



ATTACHMENTS

**Ordinary Council Meeting
Under Separate Cover**

Tuesday, 15 July 2025

Table of Contents

4.1	Minutes of the Ordinary Council Meeting held on Tuesday, 17 June 2025	
	Attachment 1 Minutes of the Ordinary Council Meeting held on Tuesday, 17 June 2025..	5
6.1	Mayoral Minute - National General Assembly - June 2025	
	Attachment 1 NGA 2025 Communique.....	19
7.1	Strengthening Community Access Inclusion & Wellbeing Advisory Committee Meeting held on Tuesday 10 June 2025	
	Attachment 1 Minutes - SCAIWAC - June 2025	21
7.2	Balranald Beautification Advisory Committee Meeting held on Monday 19 May 2025	
	Attachment 1 Minutes - BBAC - June 2025	24
7.3	Bidgee Haven Retirement Hostel Quality Care Advisory Body Meeting held on Monday 30 June 2025	
	Attachment 1 Minutes - Quality Care Advisory Body Meeting - 30 June 2025	26
	Attachment 2 Terms of Reference - Bidgee Haven Quality Care Advisory Body.....	42
10.2	Audit Risk and Improvement Committee Terms of Reference	
	Attachment 1 Terms-of-reference-for-audit-risk-and-improvement-committee Balranald Shire Council	44
10.3	Review of Council Policies	
	Attachment 1 Access to Town Water Supply Policy.....	50
	Attachment 2 Asbestos Policy	57
	Attachment 3 Asset Disposal Policy	126
	Attachment 4 Asset Management Policy	132
	Attachment 5 Burials on Private Land Policy	138
	Attachment 6 Communication Devices Policy.....	142
	Attachment 7 Equal Employment Opportunity Policy.....	149
	Attachment 8 Fraud & Corruption Policy.....	162
	Attachment 9 Investment Policy	170
	Attachment 10 Leasing and Licensing of Council Property	177
	Attachment 11 Information and Communication Technology Security Policy - ICT Security Policy	185
	Attachment 12 Conflict of Interest Policy	198
	Attachment 13 Contract Management Policy.....	204
	Attachment 14 Councillor Access to Information Policy	217
	Attachment 15 Cyber Security Policy.....	222
	Attachment 16 Plant and Equipment Replacement Policy	229
	Attachment 17 Procurement and Disposal Policy	232
	Attachment 18 Records Management Policy	249
	Attachment 19 Social Media Policy	256

	Attachment 20 Volunteer Management Policy	264
10.4	Euston Courthouse Conservation Management Plan	
	Attachment 1 Euston Courthouse - Conservation Management Plan	276
10.5	Council Committees - Nomination of Councillors	
	Attachment 1 Terms of Reference Australia Day Committee (ADC) Section 355.....	466
	Attachment 2 Terms of Reference Euston Progressive Advisory Committee (EPAC) ...	469
	Attachment 3 Terms of Reference Balranald Wellbeing & Health Advisory Committee (BWHAC).....	471
	Attachment 4 Terms of Reference Tourism & Economic Development Advisory Committee (TED).....	473
	Attachment 5 Advisory Committee Guidelines	475
11.1	Report on Financial Information as at 30 June 2025	
	Attachment 1 Finance Reports Attachments July 2025	504
11.5	Grant Funded Projects Status Update	
	Attachment 1 BSC Grants-Projects Update as at 07-07-2025	511
11.6	A Year in Review 2024-2025 - Tourism, Economic Development, Events & Strategic Activities	
	Attachment 1 A Year in Review 2024 - 2025 Tourism, Economic Dev, Events & Strategic Activities	525
11.7	Infrastructure Update for June 2025	
	Attachment 1 Infrastructure Development Updates - June 2025.....	538
11.9	Meetings attended by the Mayor, the Interim General Manager and Directors	
	Attachment 1 Meetings attended by the Mayor, Interim General Manager and Directors	540
11.10	Outstanding Actions July 2025	
	Attachment 1 Outstanding Actions - July 2025	542



MINUTES

**Ordinary Council Meeting
Tuesday, 17 June 2025**

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

Order Of Business

1	Opening of Meeting	4
2	PRAYER & Acknowledgment of country.....	4
3	Apologies	4
4	Confirmation of Minutes.....	5
4.1	Minutes of the Ordinary Council Meeting held on Tuesday, 20 May 2025	5
5	Disclosure of Interest	5
6	Mayoral/Councillor Report	5
6.1	Mayoral Minute - Limiting Overnight Truck Parking	5
7	Committee Reports.....	5
7.1	Balranald Beautification Advisory Committee Meetings held on Monday 9 April 2025.....	5
7.2	Euston Progressive Advisory Committee Meeting held on Monday, 28 April 2025.....	6
8	Notice of Motion.....	6
9	Notice of Rescission.....	6
	General Manager's Reports (incorporating all staff reports)	6
	Part A – Items Requiring Decision.....	6
10	General Manager's Reports	6
10.1	Proposed Membership of Riverina and Murray Joint Organisation	6
10.2	Mayoral and Councillor Fees for 2025-26.....	7
10.3	Review of Council Policies	7
10.4	Adoption of Council's Draft 2025-2029 Delivery Program	7
10.5	Adoption of the Draft Operational Plan for the 2025/26 Financial Year	7
10.6	Adoption of the Draft Budget for the 2025/2026 Financial Year	8
10.7	Adoption of the Draft Revenue Policy and Draft Fees and Charges for the 2025/26 Financial Year	8
10.8	Adoption of the 2025-2035 Resourcing Strategy	11
10.9	Extension of Time for Expressions of Interest for Membership Council's Committees.....	11
	Part B – Items for Information.....	12
11	General Manager's Reports	12
11.1	Outstanding Debtors as at 31 May 2025	12
11.2	Outstanding Rates and Usage Charges as at 31 May 2025	12
11.3	Report on Financial Information as at 31 May 2025	12
11.4	Monthly Investments Report.....	12
11.5	Grant Funded Projects Status Update.....	13
11.6	Infrastructure Update for May 2025.....	13
11.7	Activities Undertaken Within the Planning Department.....	13

Page 2

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

11.8	Outstanding Actions June 2025.....	13
11.9	Circulars from the Office of Local Government.....	13
11.10	Meetings attended by the Mayor, the Interim General Manager and Directors	14
12	Notice of Motion / Questions on Notice	14
12.1	Income/Expenditure Analysis for Waste Management 2022-2025.....	14
13	Confidential Matters	14
	Nil	

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

**MINUTES OF BALRANALD SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MARKET STREET BALRANALD
ON TUESDAY, 17 JUNE 2025 AT 5PM**

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 PRAYER & ACKNOWLEDGMENT OF COUNTRY**Prayer**

Almighty and eternal God, give us the grace to faithfully fulfil the duties of our office.

Shed the light of your wisdom and counsel upon us so that, strengthened by these gifts, we will, in the administration of the affairs of the council, always do what is right and just.

We ask that our deliberations will be both fruitful and wise.

Amen

Acknowledgement of Country

We pay our respect to the Traditional Custodians of the Lands where we hold this meeting to Elders past, present and emerging.

PRESENT:

Mayor Louie Zaffina, Deputy Mayor Dwaine Scott, Cr Leigh Byron, Cr Iain Lindsay-Field, Cr Alison Linnett, Cr Phillip Pippin, Cr German Ugarte, Member Edna Mendes

IN ATTENDANCE:

David McKinley (Director of Infrastructure and Planning Services), Carol Holmes (Senior Executive Officer), Peter Bascomb (Interim General Manager)

3 APOLOGIES

Cr Tracy O'Halloran

RESOLUTION 2025/124

Moved: Cr Alison Linnett

Seconded: Cr Leigh Byron

That the apology received from Cr Tracy O'Halloran be accepted and leave of absence granted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

4 CONFIRMATION OF MINUTES**4.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 MAY 2025**

RESOLUTION 2025/125

Moved: Cr Iain Lindsay-Field

Seconded: Cr Phillip Pippin

That the Minutes of the Ordinary Council Meeting held on Tuesday, 20 May 2025 be received and noted.

CARRIED**5 DISCLOSURE OF INTEREST**

There were no Disclosures of Interest submitted to this meeting.

6 MAYORAL/COUNCILLOR REPORT**0.0 MAYORAL MINUTE - LIMITING OVERNIGHT TRUCK PARKING**

MAYOR'S RECOMMENDATION

That Council implements a "No Truck Parking 8pm to 6am" zone along the South-Western side of Market St from the corner of Cally St for 70 metres.

Cr Louie Zaffina:

- Attended a meeting held at Euston Club on 5 June Sustainable Communities Program
- Congratulated Edna Mendes on her role of Chief Financial
- Thanked Mr Glenn Carroll for his time with Councils as the Director of Governance, Business and Community Services.

7 COMMITTEE REPORTS**7.1 BALRANALD BEAUTIFICATION ADVISORY COMMITTEE MEETINGS HELD ON MONDAY 9 APRIL 2025**

RESOLUTION 2025/126

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Iain Lindsay-Field

That the minutes of the Balranald Beautification Advisory Committee meeting held on Monday, 9 April 2025 be received and noted.

CARRIED

InitialPage
5

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

7.2 EUSTON PROGRESSIVE ADVISORY COMMITTEE MEETING HELD ON MONDAY, 28 APRIL 2025

RESOLUTION 2025/127

Moved: Cr Alison Linnett

Seconded: Cr Leigh Byron

That:

1. the Minutes of the Euston Progressive Advisory Committee meeting held on Monday 28 April 2025 be received and noted.
2. Council endorse the concept of the artwork on the water towers Mural.

CARRIED**8 NOTICE OF MOTION Nil****9 NOTICE OF RESCISSION Nil****GENERAL MANAGER'S REPORTS (INCORPORATING ALL STAFF REPORTS)****PART A – ITEMS REQUIRING DECISION****10 GENERAL MANAGER'S REPORTS****10.1 PROPOSED MEMBERSHIP OF RIVERINA AND MURRAY JOINT ORGANISATION****RESOLUTION 2025/128**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Iain Lindsay-Field

That Council confirms its commitment to joining Riverina and Murray Joint Organisation as full members once the necessary statutory changes have been made.

CARRIED

ORDINARY COUNCIL MEETING MINUTES17 JUNE 2025

10.2 MAYORAL AND COUNCILLOR FEES FOR 2025-26**RESOLUTION 2025/129**

Moved: Cr Alison Linnett
Seconded: Cr Iain Lindsay-Field

That Council:

1. Sets the annual Councillor Fee payable for the period 1 July 2025 to 30 June 2026 at \$13,930 as determined by the Local Government Remuneration Tribunal and in accordance with section 248 of the Local Government Act 1993.
2. Sets the annual Mayoral Additional Fee payable for the period 1 July 2025 to 30 June 2026 at \$30,390 as determined by the Local Government Remuneration Tribunal and in accordance with section 248 of the Local Government Act 1993.

CARRIED

10.3 REVIEW OF COUNCIL POLICIES**RESOLUTION 2025/130**

Moved: Cr Alison Linnett
Seconded: Cr Iain Lindsay-Field

That Council approve the policies listed in the report to be publicly exhibited for a period of 28 days to seek public comment and for any significant public submissions to be reported back to the July 2025 Ordinary Council meeting, otherwise the policies will be deemed to be adopted immediately by Council following the exhibition period.

