the other work of staff. The Council must therefore ensure that it uses its resources wisely and limits the amount of time spent on queries that it considers unreasonable or unreasonably persistent.

Staff working for Council have a right to undertake their work free from all types of discrimination, abuse and harassment. As part of Council's commitment to promoting equality of opportunity and diversity, and to challenging discrimination, Council has a duty to protect the safety and welfare of its staff. We therefore shall not tolerate what we consider to be unacceptable behaviour by unreasonable or unreasonably persistent customers.

We would not normally limit the contact that our customers may have with the Council. However, in accordance with this policy, we may decide to do so if customers behave unreasonably, are unreasonably persistent, if staff experience unacceptable behaviour, staff feel threatened or are harassed both within and outside the workplace.

3. Definitions

For the purposes of this policy unreasonable or unreasonably persistent customers are defined as being those which, because of the frequency or nature of their contact, hinder the Council's consideration of complaints,

enquiries or requests. Officers may recognise one or more of the following indicators as characteristic of unreasonable or unreasonably persistent customers. They make complaints, requests, concerns or enquiries that:

- clearly do not have any serious purpose or value
- are obviously vexatious in nature
- are designed solely to cause disruption or annoyance
- have the effect of harassing the Council or its staff or can otherwise fairly be characterised as obsessive or unreasonable
- take up an unreasonable amount of Officer time and hinder the other work of the Council.

Unacceptable behaviour can include:

- abusive, offensive or threatening behaviour
- behaviour which amounts to bullying or harassment

The following customer actions/behaviours can cause this policy to be invoked:

- unwillingness to comply with Council procedures
- insisting on issues or requests being dealt with in ways which are incompatible with Council procedures or with good practice
- making unreasonable demands of Officers or setting unreasonable timescales for response
- making unreasonable requests in relation to who should deal with their complaint, enquiry or request, or how it should be dealt with
- repeatedly being unwilling to accept documented evidence
- insisting that no response has been received or that the response is unacceptable
- sending a high volume of letters, emails and/or phone calls (sometimes to multiple recipients)
- continuing to add new, or making trivial, complaints, requests or enquiries
- repeatedly complaining or making repeat requests about similar issues after they have already been dealt with
- making many complaints, requests or enquiries about different issues in succession
- refusing to specify the grounds of a complaint, despite offers of assistance with this from Council's staff
- making groundless complaints about the staff dealing with the complaint or request, and seeking to have the staff replaced
- refusing to accept that issues or requests are not within the remit of a procedure despite having been provided with information about the procedures scope; for instance if the customer has been advised that a complaint or request is within the remit of another authority, yet refusing to accept this
- changing the basis of a complaint or request as it proceeds and/or denying statements made at an earlier stage
- introducing trivial or irrelevant new information which the customer expects to be taken into account, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered

- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- adopting a 'scattergun' approach; pursuing complaints or requests with the Council and, at the same time, with a Members of Parliament/ a Councillor/legal services/local police/solicitors/ the Ombudsman
- submitting repeat complaints or requests, with minor variations, after the processes have been completed
- refusing to accept a decision

4. Dealing with matters under this policy

Matters under this policy will be dealt through the Unreasonable and Unreasonably Persistent Customer procedure.

5. General

In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.

Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise Councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Office of Local Government and the NSW Ombudsman for information.

6. Other relevant documents

Unreasonable and Unreasonably Persistent Customer Procedures
 2C Complaints Management Policy
 Local Government Act 1993
 Government Information (Public Access) Act 2009
 NSW Ombudsman Publications:

- 'Better Service & Communication Guidelines for Local Government'
- 'Managing Unreasonable Complainant Conduct Practice Manual'

End of Policy

Adopted:	12/05/2014	Minute: 1405/007
Last Reviewed:	12/05/2014	1405/007
	XX/XX/2022	
Next Reviewed:	19/08/2024	



Work Health and Safety Policy

Policy	9A
Officer Responsible	WHS and Risk Coordinator
Last Review Date	21/12/2020 <u>XX/XX/2022</u>

Strategic Policy

Purpose

Council is committed to provide a safe and healthy working environment for all our employees, volunteers, contractors, trainees, visitors including Council's elected members, that may be affected by works undertaken by Council, through the elimination or minimisation of risks.