CARRIED

10.4 ADOPTION OF COUNCIL'S DRAFT 2025-2029 DELIVERY PROGRAM**RESOLUTION 2025/131**

Moved: Cr Leigh Byron
Seconded: Cr Iain Lindsay-Field

That Council, having noted that no submissions were received during the period of public exhibition, adopt the Draft 2025-2029 Delivery Program without amendment.

CARRIED

10.5 ADOPTION OF THE DRAFT OPERATIONAL PLAN FOR THE 2025/26 FINANCIAL YEAR**RESOLUTION 2025/132**

Moved: Cr Iain Lindsay-Field
Seconded: Deputy Mayor Dwaine Scott

That Council adopt the Draft Operational Plan for the 2025/2026 Financial Year.

CARRIED

InitialPage
7

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

10.6 ADOPTION OF THE DRAFT BUDGET FOR THE 2025/2026 FINANCIAL YEAR

RESOLUTION 2025/133

Moved: Cr German Ugarte

Seconded: Cr Leigh Byron

That Council adopts the Draft Budget for the 2025/2026 Financial Year.

CARRIED

10.7 ADOPTION OF THE DRAFT REVENUE POLICY AND DRAFT FEES AND CHARGES FOR THE 2025/26 FINANCIAL YEAR

RESOLUTION 2025/134

Moved: Cr German Ugarte

Seconded: Cr Iain Lindsay-Field

THAT:

1. In accordance with the provisions of section 535 of the Local Government Act, 1993, Council makes, fixes, levies and adopts the Rates and Charges for the 2025/2026 Financial Year as detailed in the rating categories as set out below:

FARMLAND – GENERAL a rate of zero point one five one zero zero four (0.151004) cents in the dollar on the land value of all rateable land in the area which has been categorised by the Council as **Farmland General** with the dominant use being generally cropping or grazing over significant land area pursuant to Section 515 of the Local Government Act, 1993 and subject to a base amount of seven hundred and fifty two dollars (\$752) in respect of each separate parcel with the base amount producing thirteen point six percent (13.6%) of the total amount of the rate levy for the Farmland General rate sub-category; and

FARMLAND – IRRIGABLE HORTICULTURE a rate of zero point six zero eight one three three (0.608133) cents in the dollar on the land value of all rateable land in the area which has been categorised by the Council as **Farmland – Irrigable - Horticulture** to include nut farms and other irrigatable intensive horticulture land use and has significant and substantial commercial purpose or character, pursuant to Section 515 of the Local Government Act, 1993 and subject to a base amount of seven hundred and fifty two dollars (\$752) in respect of each separate parcel with the base amount producing two point five percent (2.5%) of the total amount of the rate levy for the Farmland – Irrigable - Horticulture rate sub-category; and

FARMLAND – INTENSE a rate of zero point three five five zero four three (0.355043) cents in the dollar on the land value of all rateable land in the area which has been categorised by the Council as **Farmland Intense** to have medium to high intensity of land use and an intermediate to major economic benefit pursuant to Section 515 of the Local Government Act, 1993 and subject to a base amount of seven hundred and fifty two dollars (\$752) in respect of each separate parcel with the base amount producing nineteen point nine percent (19.9%) of the total amount of the rate levy for the Farmland Intense rate sub-category; and

RESIDENTIAL – BALRANALD a rate of zero point four two one three seven (0.42137) cents in the dollar on the land value of all rateable land in the centre of the population being the Balranald Village Zone, being land which has been sub-categorised by the Council as **Balranald Residential** pursuant to Sections 516 and 529 of the Local Government Act, 1993 and subject to a base amount of two hundred and forty dollars (\$240) in respect of each separate parcel with the base amount producing forty one point seven percent (41.7%) of the

Initial

Page
8

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

total amount of the rate levy for the Residential Balranald rate sub-category; and

RESIDENTIAL – EUSTON a rate of zero point two three nine eight five eight (0.239858) cents in the dollar on the land value of all rateable land in the centre of the population being the Euston Village Zone, being land which has been sub-categorised by the Council as **Euston Residential** pursuant to Sections 516 and 529 of the Local Government Act, 1993 and subject to a base amount of two hundred and forty dollars (\$240) in respect of each separate parcel with the base amount producing forty six point five percent (46.5%) of the total amount of the rate levy for the Residential Euston rate sub-category; and

RESIDENTIAL – OXLEY a rate of four point zero four four nine six (4.04496) cents in the dollar on the land value of all rateable land in the centre of the population being the Oxley Village Zone, being land which has been sub-categorised by the Council as **Oxley Residential** pursuant to Sections 516 and 529 of the Local Government Act, 1993 and subject to a base amount of one hundred and twenty five dollars (\$125) in respect of each separate parcel with the base amount producing thirty five point seven percent (35.7%) of the total amount of the rate levy for the Residential Oxley rate sub-category; and

RESIDENTIAL – GENERAL – RURAL (0-2 hectares) a rate of zero point four one four seven seven eight (0.414778) cents in the dollar on the land value of all rateable land used for residential purposes and not located within the Balranald, Euston or Oxley Village Zones, being land which has been sub-categorised by the Council as **Residential General – Rural** (0-2 hectares) pursuant to Sections 516 and 529 of the Local Government Act, 1993 and subject to a base amount of two hundred and forty (\$240) in respect of each separate parcel with the base amount producing forty two point one percent (42.1%) of the total amount of the rate levy for the Residential General – Rural (0-2 hectares) rate sub-category; and

RESIDENTIAL – RURAL (2-40 hectares) a rate of zero point two four three two one two (0.243212) cents in the dollar on the land value of all rateable land used for residential purposes and not located within the Balranald and Euston or Oxley Village Zones, being land which has been sub-categorised by the Council as **Residential General – Rural** (2-40 hectares) pursuant to Section 516 and 529 of the Local Government Act, 1993, subject to a base amount of two hundred and forty dollars (\$240) in respect of each separate parcel with the base amount producing thirty two point five percent (32.5%) of the total amount of the rate levy for the Residential General – Rural (2-40 hectares) rate sub-category; and

BUSINESS – BALRANALD a rate of two point two four nine one one nine (2.249119) cents in the dollar on the land value of all rateable land in the Balranald Village Zone, being land which has been sub-categorised by the Council as **Business Balranald** pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of five hundred and seventeen dollars (\$517) in respect of each separate parcel with the base amount producing nineteen point five percent (19.5%) of the total amount of the rate levy for the Business Balranald rate sub-category; and

BUSINESS – EUSTON a rate of one point six two zero eight five six (1.620856) cents in the dollar on the land value of all rateable land in the Euston Village Zone, being land which has been sub-categorised by the Council as **Business Euston** pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of five hundred and seventeen dollars (\$517) in respect of each separate parcel with the base amount producing twelve point six (12.6%) of the total amount of the rate levy for the Business Euston rate sub-category; and

BUSINESS – RURAL a rate of one point zero seven zero one six one (1.070161) cents in the dollar on the land value of all rateable land outside of any of the Balranald Shire Residential Village Zones and not identified in the otherwise described business areas, being land which has been sub-categorised by the Council as **Business - Rural** pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of two hundred and forty dollars (\$240) in respect of each separate parcel with the base amount producing forty point

Initial

Page
9

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

three percent (40.3%) of the total amount of the rate levy for the Business - Rural rate sub-category; and

BUSINESS – PARISH OF CHADWICK – SOLAR FARMS rate of three point five eight eight four seven eight (3.588478) cents in the dollar on the land value of all rateable land within the Balranald Shire area which will be sub-categorised by the Council as **Business – Parish of Chadwick – Solar Farms** pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of two thousand, five hundred and ninety dollars (\$2,590) in respect of each separate parcel with the base amount percentage producing two point six percent (2.6%) of the total amount of the rate levy for the Business – Parish of Chadwick – Solar Farms sub category.

BUSINESS – RURAL GRAVEL & SAND EXTRACTION a rate of one point nine one two three six nine (1.912369) cents in the dollar on the land value of all rateable land in the Balranald Shire area which has been sub-categorised by the Council as **Business – Rural Gravel & Sand Extraction** (excluding mineral sands and gypsum extraction) pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of one hundred and thirty five dollars (\$135) in respect of each separate parcel with the base amount producing forty two point nine percent (42.9%) of the total amount of the rate levy for the Business – Rural Gravel & Sand Extraction sub-category; and

BUSINESS – PARISHES OF PAIKA, PENARIE, WOOLPAGERIE, WILLILBAH EAST & MAGENTA – GYPSUM EXTRACTION a rate of five point nine zero one zero seven four (5.901074) cents in the dollar on the land value of all rateable land in the Balranald Shire area which has been sub-categorised by the Council as **Business – Parishes of Paika, Penarie, Woolpageri, Willibah East & Magenta – Gypsum Extraction** (excluding mineral sands, gravel and sand extraction) pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of seven hundred and fifty two dollars (\$752) in respect of each separate parcel with the base amount producing four point three percent (4.3%) of the total amount of the rate levy for the Business – Parishes of Paika, Penarie, Woolpagerie, Willibah East & Magenta – Gypsum Extraction sub-category; and

BUSINESS – PARISHES OF WILLILBAH, BIDURA, SOLFERINA and MAGENTA- MINERAL SANDS EXTRACTION (LOCATION A) a rate of nine point one three six one eight six (9.136186) cents in the dollar on the land value of all rateable land within the Balranald Shire area which will be sub-categorised by the Council as **Business – Parishes of Willilbah, Bidura, Solferina and Magenta – Mineral Sands Extraction (Location A)** pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of two thousand, five hundred and ninety dollars (\$2,590) in respect of each separate parcel with the base amount percentage producing zero point two eight percent (0.28%) of the total amount of the rate levy for the Business – Parishes of Willilbah, Bidura, Solferina and Magenta – Mineral Sands Extraction (Location A) sub-category; and

BUSINESS – PARISHES OF PITAPUNGA, CROKEE, MUCKEE & LAWRENCE – MINERAL SANDS EXTRACTION (LOCATION B) a rate of seventeen point one one eight one three (17.11813) cents in the dollar on the land value of all rateable land within the Balranald Shire area which will be sub-categorised by the Council as **Parishes Of Pitapunga, Crokee, Muckee & Lawrence – Mineral Sands Extraction (Location B)** pursuant to Sections 518 and 529 of the Local Government Act, 1993 and subject to a base amount of two thousand, five hundred and ninety (\$2,590) in respect of each separate parcel with the base amount percentage producing zero percent (0%) of the total amount of the rate levy for the Business – Parishes of Pitapunga, Crokee, Muckee & Lawrence sub category;

2. Council increases the Notional yield by the maximum 4.5% per annum, being the Rate Peg % approved by the Independent Pricing and Regulatory Tribunal of NSW (IPART);

Initial

Page
10

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

and

3. In accordance with the provisions of Section 535 of the Local Government Act, 1993, Council adopts the Revenue Policy and Fees & Charges (as detailed in Attachment 2 and below) for the 2025/2026 Financial Year;
4. Council adopts the proposed interim Aerodrome Landing Fee (per landing) for;
Commercial Flights of \$200.00
Non-Commercial Flights \$20.00; and
Charities (Flying Doctor \$0.00, as detailed in the submission outlined in this report; and
5. In accordance with the provisions of Section 566 (3) of the Local Government Act, 1993, Council determines the interest rate on overdue rates and charges for the period from 1 July 2025 until 30 June 2026 to be 10.5%; and
6. In accordance with the provisions of Section 566 (3) of the Local Government Act, 1993, Council determines that the interest rate on overdue debtors for the period from 1 July 2025 until 30 June 2026 to be 10.5%.

CARRIED

10.8 ADOPTION OF THE 2025-2035 RESOURCING STRATEGY**RESOLUTION 2025/135**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Iain Lindsay-Field

That Council adopts the draft Resourcing Strategy.

CARRIED

10.9 EXTENSION OF TIME FOR EXPRESSIONS OF INTEREST FOR MEMBERSHIP COUNCIL'S COMMITTEES**RESOLUTION 2025/136**

Moved: Cr Iain Lindsay-Field

Seconded: Cr Leigh Byron

That Council

1. Reopen the call for Expressions of Interest for members of its Committees until Friday 4 July 2025.
2. Defer nominating Councillor members of the committees until Council's July meeting
3. Consider retaining the name Strengthening Community Access, Inclusion and Wellbeing Advisory Committee (SCAIWAC) rather than the Wellbeing and Health Committee.

CARRIED

Initial

Page
11

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

PART B – ITEMS FOR INFORMATION**11 GENERAL MANAGER'S REPORTS****11.1 OUTSTANDING DEBTORS AS AT 31 MAY 2025****RESOLUTION 2025/137**

Moved: Cr Leigh Byron

Seconded: Deputy Mayor Dwaine Scott

That Council note the report.

CARRIED

11.2 OUTSTANDING RATES AND USAGE CHARGES AS AT 31 MAY 2025**RESOLUTION 2025/138**

Moved: Cr Leigh Byron

Seconded: Cr Iain Lindsay-Field

That Council notes the information contained within this report.

CARRIED

11.3 REPORT ON FINANCIAL INFORMATION AS AT 31 MAY 2025**RESOLUTION 2025/139**

Moved: Cr German Ugarte

Seconded: Cr Iain Lindsay-Field

That Council note the financial information contained in this report for the period ending, 31 May 2025.

CARRIED

11.4 MONTHLY INVESTMENTS REPORT**RESOLUTION 2025/140**

Moved: Cr Iain Lindsay-Field

Seconded: Deputy Mayor Dwaine Scott

That Council note the information provided in this report.

CARRIED

InitialPage
12

ORDINARY COUNCIL MEETING MINUTES**17 JUNE 2025****11.5 GRANT FUNDED PROJECTS STATUS UPDATE****RESOLUTION 2025/141**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That Council notes the report.

CARRIED

11.6 INFRASTRUCTURE UPDATE FOR MAY 2025**RESOLUTION 2025/142**

Moved: Cr Leigh Byron

Seconded: Deputy Mayor Dwaine Scott

That Council notes the report.

CARRIED

11.7 ACTIVITIES UNDERTAKEN WITHIN THE PLANNING DEPARTMENT**RESOLUTION 2025/143**

Moved: Cr Leigh Byron

Seconded: Cr Alison Linnett

That Council notes the report.

CARRIED

11.8 OUTSTANDING ACTIONS JUNE 2025**RESOLUTION 2025/144**

Moved: Cr German Ugarte

Seconded: Cr Iain Lindsay-Field

That Council notes the report.

CARRIED

11.9 CIRCULARS FROM THE OFFICE OF LOCAL GOVERNMENT**RESOLUTION 2025/145**

Moved: Cr Leigh Byron

Seconded: Cr Alison Linnett

That Council notes the report.

CARRIED

InitialPage
13

ORDINARY COUNCIL MEETING MINUTES

17 JUNE 2025

11.10 MEETINGS ATTENDED BY THE MAYOR, THE INTERIM GENERAL MANAGER AND DIRECTORS**RESOLUTION 2025/146**

Moved: Deputy Mayor Dwaine Scott

Seconded: Cr Phillip Pippin

That Council notes the report.

CARRIED**12 QUESTIONS ON NOTICE****12.1 INCOME/EXPENDITURE ANALYSIS FOR WASTE MANAGEMENT 2022-2025****RESOLUTION 2025/147**

Moved: Cr Iain Lindsay-Field

Seconded: Cr German Ugarte

That Council notes the response to the question regarding Income/Expenditure of Waste Management raised by Councillor Iain Lindsay-Field.

CARRIED**13 CONFIDENTIAL MATTERS**

Nil

The Meeting closed at 5.48pm.**The minutes of this meeting were confirmed at the Council Meeting held on 15 July 2025.**.....
MAYOR

Initial

Page
14



COMMUNIQUE

More than 1,300 local government leaders from across Australia gathered in Canberra from 24-27 June for the 31st National General Assembly of Local Government (NGA).

We were welcomed to country for the National General Assembly by Ngunnawal woman and Co-Chair of ACT Reconciliation Council, Selina Walker. The Assembly recognised the Ngunnawal and Ngambri peoples as traditional custodians of the ACT and recognised any other people or families with connection to the lands of the ACT and region. The Assembly paid its respects to their elders past, present and emerging, and acknowledged the vital and ongoing contributions First Nations peoples continue to make to our nation.

Her Excellency the Honourable Ms Sam Mostyn AC, Governor-General of Australia, formally opened the Assembly and spoke about the role of community leadership and local engagement in building national resilience and unity, including the importance of teaching our younger generation the importance of civic governance.

We heard from a range of Federal Ministers across the Assembly including: The Honourable Kristy McBain MP, Senator the Hon Katy Gallagher, The Honourable Julian Hill MP, The Honourable Josh Wilson MP, The Honourable Darren Chester MP, Dr Anne Webster MP and the Honourable Kevin Hogan MP.

There was broad acknowledgement from Ministers that councils play a critical role in supporting their communities and that the role has expanded significantly, as has the financial pressure councils face. That is why local government is calling for urgent action to ensure the financial sustainability of councils.

Delegates heard from Mark Bouris AM and Dr Merriden Varrall who unpacked global economic forces shaping Australia's local economies, including trends in trade, security, and investment.

Jason Clarke, world leading consultant on issues of leadership and innovation, closed Day 1 of the NGA with an energising and practical presentation on how councils can take bold ideas and translate them into tangible, community-focused change.

Day 2 of the NGA featured the launch of ALGA's exciting new research "Adapting Together: Local Government Leadership in a Changing Climate". The report finds that Australia's councils are expected to spend more than \$2 billion over the next five years to future-proof their communities from the changing climate, resulting in up to \$4.7 billion in avoided costs to communities.



ALGA President Mayor Matt Burnett noted “Climate-resilient infrastructure is expensive and takes time to build, so we need sustainable funding from the Federal Government to implement long-term planning and adaptation now and into the future”. That is why “We are asking the Government for a new \$400 million climate adaptation fund, distributed to all Australia’s councils each year, to deliver ongoing and sustainable place-based climate solutions” Mayor Burnett said.

Councils considered the way AI is shaping the future with presentations from Stephen Scheeler, founder of The Digital CEO and co-founder and CEO of Omniscient, and Tim Golsby-Smith, co-founder and CEO of myLot.

The 2025 NGA saw the return of concurrent listening sessions providing an interactive platform for delegates to engage directly with federal agencies and sector experts on key policy issues. The listening sessions included:

- Housing and community infrastructure – where the discussion covered a range of challenges from housing affordability, the prohibitive cost of housing infrastructure, ideas around housing and homelessness.
- Emergency management capacity and capability – where attendees shared examples of what has worked in their communities and highlighted remaining challenges. This included the need for long-term funding certainty and better integration of local knowledge in disaster preparedness and recovery frameworks.
- Local government jobs and skills – where attendees highlighted key issues attracting workers to the regions, promoting council careers to young values-led workers, better access to local training, cost-shifting concerns, migrant workforce support, and housing shortages as a major staffing barrier.
- Safer roads - discussed infrastructure funding and general maintenance, speed management, driver behaviour, and the broader questions of regional vs urban specific problems.

Motions and Assembly Outcomes

- Almost 190 motions were debated across a range of policy areas including financial sustainability, roads, disaster resilience, health, housing, and climate. Motions passed by the NGA will be referred to relevant Ministers for response and also used by the ALGA Board to inform national policy positions.

Minutes

Strengthening Community Access, Inclusion & Wellbeing Advisory Committee, 10th June 2025



Location: Balranald Shire Council Chambers, Market St

Start Time: 4.00-5:30 pm

Join Zoom Meeting Meeting ID:

<https://us02web.zoom.us/j/89366588630?pwd=TjbN4aR95XSWyORdTLGdaK2jKDVkqY.1>

passcode- 281123

1. Acknowledgement of Country

I would like to begin by acknowledging the traditional custodians of the land we're meeting on today and pay my respects to their Elders past and present. I also acknowledge my gratitude that we share this land today, my sorrow for some of the costs of that sharing, and my hope and belief that we can move to a place of equity, justice and partnership together.

2. Meeting Attendance

Apologies: Tracy O'Halloran, Lyn Flanagan, Trish Simpson, Mandy Haley

Present: Connie Mallet, Peter Bascomb, Lea Lawrie, Emma Moore, Sue Balshaw

Present online: Kathleen Harris, Rachael Williams, (Michelle White, Natalie Lay) joined at 4.15

3. Conflicts of Interest: NIL

4. Guest Speakers: N

5. Correspondence / Connections of note – DV resource from Michelle, updated MH resources from Kathleen, updated Service Directory from Kathleen, Gambling Impact Society information from Peter Bascomb

6. Ongoing Initiatives Update:

- **Standard mental health first aid course delivery and future programs**

- Looking to have at least 2 more mental health first aid courses in the LGA, one with a focus on youth. Sue Watson cannot deliver a youth course.

- Course was well received with 17 participants attending and completing the course, Kathleen has created a survey for participants to complete for feedback
Rachael to present rationale- initiative program and how it was prompted/thought of during the mental health first aid course as the MHFA training skills participants to identify MH concerns and keep the individual safe and monitored whilst they refer them to a service / counsellor. Prompted a conversation amongst participants about there being no counsellors locally.

- **Community counsellor initiative program**

Kathleen created a presentation of the idea of a community counsellor program- funded through SCAIWAC funds

a stakeholder meeting was held with funding body for discussions on extending timeline of the funding program and the funding body has agreed with an extension if required

Items of discussion and concerns-

Insurance and supervision

Michelle supervised Chaplain at Barham – 100 hrs of prac, lots of work for the supervisor Factor in paid clinical supervisor hours.

Connie ORG

Minutes

Strengthening Community Access, Inclusion & Wellbeing Advisory Committee, 10th June 2025



Could use agency like Mission Australia to employ
Em would love to have a graduate at MaariMa
FWH would not employ someone to be based locally, only from Buronga
Some supervision funding going, some PD, set-up funding for graduates.
Discussion with ORG for further funding in later rounds
Scholarships by application, need to be assessed as appropriate
Ensuring completion of Course
These roles would fill gap of low-moderate symptomology and refer to higher needs
(Moderate to high)
Pros and cons to having locals in the role
Vote was held for further investigation to establishing the program- all voted in favour

Services Directory

All final feedback given and the first iteration released
Shire to contribute to opening blurb
Connie to share some local photos with Kathleen
Connie to print copy for Sue (Sue to collect from Connie at Tourist Info Centre)
Kathleen to explore printing costs for hard copy versions – Connie to share contacts
Kathleen to send through penultimate version
COB tomorrow – version to AC
SCAIWAC to return all comments to Kathleen by 17/06
Launch Celebration – ideas – sausage sizzle at Lions Park / coffee and cake at Snr Cits
Kiosk – further discussion required
Peter noted Council can provide Carry forwards with budget
Hold off on launch celebration until Service Expo

BTAC House

- Emergency Accommodation

Now fully acquitted – ORG really impressed
Mikayla from MASP to do inventory shortly
Ready for use
Committee of Management – Sue, Em, Luke (Police) and NSW Health Rep from Hospital
(Ash Gillbee nominated)
Intake form completed and ready for use
Tenancy Agreement must be signed before people would go in
No 3 nights or less stays
Who will clean? Council, now Council contracts cleaners, MASP will need to do the same.