Work Health and Safety Statement

Blayney Shire Council will demonstrate its commitment to Work Health and Safety by:

- Promoting a culture where harm to people through work is unacceptable
- Applying a risk management approach to all specific work related Council activities and initiating controls where risk is identified, monitoring, and recording the same;
- Ensuring compliance with relevant safety legislation, codes of practice and standards wherever possible;
- Conducting inspections of the workplace to identify and control hazards and report these outcomes to the WH&S [committee](#)Committee;
- Ensuring when procuring or using plant, substances, equipment and materials they are used and handled properly, stored and transported without risk to health and safety of personnel;
- Identifying any foreseeable hazards Blayney Shire Council will provide appropriate information, training and resources to control or eliminate the risk;
- Promoting to all levels of management and staff to take responsibility, be accountable and assume authority for the management of work, health and safety within the workplace;
- Consulting with management, employees, volunteers, and contractors on work health and safety issues;
- Provision and circulation of appropriate work, health and safety information;
- Ensuring those injured are assisted in returning to duties in a safe and timely manner;
- Providing an environment where health and safety issues can be discussed openly and freely.
- Council's Work Health and Safety Policy, practices and systems being monitored and reviewed to ensure the achievement of the highest safety standards possible.

Responsibilities

While the obligation for each person is different, all persons must ensure that the way they carry out their work does not interfere with the health and safety of themselves and other persons at the place of work.

Duty Holders

Person conducting a business or undertaking (Council)

Council must ensure, so far as is reasonably practicable, the health and safety of:

- Workers engaged, or caused to be engaged by the person, and
- Workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

The General Manager has ultimate responsibility for the implementation of Council's WHS Protocol, reviewing overall organisational health and safety performance and health and safety performance review of executive management.

Officer duties

Officers of Council have a duty to exercise 'due diligence' to ensure that Council complies with its duty to reasonably ensure health and safety. Officers are defined as a person who makes, or participates in making decisions that affect the whole or a substantial part of a business or undertaking.

Council shall fulfill these responsibilities through the appointed General Manager, Directors, and Managers who are responsible and accountable for the safety of workers including contractors, volunteers and Council property under their control.

All workers

All workers have responsibility for:

- Taking reasonable care for their own health and safety;
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- Following all WHS legislation, Council safety requirements and relevant codes of practice;
- Co-operating with management in the support of promotion of Health and Safety in the workplace;
- Not undertaking any task without the relevant induction, training or competency;
- Promptly reporting all hazards, injuries and safety incidents;
- Presenting for work in a fit state that does not prevent them carrying out their duties in a safe and responsible manner.

Compliance with health and safety requirements

Council employees must observe Council's health and safety policies, protocols, procedures and instructions. If a breach occurs, it may be necessary for disciplinary action in accordance with disciplinary procedures under the Local Government (State) Award.

Relevant Documents include

Work Health and Safety Regulation 2017
Occupational Health and Safety Management System (OHMS) (AS/NZIS 4801)
Work Health and Safety Act 2011
Local Government Act 1993
Corporations Act 2001
Blayney Shire Council Health & Safety Committee Constitution
Blayney Shire Council [Enterprise Risk Management Policy and Plan](#) ~~Risk Management Policy~~

[Incident Reporting and Investigation Procedure](#)

Adopted:	08/07/2002	Minute:198
Last Reviewed:	18/06/2007	Minute:131
	11/11/2013	Minute:1311/006
	21/05/2018	Minute: 1805/014
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Next Reviewed:	19/04/2022	