7. Other business

- Screening of just a farmer movie in the Balranald LGA
Kathleen will distribute a word document for members to vote and decide on the screening.
Kathleen has the budget allocation and there are enough funds to host at highest level.
The movie was recently screened in Robinvale in March 2025
- Feedback from committee members

Minutes

Strengthening Community Access, Inclusion & Wellbeing Advisory Committee, 10th June 2025



-
- Discussion was held in regards to the Council decision to restructure the Advisory Committees and the requirement that current members need to reapply
 - Sue – who's idea was this... silly idea, this was the most productive committee
 - Nat – flabbergasted that Councillors would want this changed
 - Peter – after every election Councillors are required to review the Committee structure and so have done so. ToR have remained the same, only really a name changed. GBITAC and Beautification committees changed / merged
 - Councillors acted on their own knowledge
 - There was concern that there was no consideration or consultation on changes made. Time for applications was not very long.
 - Peter acknowledged that these were relevant concerns and would be presenting these to the councillors at next meeting.
 - Rachael raised AC restructure
 - Thank you to members
 - Commenced meeting in Oct 2020 – 4.5 years of commitment and effort
 - Deep personal gratitude, so many achievements
 - \$0.5M of ORG funding into the community
-
8. Meeting closed 5.42 PM
 9. Next Meeting: circulate possible dates for next meeting to be scheduled- will take into consideration of restructuring of committee members

**Balranald Shire Council Beautification Advisory Committee
Minutes of Meeting held at the Balranald Shire Council Chambers.
Monday 19th May 2025**



Meeting Opened with Acknowledge of Country recited by Lynne Carter – Chairperson of the Balranald Shire Council Beautification Advisory Committee – at 17:20hrs.

Present: Lynne Cater – Chairperson, Sue Morton, Toni Tyrer and Karen Norfolk – Secretary.

Shire Representatives: Peter Bascomb – Interim General Manager.

ZOOM: Connie Mallet – Community Projects, Tourism/Economic Development and Grants Coordinator and Adrian Edgcome-Lucas

Shire Councillors: Alison Linnett

Apologies: David McKinley – Director of Infrastructure and Planning Services, Lea Lawrie, Gaye Renfrey and Penny Jolliffe.

Minutes Read and Accepted: Moved by Toni Tyrer and Seconded by Sue Morton.

Business Arising from Previous Minutes:

- Roses haven't been ordered as yet. They will need to be ordered soon as possible.
- Need clarification to whether or not the trees have been replaced down the Main Street.
- Need to check with Davis McKinley if the watering system for the roses has been checked.

CORRESPONDENCE IN:

- Email from Carol Holmes – Letter from Matt Coates re the Telstra Yard and ABC Satellite Yard and Channel 7 Tard near the Pool.

CORRESPONDENCE OUT:

- Email to BBAC Group – April Minutes and May's Agenda.

Moved by Karen Norfolk and Seconded by Toni Tyrer.

BALRANALD BEAUTIFICATION FINANCIAL STATEMENT:

- No Report

Balranald Shire Council Update:

- See Business Arising

CEMETERY STORAGE UNIT UPDATE:

- It will cost about \$5,500.00 for a shipping container to store the chairs and trolley. Connie Mallet is waiting for the supplier to reply back with all the relevant paperwork that the Shire needs to raise a purchase order.

WINDMILL PROJET UPDATE:

- Adrian Edgcome-Lucas has made contact with Errol and Val Bradbury about transportation of the windmill.
- The footing work will be done just before the windmill is transported into town.
- The signs for the windmill are almost completed.
- Once everything for the windmill is done, the Shire will organise a launch for the completed project.

COMMITTEE PRIORITIES:

- Committee will continue to work off the current updated action plan and will add to the plan when needed.

ITEMS WITHOUT NOTICE:

- A recommendation was made for the Balranald Shire Council to contact Telstra re the Telstra Yard in River Street. Karen Norfolk will contact her contact with Broadcast Australia re the Television Network Yards
- BBAC will merge with Tourism/Economic Committee in both Balranald and Euston. Nominations will be put out soon for the new Committees.
- A recommendation was made for the Balranald Shire Council to contact Transport NSW in regards to the clean up of the bridge and walkways. David McKinley to reach out to Transport NSW or the Traffic Committee.

Next Meeting: Monday 16th June 2025 commencing at 5:00pm at the Shire Chambers.

Meeting Closed: 17:55hrs



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Meeting Detail

Item	Detail
Modality	Face to face. Remote attendance only with agreement of Chair or in keeping with risk.
Frequency	Quarterly, and as required. Months must follow National Quality Indicators reporting quarters -
Day/ Date	30 th June 2025 10am
Venue	Balranald Retirement Hostel
Attendance at meetings	By all members. The three core members under legislation (detailed under 'Membership and Roles') must attend at least 75% of meetings annually.
Quorum	50% plus one.

Position	Role
Key personnel	Chair
Person responsible for delivery of care	Member
Resident or Resident representative	Member
Other roles as determined by the QCAB aims	Member
Other members with an interest in the quality of aged care (number of members is discretionary).	Members



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
1.0	Members in attendance and apologies	<ul style="list-style-type: none"> Confirm quorum – confirmed. Note guests in attendance. Peter Bascomb – Key Personnel Leah Gillbee – Clinical representative Tony Conway – Resident Representative Daina Kirk – Secretary	Chair
1.1	Declaration of interest	<ul style="list-style-type: none"> Members of the QCAB who may have any existing or potential conflicts of interest. Peter Bascomb has a potential conflict of interest as his eldest daughter is the project manager for the training content with the Wicking Dementia Research and Education Centre (University of Tasmania) <ul style="list-style-type: none"> Secretary to update the Conflict of Interest register as needed. 	Chair
2.0	Minutes from previous meeting	No Minutes as this is the first meeting.	Chair
3.0	Business arising from previous meeting	n/a	Secretary
Leadership and Culture			
4.0	Board and/or Leadership communication	<ul style="list-style-type: none"> Communicate requests/directives from the Council and Leadership Ensure any 6-month consideration of statutory report on quality and care is noted when provided to and received from Council.	Secretary



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<ul style="list-style-type: none"> Plan for response/action to requests. <p>No directives from the Balranald Shire Council. Requests from Balranald Shire Council in the last 6 months include;</p> <ul style="list-style-type: none"> the appointment of Quality Care Advisory Body Appointment of architects for proposed Memory Unit expansion Application for Residential based Aged care Services and Staff Accommodation grant 	
4.1	Reports received	<ul style="list-style-type: none"> Confirm receipt of reports relating to clinical and personal care, including reports from members and Board Committees. This includes: <ul style="list-style-type: none"> Quality - reports are based on the Quality Indicators that are submitted to the Aged Care Commission quarterly and completed based on feedback given by the residents of Balranald Retirement Hostel. Financial - CM contains the monthly report on Balranald Retirement Hostel. Secretary to review monthly and write report for QCAB meetings in future. Human Resources – No HR report currently Risk and compliance – No risk and compliance report currently Note any deficit in receiving reports/ content of reports and action to be taken. 	Secretary



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<p>Suggestions of what would be included in the risk and compliance report.</p> <ul style="list-style-type: none"> ○ Risk Management framework with identified risk including the mitigation procedures – review of the mitigation methods and effectiveness. Risk currently compromises of maintenance and hazards that are a result of the age of the building. Maintenance is being slowly conducted to improve these issues. ○ Incident reporting and review of any incidents – review the incidents and look for trends and action taken to assess if the action taken was appropriate. ○ Compliance – how Leadership is bringing the facility in line with the new standards. 	
4.2	Clinical continuous improvement (CI)	<ul style="list-style-type: none"> • Report global CI activities pertaining to quality care activities. • Note any issues/ delays and support/ action required to get back on track. <p>Infection Prevention Control – Leah is completing IPC course. Once complete will take the role of Infection Prevention Control Lead. Facility Manager proposes registering RN Hamza to complete the IPC training to ensure more than one staff member is available. QCAB support the plan to do this and suggest we should maximise the roster to enhance the most Infection control coverage.</p>	Peter Bascomb



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
Performance and Compliance			
5.0	Clinical Governance Framework, strategy and clinical and personal care systems.	<ul style="list-style-type: none"> Assess the effectiveness of the clinical governance (CG) framework at each meeting (with a full review annually) including policies, procedures and systems in light of quality reports received. <p>The choice to use the policy provider Critical Success Solution was made before current Facility Manager was hired.</p> <p>Leah does not endorse this choice as the policies are generic and not always relevant to Australian medical terms. Often the time it takes to update these policies to be site specific they are obsolete.</p> <p>They do not provide forms with the policies which means the facility must create their own forms based on the Policies provided, which is time consuming, whereas other policy providers do provide these forms.</p> <p>The company charges roughly \$400 per hour if the facility has questions or require training on the policy</p> <p>CSS contract does not expire until August 2026 – 24 months from 14/08/2024.</p> <p>Leah would like to look into other alternatives for policy providers.</p> <p>Balranald Retirement Hostel is a member with Ageing Australia who also provide policies. Leah and Daina reached out to Carol to find out what our membership level with Ageing Australia is to see if we can gain access to their policies. Waiting to hear back from Carol. In the meantime Daina will contact Ageing Australia to ask.</p>	Leah Gillbee



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<p>Peter Bascomb needs to gain access to the Ageing Australia platform. Daina also needs access to the platform on a higher level.</p> <ul style="list-style-type: none"> • Make recommendations relating to updates and changes to CG Framework, policies, procedures and systems, as required. Leah would like to proposed changes to policies and procedures around additional fees. This would include; <ul style="list-style-type: none"> ○ Community members coming into the facility to have meals. Proposal to charge a small fee for guest who wish to come to lunch. ○ OT – all residents need an OT assessment as part of our compliance. Proposal to request partial payments on extra services such as the OT. ○ Wound specials reviews ○ All other specialist – propose to request partial payments on services that cannot be provided by the Registered Nurse or funded through our Allied Health agreements. <p>Resident representative Tony suggest it is not unreasonable to request a fee but also believes the topic is subjective.</p>	



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<p>Peter suggests phasing in this idea with the current residents could be difficult and equally difficult if we try to phase it in only with new residents as it could cause controversy.</p> <p>Tony also agrees it could be tricky to only implement it for new residents as it could cause conflict. It should be the same policy across the board with all residents.</p> <p>Cost of living is a factor to consider as all serviced cost the Hostel extra money, including food.</p> <p>Leah believes it may be something that happened in the past as it had been applied to a previous resident with the agreement of the family.</p> <p>The facility already charges for Christmas lunch so it could be considered an expansion on this idea.</p> <p>Extra services over and above should be made clearer in our current agreement – perhaps we should review the current agreement to see what is specified. There is a limit to how much we can change under the current system but with the new system to be implemented in November this could be a good opportunity for review.</p>	
5.1	Six monthly quality and care reporting	<ul style="list-style-type: none"> Undertake six monthly statutory reporting to Board on the quality of aged care services delivered by (Organisation). The report must contain: 	Leah Gillbee



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<ul style="list-style-type: none"> ○ (Consumer), representative and workforce feedback and complaints (internal and external). <p>Several complaints were submitted anonymously to the Aged Care Quality and Safety Commission between December 2024 and March 2025. Documentation was supplied to the commission regarding these complaints by the Facility Manager. All complaints were deemed by the Commission to be unsubstantiated and were dismissed.</p> <p>One complaint was submitted by a resident in January regarding the food. No other complaints have been submitted since then.</p> <p>In the last 12 months we have received several compliments in regard to the level of care provided. We also received several positive comments on the Bidgee Haven Facebook page.</p> <p>We are aware that we should be getting a larger volume of feedback, but we have found it difficult to engage residents, family and the community in the feedback process. We are trying to be more proactive in gathering feedback.</p> <p>Strategies we have used;</p> <ul style="list-style-type: none"> - redesign the feedback form to be clearer and easier to complete. - Highlight signage so it can be submitted anonymously. - Offered to support residents to provide feedback by having a neutral person help them complete the form. 	



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<ul style="list-style-type: none"> - Spoken about feedback in resident meetings, expressing the importance of feedback for improvement. - Asked staff to fill out a form if they have received verbal feedback. <p>Ideas for improving the feedback;</p> <ul style="list-style-type: none"> - Daina to go and ask residents feedback on a quarterly basis - Give feedback forms to visitors when they are leaving - Would like to get letterboxes for the resident doors to allow them to fill out and post their own feedback in these boxes anonymously. Daina to gather the feedback weekly from these letterboxes (or more frequently if decided) - utilising electronic methods of providing feedback, such as a feedback form on a website, to allow for greater ease of submitting for residents' families and member of the community. Option to email them to the generic council email. <ul style="list-style-type: none"> o Regulatory action taken by the ACQSC and any other regulatory bodies, e.g., NDIS Commission, Safework. <p>No regulatory action this meeting.</p> <ul style="list-style-type: none"> o Performance reports received by the ACQSC and any other regulatory bodies <p>No reports for this meeting</p> <ul style="list-style-type: none"> o Continuous improvement progress made; o introduction of Care Advisory Body and QCAB. 	



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<ul style="list-style-type: none"> ○ Building of a fence to upgrade the facility to a secure facility ○ New appliances – infection control required the facility to purchase a pan flusher. ○ New washing machine, new dryer purchased ○ Geriatrician reviews have been completed for all residents ○ RMMR – resident medication management reviews – by a pharmacist. All residents have had a medication review which has improved the medication requirements for all residents, in some cases by reducing obsolete medication. ○ Liaising with PHN – Primary Health Network – supply a lot of information about training, education, funding. PHN supported Balranald Retirement Hostel to get a subscription to Health Direct for free. Able to use it for GP, Mental Health appointments, Physio. Through the PHN we have applied for funding for digital rostering and compliance. PHN ran an education session on the My Health Record implementation. ○ Mandatory reporting of quality indicators to the Commission <p>Residents feedback on their Quality of Life and Quality of Care. The facility reports on other factors such as weight loss – when to engage a dietician Reports on incidents like falls, pressure injuries and psychotropic drugs. The information is uploaded the Aged Care Commission and reviewed. They then give feedback to indicate how we can improve.</p>	

10



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<p>The information flows through to the star ratings on the Aged Care platform.</p> <p>There were issues in uploading information from the last QI review which led to discrepancies, which has resulted in one of our star ratings being lower.</p> <ul style="list-style-type: none"> ○ Workforce sufficient and skill, including employee turnover (specifically RN and assistant in nursing), contractor sufficiency (specifically allied health) and volunteers. <p>Come along way from 24/7 RN – no longer reliant of Agency as we have hired 2 Agency Nurses permanently and sponsored another.</p> <p>Two casual RN's are currently being utilised.</p> <p>Would like to propose employing another RN to be on shift with Leah to allow Leah to focus on Facility Management duties – there is a candidate interested but we would need to provide a minimum number of shifts.</p> <p>Skills – the new RN's have proven challenging to find proof of their mandatory training. Since starting they have each completed a First Aid and CPR training to ensure this training was completed.</p> <p>Facility faces challenges identifying what is mandatory training for both PCA and RN's.</p> <p>3+ PCA's currently looking to retire.</p>	



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<p>Leah proposes employing more casual PCA's – several of our casual PCA's have moved on to find more permanent work.</p> <p>Currently two of the casuals end up with almost full time rostering due to sick leave, annual leave, and normal gaps in the roster.</p> <p>Looking to have more staff when the memory unit opens – right now we only have cleaner and cook Mon-Fri day shift. This means the facility is heavily reliant on the care staff to fill in on these duties. When more beds are filled, we will require more staff to cover these gaps.</p> <p>Traineeships – for school based learning. Encourage high schoolers to come in and do a traineeship. Is tricky to attract younger workers. Council receives funding for traineeships and Leah and Daina would like to propose some of that funding to be directed to Balranald Retirement Hostel's staffing need.</p> <p>Would prefer not to hire anyone who does not have a certificate in ageing. Preferably a certificate IV in ageing. But would consider someone who is willing to complete the certificate.</p> <p>○ Reportable incidents</p> <p>There have been 3 reportable incidents in the last 12 months, occurring in August 2024 and December 2024. (Serious Reportable Incidents</p>	



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		<p>cover incidents relating to serious injury, neglect, absconding, violent incidents). All incidents were reported to the Aged Care Commission. There was no outcome/fault from these reportable incidents. There have been no reportable incidents in the 2025 calendar year. All reportable incidents are reported as SIRs and recorded in the SIRs register.</p> <p>All other incidents, including staff incidents, are recorded and registered in the Incident Report Register.</p> <ul style="list-style-type: none"> ○ Quality of food – feedback about food and the quality of food; changes to the quality of food and food preparation model; menu assessments conducted by dietitian. <p>Leah engaged an independent auditor to come in and do a review of the resident's food and mealtime experience. Menu and Mealtime review was conducted on 22nd and 23rd May 2025. This review was completed with the cook and the facility manager. A report was provided by the Dietician with suggestions that the Kitchen staff have begun to implement with the support of management.</p> <p>One of the suggestions was to conduct a Food Satisfaction Survey which was conducted by staff. The survey was completed anonymously and the report of the results has been provided, however the results were overall positive.</p> <p>Changes are made in collaboration with the residents to ensure they are happy with changes made.</p>	



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
Resourcing			
6.0	Effective workforce	<ul style="list-style-type: none"> Review of workforce systems and processes including: <ul style="list-style-type: none"> Workforce skill and sufficiency indicators. <p>Discussed above was the difficulties identifying staff mandatory training.</p> <p>Dementia specific training. University of Tasmania Wicking offers free Dementia training. Proposing to make this mandatory training for all staff to enable them to handle the situations that arise when caring for dementia patients. The facility will require staff who have dementia training when the Memory Unit opens.</p> <ul style="list-style-type: none"> Results of reports submitted to the QCAB. <p>N/A</p> <ul style="list-style-type: none"> Make recommendations regarding workforce risks (report to Board and HR). <p>Workforce risks – the risk if an RN leave the shift the facility has no coverage as we have no exemption from the 24/7 requirement. There is a subsidy tied to the 24/7 requirement, which the facility does not want to lose. The plan if an RN becomes sick is to provide a replacement but at this stage the replacement is generally the Facility Manager.</p>	Leah Gillbee



Balranald Retirement Hostel Quality Care Advisory Body Minutes

Item #	Item	Description	Person Responsible
		There is no subsidy tied to PCA however having a replacement PCA is necessary for patient staff ratios. Heavily reliant on two casual PCA's who often end up working 76 hours in a fortnight.	
6.1	Clinical equipment, stores or resources	<p>In light of reports received, make any other recommendations regarding equipment, stores and resources across the group.</p> <p>Facility Manager list of things we will need</p> <ul style="list-style-type: none"> - Pat slide – for transferring a patient from the bed - Oxygen cylinder and valve - Defibrillator – Fiona was looking into it – Edna made allowance budget for 25/26 financial year – propose to purchase this at the turn of the financial year from a vendor of facilities choosing - Urgently needed – a bed/s - Electrician needed to upgrade plug in the laundry for the new dryer, 20amp required, Tony suggested one from Swan Hill. - Dishwasher repair required. - Medication trolley for memory unit - Printer - Shower and toilet chairs – OT assessment identified they need upgrading - Security camera's and buzzers - Kitchen cooktop (gas burner) 	Leah Gillbee
Other Business /			



Balranald Retirement Hostel
Quality Care Advisory Body
Minutes

Item #	Item	Description	Person Responsible
7.0	Other items for discussion and action	Any other items that relate to the aims of the QCAB that are outside the agenda.	Chair
8.0	Next Meeting	Proposed for November 26th 10am	Secretary
9.0	Meeting Closed	12:00pm	Chair

Bidgee Haven Retirement Hostel

Quality Care Advisory Body

TERMS OF REFERENCE

Aim

1. Assist Council in its oversight and governance of quality care across Bidgee Haven Retirement Hostel, working to ensure the objectives of the organisation are met.
2. Monitor the quality of care and assist Council and Leadership to be informed about quality of care, including via completion and provision of reports to Council, ensuring six monthly reports meet the requirements of the Accountability Principles 2014. The scope of 'quality care' will be guided by the Aged Care Quality Commission reporting focus which is outlined within the agenda and provided in detail within the **Governance Policy and Procedures**.
3. Be able, at any time, to give information to Council about the quality of aged care provided through the service.
4. Make recommendations to the General Manager regarding regulatory and best practice matters for operational consideration.
5. Support Council and Leadership with:
 - Strategic quality care projects through the provision of research and advice, as needed.
 - The formulation of strategic partnerships pertaining to quality care.

Governance and Accountability

- The Council is ultimately accountable for the performance of the Quality Care Advisory Body (the 'QCAB') and is responsible for ensuring the QCAB is properly supported and resourced to meet its legislative obligations.
- QCAB assessment of effectiveness, performance and review of the terms of reference and agenda must be undertaken **at least annually** and must include Council, QCAB member and General Manager feedback.
- Meeting frequency will be reduced or increased in keeping with Council, General Manager and QCAB assessment of organisational risk, compliance and performance.
- Roles and responsibilities are appointed to QCAB members (as below) however all members have a responsibility to actively participate and contribute to achieve QCAB aims and undertake member responsibilities (including reporting and undertaking actions, as identified on the agenda, at the meeting and in the minutes).
- The Chair will form working parties to meet the aims of the QCAB, where required.
- Where QCAB members are not participating and/or contributing, including failure to address action items, report and attend, this should be dealt with by

the QCAB Chair in the first instance and then a recommendation made to the Council, if not resolved.

- Where a vote on a decision is tied, the Chair will have the casting vote.
- External persons may attend the meeting with the approval of the Chair.

Membership and Roles

- Members of Council are to be excluded from membership of the QCAB.
- A Chair and Secretary is to be appointed from the members.
- The Chair is responsible for ensuring compliance with membership requirements.
- The size of the QCAB must be appropriate to the size and complexity of the organisation. As each of the three roles below must be filled by a different person, the QCAB must be *no less than three people*.
- Consistent with the requirements in the **Accountability Principles 2014**, Council will ensure that the QCAB membership includes:
 1. **Member who is one of the key personnel** of Balranald Shire Council and who has appropriate experience in the provision of aged care.
 2. **Member directly involved in the delivery of aged care**, e.g., the person responsible for the delivery of care and services, quality manager, care coordinator or a personal care worker, or where clinical care is delivered, includes a member directly involved in providing clinical care, e.g., the person responsible for the nursing services, a registered nurse or allied health.
 3. **Member who represents the interests of (consumer)s**, for example, a (consumer) or representative, a member of the Consumer Advisory Body (if established), a member of an organised (consumer) advisory service, or a (consumer) advocate.

Position	Role
Key personnel	Chair
Person responsible for delivery of care	Member
Consumer representative	Member
Other roles as determined by the QCAB aims	Member
Other members with an interest in the quality of aged care	Members

Remuneration

Members will not receive additional remuneration in exchange for executing membership accountabilities. Undertaking QCAB accountabilities is factored into engagement and employment arrangements for members.

Terms of Reference

Balranald Shire Council

Audit, Risk and Improvement Committee Charter

Balranald Shire Council has established an audit, risk and improvement committee in compliance with section 428A of the *Local Government Act 1993*, the *Local Government (General) Amendment (Audit Risk and Improvement Committees) Regulation 2023* and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW (Nov 2023)*. These terms of reference set out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

1. Objective

The objective of the audit, risk and improvement committee (Committee) is to provide independent assurance and assistance to Balranald Shire Council on risk management, control, governance and external accountability.

2. Authority

The Council authorises the Committee, for the purposes of exercising the scope of its responsibilities, to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information),
- discuss any matters with the external auditor or other external party (subject to confidentiality considerations),
- request the attendance of any employee at Committee meetings, and
- request Council authorisation for external legal or other professional advice considered necessary to meet its responsibilities.

3. Composition and Tenure

3.1 Chair

The Chair has direct reporting line to the Mayor and may bring forward any matters that the Chair considers will impact on Council's ability to comply with legislation requirements or constitute a major risk to the ongoing operation of Council.

3.2 Members (Voting)

Membership of the Committee shall comprise two (2) independent external members, each of whom shall have one (1) vote, and a non-voting Councillor, who shall not be the Mayor.

The independent external members will be appointed for the full or remaining term of the Council, after which they will be eligible for extension or re-appointment following a formal review of their performance by the Council.

The members of the Committee, taken collectively, shall have a broad range of skills and experience relevant to the operations of Balranald Shire Council. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

3.3 Attendees (non-voting)

Attendees shall comprise the General Manager and the Mayor, Attendees shall not have any voting rights.

3.4 Invitees (non-voting)

Invitees shall comprise:

- Representatives of the External Auditor
- Any other officer by invitation of the Committee for specific Agenda items.

4. Role & Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

The Committee must, at all times, recognise that the primary responsibility for management of the Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time, subject to Council resolution.

Responsibilities of the Committee are:

4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of business and financial risks, including fraud;

- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major business undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

- Review whether management has effective internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture of ethical and lawful behaviour.

4.3 External Accountability

- Satisfy itself whether the annual financial reports comply with applicable accounting standards and are supported by appropriate management sign-off on the reports and the adequacy of internal controls;
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- To consider contentious financial reporting matters in conjunction with Council's management and external auditors;
- Review the processes in place designed to ensure the financial information included in the annual report is consistent with the signed financial reports;
- Satisfy itself that there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations; and
- Satisfy itself that there is a performance management framework linked to organisational objectives and outcomes.

4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements; and
- Review the effectiveness of systems for monitoring compliance with relevant laws, regulations and associated government policies.

4.5 External Audit

- Act to facilitate communication between the Council, General Manager, senior management and external audit;
- Provide input and feedback on the financial reports and performance audit coverage proposed by external audit and provide feedback on the external audit services;

- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management; and
- Consider significant issues raised in relevant external audit reports and better practice guides and ensure appropriate action is taken.

4.6 Responsibilities of Members

- Members of the Committee are expected to:
 - understand the relevant legislative and regulatory requirements appropriate to Balranald Shire Council;
 - contribute the time needed to study and understand the papers provided;
 - apply sound analytical skills and judgement objectively; and
 - express opinions frankly, ask questions that go to the fundamental core of the issues and pursue independent lines of enquiry.

5. Reporting

- At the first Council meeting after 30 June each year, the Chair will provide a performance report of internal reviews conducted and the outcome of those reviews for the prior year, a program of work proposed for the forthcoming year and details of any major risks identified and proposed mitigation actions;
- The Committee may, at any time, consider any other matters it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair; and
- The Committee will report regularly, and at least annually, to the governing body of Council on the management of risk and internal controls.

6. Administrative Arrangements

6.1 Meetings

1. The committee will meet at least four (4) times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion;
2. The need for any additional meetings will be decided by the Chair, though other members of the Committee may make requests to the Chair for additional meetings; and
3. A forward meeting plan, including meeting dates and agenda items, shall be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Charter.

6.2 Attendance at Meetings Quorums

A quorum will consist of two (2) Committee members, including at least one (1) independent member. Meetings may be held in person, by telephone or by video conference.

If for any reason a vote is required at a meeting of the Committee and the votes become dedlocked, the Chair has a casting vote.

6.3 Termination of Committee Membership

Committee membership may be terminated in accordance with this Charter for any of the following reasons:

- The term of the appointment of the member expires; or
- The member resigns in writing to the Chair, or the Mayor in the case of the Chair; or
- The member is removed by a resolution of the Council; or
- The member misses two (2) consecutive meetings without an apology.

6.4 Secretariat

The Chair shall determine the Agenda for each meeting. Council shall provide secretariat services and ensure the Agenda and any supporting papers are circulated at least one (1) week prior to the meeting and ensure minutes of each meeting are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three (3) weeks of the meeting being held.

6.5 Conflicts of Interest

Committee members must comply with the provisions of Council's Code of Conduct and must declare any conflicts of interest at the start of each meeting or before discussion of any relevant item or topic. Details of any conflicts of interest must be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The Chair shall be the final arbiter on any matter concerning real or perceived conflicts of interest.

6.6 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6.7 Review of Audit Committee Charter

At least once every two (2) years the Committee will review the Charter and must approve any changes thereto.

Table of Amendments

Version No.	Amendment	Approval Date	Resolution No.	Activity Log
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1	Review	21/2/2017	02.17/3925	
2	Review	21/10/2021	2021/22	
3	Review	8/9/2022	2022/14	
4	Update for new Council and compliance with revised guidelines and the <i>Local Government (General) Amendment (Audit Risk and Improvement Committees) Regulation 2023</i>	17/6/2025	TBA	



POLICY REGISTER

Access to Town Water Supply Policy

Policy adopted: 2010 – Minute No: 11.10.2526
Reviewed: July 2025

file Ref: D22.72075

Policy Information

Issue	Prepared/Revised by	Action Amendment Description	Approved by and Date
1.0	2010		Council 11.10.2526
2.0	2017	Unfiltered Raw Water Supply to Rural residential properties less than 40ha within 3km of border	Council 02.17.3924
3.0	2025	No Amendments	

OBJECTIVES

To define the arrangements for the connection of a property to the town water supply for unfiltered or filtered water.

POLICY STATEMENT**PART 1 – UNFILTERED WATER (RAW)****Supply area**

Council will only supply unfiltered water to properties within the area or those bordering on the area defined in the attached map.

Amendment: - Adopted November 2010 Council Meeting See minute Number 11.10.2526

Council will also supply a filtered water service to rural residential properties of size less than 40ha within 3km of the border of the area subject to:-

- Tapping size limited to 20mm
- Meters to be provided at the border of the area
- Supply pipeline from meter to property to be the responsibility of the property owner
- Councils' road opening permit conditions to apply
- Disinfection must be provided by the property owner to Councils satisfaction, and
- Suction pumping not permitted.

Council will also supply an unfiltered water (raw) service to rural residential properties of size less than 40ha within 3km of border of the area subject to:

- *Tapping size limited to 20mm*
- *Meters to be provided at the border of the area*
- *Supply pipeline from meter to property to be the responsibility of the property owner*
- *Suction pumping not permitted"*

Prohibited Use

The Council prohibits the use of unfiltered water for internal domestic use except for toilet flushing and evaporative air conditioners.

Council prohibits the use of unfiltered water for agriculture, viticulture, horticulture on an area greater than 300 square meters. Use of town water for aquaculture is prohibited.

Service Connection

Council shall provide only one 20mm nominal diameter service connection for each assessment. Larger size connection may be provided upon approval of a development application describing the proposed use.

The location of the connection point shall be at the nearest private property boundary to the supply main. It shall be located laterally across the road reserve where possible.

Connection Fee

The fee for connection to an existing lot shall be at the value as prescribed in the current Management Plan. The fee shall include the cost of a standard meter. For large size connections the cost of the meter and all fittings shall be additional.

Connection to a newly created lot shall be subject to development contribution charge receipt of any levied by Council and shall be additional to the standard connection fee.

Service Disconnection

Council may disconnect a service for reasons of misuse, interference with meter or connection piping, on-selling or unpaid account.

Reconnection

Council may charge a reconnection fee in respect of any disconnected service. The fee shall be at the value as prescribed in the current Management Plan.

Charges

Charges shall be made for access to Council's supply system and for the amount of water used as measured by the meter. The charges shall be as prescribed in the current Management Plan. The charges may be levied annually or at intervals as determined by Council.

Special Meter Readings

Council may read a meter on request and lodgement of the prescribed fee in the current Management Plan.

Meter Accuracy Test

Any request to verify the accuracy of Council's meter shall be subject to the prescribed fee. Should the test prove an inaccuracy beyond 2% the fee will be refunded. The account for the last billing period only shall be adjusted in line with the test results.

Damage to Water Meter

The consumer shall pay the costs of repairs to or replacement of damaged meters.

PART 2 – FILTERED WATER**Supply area**

Council will only supply Filtered water to properties within the area or those bordering on the area defined in the attached map.

Prohibited Use

The council prohibits the use of filtered water for external domestic use, including swimming pools.

Service Connection

Council shall provide only one 20mm nominal diameter service connection for each assessment. Larger size connection may be provided upon approval of a development application describing the proposed use.

The location of the connection point shall be at the nearest private property boundary to the supply main. It shall be located laterally across the road reserve where possible.

Connection Fee

The fee for connection to an existing lot shall be at the value as prescribed in the current Management Plan. The fee shall include the cost of a standard meter. For large size connections the cost of the meter and all fittings shall be additional.

Connection to a newly created lot shall be subject to receipt of any development contribution charge levied by Council and shall be additional to the standard connection fee.

Service Disconnection

Council may disconnect a service for reasons of misuse, interference with meter or connection piping, on-selling or unpaid account.

Reconnection

Council may charge a reconnection fee in respect of any disconnected service. The fee shall be at the value as prescribed in the current Management Plan.

Charges

Charges shall be made for access to Council's supply system and for the amount of water used as measured by the meter. The charges shall be as prescribed in the current Management Plan. The charges may be levied annually or at intervals as determined by Council.

Special Meter Readings

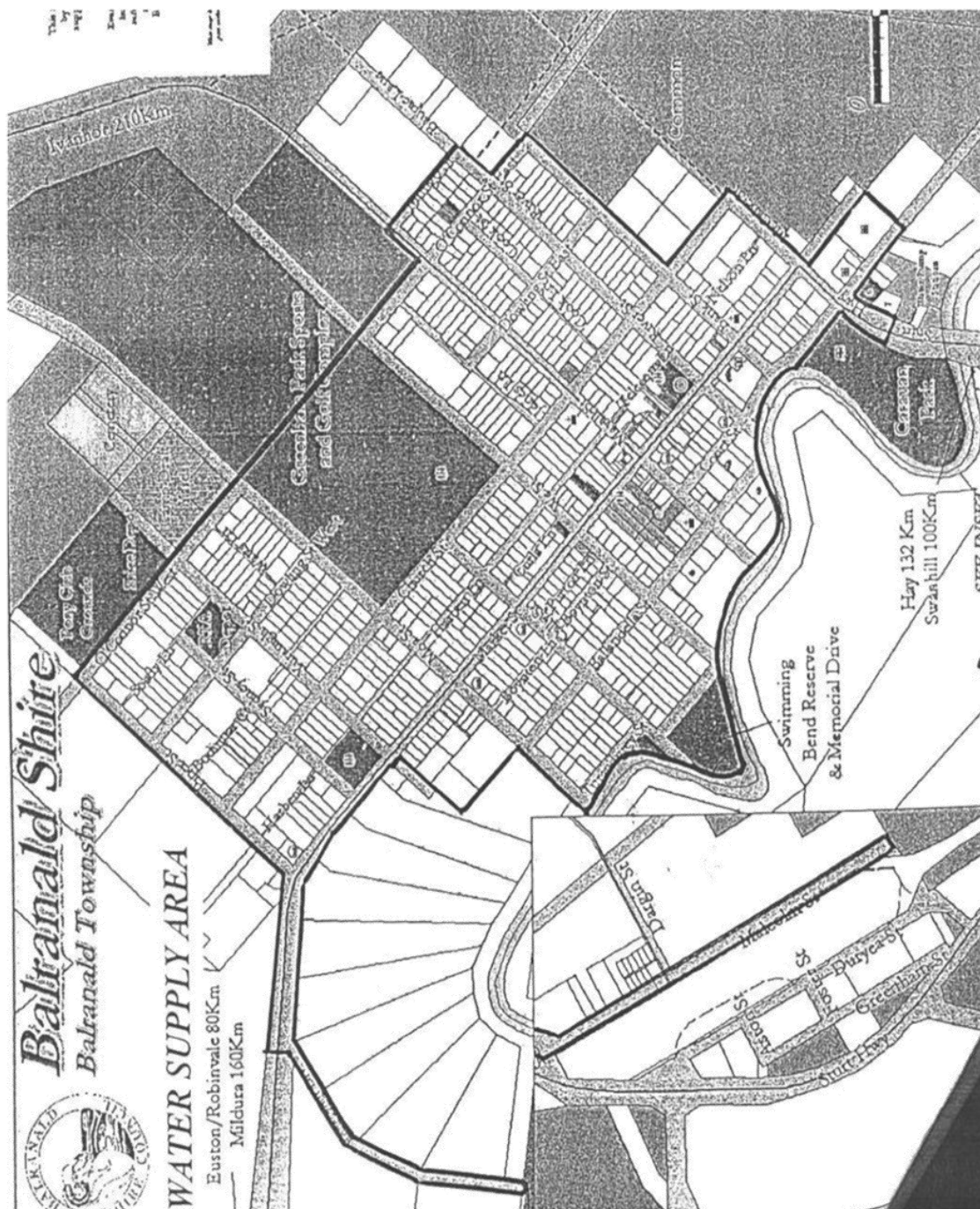
Council may read a meter on request and lodgement of the prescribed fee in the current Management Plan.

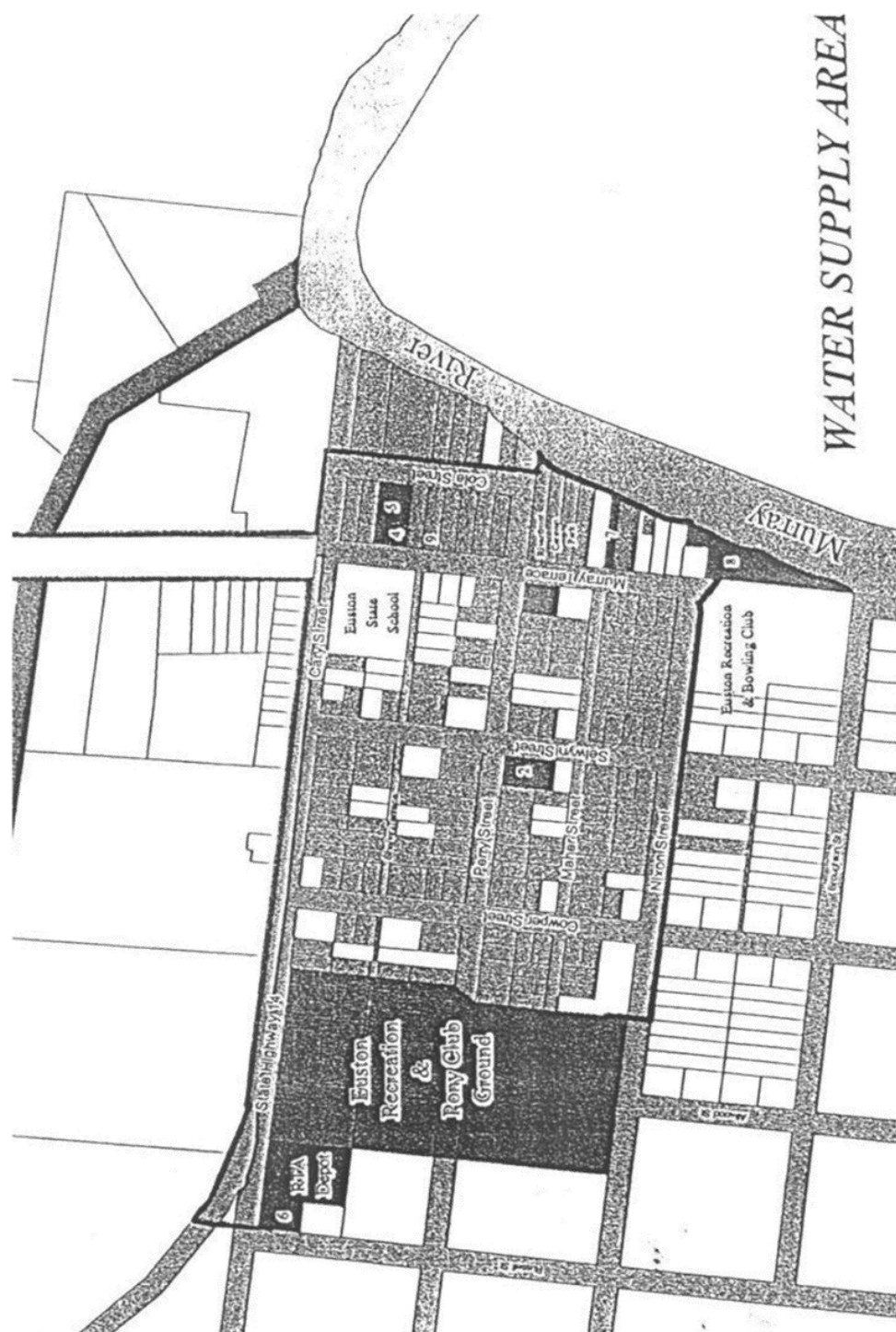
Meter Accuracy Test

Any request to verify the accuracy of Council's meter shall be subject to the prescribed fee. Should the test prove an inaccuracy beyond 2% the fee will be refunded. The account for the last billing period only shall be adjusted in line with the test results.

Damage to Water Meter

The consumer shall pay the costs of repairs to or replacement of damaged meters.





Adopted by Council – 17th May 2005
Refer Minute No. 05.05.800

Amendment: - Adopted November 2010 Council Meeting See minute Number 11.10.2526



POLICY REGISTER

Asbestos Policy

Policy adopted:	2022
Reviewed:	July 2025
File Ref:	D22.63654

Policy Information

<i>Issue</i>	<i>Prepared/Revised by</i>	<i>Action Amendment Description</i>	<i>Approved by and Date</i>
1.0	Council		Council - 2022/96
2.0	Executive Services	No Amendments	Council

Administrative information

File number or Policy number	D22.63654
Document status	Adopted
Version number	V1.0
Date last modified or Amendment history	March 2022
Created by	RM
Approved by	Council – 2022/96
Date policy first adopted by council	17 May 2022
Effective date	18 May 2022
Review period	This policy will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every three years.
Review date	March 2025
Responsibility for review	General Manager
Document distribution	External

Council disclaimer

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

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

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

Contents

1. Introduction	9
1.1 Purpose	9
1.2 Scope	9
2. Definitions	10
3. Roles and responsibilities of council	10
3.1 Educating residents	10
3.2 Managing land	10
3.3 Managing waste	11
3.4 Regulatory responsibilities	11
3.5 Responsibilities to workers	13
4. Other stakeholders involved in managing asbestos	13
Part 1 – Asbestos in the Local Government Area: Information for the community	13
5. Naturally occurring asbestos	13
5.1 Responsibilities for naturally occurring asbestos	13
5.2 Managing naturally occurring asbestos	13
5.2.1 Management of naturally occurring asbestos by council	13
6. Contamination of land with asbestos	15
6.1 Responsibilities for contaminated land	15
6.2 Finding out if land is contaminated	15
6.3 Duty to report contaminated land	16
6.4 Derelict buildings	16
7. Responding to emergencies and incidents	16
7.1 Responsibilities in the clean up after an emergency or incident	16
7.2 Advice to the public regarding clean up after an emergency or incident	17
8. Council's process for changing land use	17
9. Council's process for assessing development	18
9.1 Responsibilities for approving development	18
9.2 Providing advice to home owners, renovators and developers	18
9.3 Identifying asbestos	19
9.4 Removing asbestos, refurbishments and demolitions	19
9.4.1 Removing asbestos at domestic premises	19
9.4.2 Removing asbestos at workplaces	20
9.4.3 Obtaining approval for demolition	20

9.5	Exempt or complying development	20
9.5.1	Exempt development	20
9.5.2	Complying development	21
9.6	Development applications	21
9.6.1	Pre-development application advice regarding asbestos	21
9.6.2	Conditions of consent	21
9.7	Compliance and enforcement	22
9.7.1	Responsibilities for compliance and enforcement	22
9.7.2	Compliance strategies	22
10.	Managing asbestos as a waste	23
10.1	Responsibilities for asbestos waste management	23
10.2	Handling asbestos waste for disposal	23
10.3	Transporting asbestos waste	23
10.4	Disposing of asbestos waste at waste facilities	24
10.4.1	Situations in which asbestos waste may be rejected from waste facilities	24
10.5	Illegal dumping of asbestos waste	24
10.6	Asbestos remaining on-site	25
11.	Complaints and investigations	25
Part 2 –	Management of asbestos risks within council	25
12.	Rights and responsibilities of workers at the council workplace	25
12.1	Duties of council workers at the council workplace	25
12.1.1	The General Manager	25
12.1.2	Workers	26
12.1.3	Prohibited work activities	26
12.2	Responsibilities of council to council workers	26
12.2.1	Council's general responsibilities	26
12.2.2	Education, training and information for workers	27
12.2.3	Health monitoring for workers	27
13.	Identifying and recording asbestos hazards in the council workplace	27
13.1	Identifying asbestos	27
13.1.1	Material sampling	28
13.2	Indicating the presence and location of asbestos	28
13.3	Asbestos register	28
13.4	Suspected asbestos	28
14.	Managing asbestos-related risks in the council workplace	29
14.1	Asbestos management plan	29
14.2	Asbestos management plan for naturally occurring asbestos	29
14.3	Management options for asbestos-related risks in the council workplace	29

14.4	Sites contaminated with asbestos that are council workplaces	29
14.5	Demolition or refurbishment of council buildings and assets	29
14.6	Removal of asbestos in the council workplace	29
14.6.1	Removal by council employees	30
14.6.2	Removal by contractors	30
14.6.3	Clearance inspections and certificates	31
15.	Accidental disturbance of asbestos by workers	31
16.	Council's role in the disposal of asbestos waste	31
16.1	Responding to illegal dumping	32
16.2	Transporting and disposing of asbestos waste	32
16.3	Operating council's waste facility / facilities licensed to accept asbestos waste	32
16.3.1	Asbestos waste incorrectly presented to council's waste facility / facilities	32
16.4	Recycling facilities	33
16.5	Re-excavation of landfill sites	33
17.	Advice to tenants and prospective buyers of council owned property	34
18.	Implementing council's asbestos policy	34
18.1	Supporting documents	34
18.2	Communicating the policy	34
18.3	Non-compliance with the policy	34
19.	Variations to this policy	35
	Appendices	36
	Appendix A – General information and guidance	36
1.	What is asbestos?	36
2.	Where is asbestos found?	37
2.1	Naturally occurring asbestos	37
2.2	Residential premises	37
2.3	Commercial and industrial premises	38
2.4	Sites contaminated with asbestos	39
3.	Potentially hazardous activities	40
4.	Health hazards	41
	Appendix B – Further information	42
	Appendix C – Definitions	44
	Appendix D – Acronyms	49
	Appendix E – Relevant contacts	49
	Appendix F – Waste management facilities that accept asbestos wastes	52

Appendix G – Asbestos-related legislation, policies and standards	53
Appendix H – Agencies roles and responsibilities	54
Appendix I – Scenarios illustrating which agencies lead a response in NSW	58
Appendix J – Asbestos containing materials	62
Appendix K – Asbestos licences	67
Appendix L – Map	68

1. Introduction

Balranald Shire Council acknowledges the serious health hazard of exposure to asbestos.

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

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

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

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

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

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

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

1.1 Purpose

This policy aims to outline:

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

1.2 Scope

This policy applies to all of the Balranald LGA within council's jurisdiction.

The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is

information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the NSW *Work Health and Safety Regulation 2011*). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

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

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

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

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed in Appendix B.
- Detailed information on council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of council

3.1 Educating residents

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

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

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

3.2 Managing land

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

3.3 Managing waste

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

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

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

3.4 Regulatory responsibilities

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

- *Contaminated Land Management Act 1997* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Environmental Planning and Assessment Regulation 2000* (NSW)
- *Local Government Act 1993* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Protection of the Environment Operations (General) Regulation 2009* (NSW)
- *Protection of the Environment Operations (Waste) Regulation 2014* (NSW)
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Demolition work code of practice 2015* (catalogue no. WC03841).

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

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

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

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

3.5 Responsibilities to workers

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

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

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

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

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

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

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

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

5.1 Responsibilities for naturally occurring asbestos

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

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

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

5.2 Managing naturally occurring asbestos

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

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

5.2.1 Management of naturally occurring asbestos by council

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

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

6. Contamination of land with asbestos

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

6.1 Responsibilities for contaminated land

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

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

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

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

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

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

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

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

6.2 Finding out if land is contaminated

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

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

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

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

6.3 Duty to report contaminated land

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

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

6.4 Derelict buildings

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

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

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

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

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

7. Responding to emergencies and incidents

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

7.1 Responsibilities in the clean up after an emergency or incident

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

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

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

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

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.

- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

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

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

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

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

8. Council's process for changing land use

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

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

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

9. Council's process for assessing development

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

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

9.1 Responsibilities for approving development

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

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

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

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

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

9.2 Providing advice to home owners, renovators and developers

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

The key points are:

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

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

9.3 Identifying asbestos

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

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

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

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

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

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

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

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

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos at domestic premises

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

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

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

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

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

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

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

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

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

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

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

All licensed asbestos removal must be:

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

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

9.4.2 Removing asbestos at workplaces

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

9.4.3 Obtaining approval for demolition

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

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

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

9.5 Exempt or complying development

9.5.1 Exempt development

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

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

9.5.2 Complying development

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

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

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

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

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

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

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

9.6 Development applications

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

9.6.1 Pre-development application advice regarding asbestos

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

9.6.2 Conditions of consent

See attached Appendix M

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement

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

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

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

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

9.7.2 Compliance strategies

Illegal works include:

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

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

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

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

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

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

10. Managing asbestos as a waste

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

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

10.1 Responsibilities for asbestos waste management

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

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

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

10.2 Handling asbestos waste for disposal

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

10.3 Transporting asbestos waste

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

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

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

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

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

10.4 Disposing of asbestos waste at waste facilities

- Asbestos may be disposed of at Balranald Shire Council Landfills by prior arrangement
- Contact Balranald Shire Council during office hours for further details
- Fees as set out in the Revenue Policy plus actual cost to bury

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

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

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

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

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

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

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

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

10.5 Illegal dumping of asbestos waste

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

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

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

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant occupier or landowner becomes the responsible party.

Local councils are the appropriate regulatory authority for illegal dumping unless:

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

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

10.6 Asbestos remaining on-site

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

11. Complaints and investigations

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

Council will respond to complaints and inquiries regarding:

- council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

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

Part 2 – Management of asbestos risks within council

12. Rights and responsibilities of workers at the council workplace

12.1 Duties of council workers at the council workplace

12.1.1 The General Manager

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

12.1.2 Workers

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

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

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

12.1.3 Prohibited work activities

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

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

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

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

12.2 Responsibilities of council to council workers

12.2.1 Council's general responsibilities

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

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

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

12.2.2 Education, training and information for workers

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

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

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

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

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

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

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

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

A list of workers who have received the appropriate training to respond to asbestos hazards will be held on Council's records management system

12.2.3 Health monitoring for workers

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

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

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

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

Documentation relating to monitoring employees health is maintained by the Human Resources of Council with actual records stored on the individuals personnel file.

13. Identifying and recording asbestos hazards in the council workplace

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

13.1 Identifying asbestos

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

13.1.1 Material sampling

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

13.2 Indicating the presence and location of asbestos

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

13.3 Asbestos register

Council has an asbestos register which can be found the electronic record keeping system and a hard copy of the information is kept at specified locations.

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

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

13.4 Suspected asbestos

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

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

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council will prepare an Asbestos Management Plan

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW *Work Health and Safety Regulation 2011* clause 429.

14.2 Asbestos management plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW *Work Health and Safety Regulation 2011* part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the council workplace

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

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).

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

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

14.4 Sites contaminated with asbestos that are council workplaces

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

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

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

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

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

14.5 Demolition or refurbishment of council buildings and assets

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

14.6 Removal of asbestos in the council workplace

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

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

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

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

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (this does not apply if the asbestos removal work is to be carried out at residential premises, for example cleaning up asbestos that has been illegally dumped at a residential premises)
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

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

14.6.1 Removal by council employees

A list of employees trained and nominated to remove asbestos as well as the nominated supervisors should be listed in council's asbestos management plan. Council will ensure that before any council employee undertakes asbestos (or suspected asbestos) removal work they are:

- appropriately trained
- adequately supervised
- provided with appropriate personal protective equipment and clothing
- provided access to this policy
- provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.

14.6.2 Removal by contractors

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

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

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained and is provided with appropriate health monitoring by their employer.

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

- Asbestos removal control plan
- Public liability certificate of currency
- Workers compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work

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

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

14.6.3 Clearance inspections and certificates

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

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

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

15. Accidental disturbance of asbestos by workers

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

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

Unexpected discovery of asbestos may occur in any number of situations. Council will develop SWMS for situations where asbestos is discovered at or to be disposed of at our Landfills. Notwithstanding the content of developed SWMS the following actions may also be appropriate:

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

16. Council's role in the disposal of asbestos waste

16.1 Responding to illegal dumping

Removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or section 14.6.2.

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

16.2 Transporting and disposing of asbestos waste

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

16.3 Operating council's waste facility / facilities licensed to accept asbestos waste

Waste management facilities must be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:

- (1) A person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) When a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) When a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) The occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if expressly authorised by an environment protection licence held by the occupier) other material:
 - (a) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (b) at the end of each day's operation, to a depth of at least 0.5 metre, and
 - (c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Council has develop a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council should visually screen and may also inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council will develop procedures to avoid asbestos contamination in material intended for resource recovery.

Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued.

16.3.1 Asbestos waste incorrectly presented to council's waste facility / facilities

This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:

- not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997*
- issue a compliance cost notice under the *Protection of the Environment Operations Act 1997*
- issue a penalty infringement notice for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from SafeWork NSW). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the *Protection of the Environment Operations (Waste) Regulation 2014*). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council's rangers or council's compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:

- undertake surveillance via video cameras to issue fines or deter dumping
- provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.

16.4 Recycling facilities

Council should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, council should adhere to the guide: *Management of asbestos in recycled construction and demolition waste*.

16.5 Re-excavation of landfill sites

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited is not encouraged and should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997*).

17. Advice to tenants and prospective buyers of council owned property

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

Council may request that tenants in council property:

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

18. Implementing council's asbestos policy

18.1 Supporting documents

Council has or is intending to develop several internal documents that support this policy.

- asbestos management plan
- asbestos register
- complaints handling procedures
- Council's existing risk assessment matrices and a risk controls checklist
- employee health monitoring plans
- incident report form
- maintenance and inspection schedules for council owned assets
- risk register
- safe work method statements/ procedures for asbestos handling and removal for council employees
- site maps and GPS coordinates for asbestos in landfill
- site specific safety management plans
- training registers/ records (relevant to identifying, handling and removing of asbestos materials).

18.2 Communicating the policy

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

- Council's website www.balranald.nsw.gov.au
- Council's electronic record keeping system at D22.63654

All employees shall receive information about the policy during employment induction.

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

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

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

18.3 Non-compliance with the policy

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

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

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

19. Variations to this policy

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

Appendices

Appendix A – General information and guidance

1. What is asbestos?

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

There are two major groups of asbestos:

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

Further information about the different types of asbestos can be found in: Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 (available at: www.health.gov.au/internet/publications/publishing.nsf/Content/asbestos-toc~asbestos-about).

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

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

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

2. Where is asbestos found?

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

2.1 Naturally occurring asbestos

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

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

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

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

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos. The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

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

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

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

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

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

Outside

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

Inside

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

Asbestos can also be found in:

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

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

2.3 Commercial and industrial premises

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

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

- yarns and textiles eg fire blankets.

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

2.4 Sites contaminated with asbestos

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

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

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

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.epa.nsw.gov.au/clm/publiclist.htm

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

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

3. Potentially hazardous activities

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

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

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

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

Council could inadvertently disturb asbestos through activities such as:

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

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

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

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

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

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

4. Health hazards

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

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

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

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

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

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

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

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

Appendix B – Further information

Aboriginal communities

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

Asbestos contractors

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

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

Asbestos waste

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

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

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

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

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

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

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

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

Contaminated land

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

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

Emergency management

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

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

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

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

Environmental risk assessment

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

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

Health

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

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

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

Renovation and development

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

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

Asbestos Awareness website (Asbestos Education Committee)

www.asbestosawareness.com.au

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

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

Practical guidance

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

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

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

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

Tenants

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

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

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)

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

Appendix C – Definitions

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

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

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

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

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

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

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

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

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

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

asbestos removal work means:

- a. work involving the removal of asbestos or asbestos containing material, or
- b. Class A asbestos removal work or Class B asbestos removal work.

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

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

certifying authority means a person who is authorised by or under section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under section 109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

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

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

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

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

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

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

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

complying development certificate

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

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

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

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

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

development means:

- a. the use of land
- b. the subdivision of land
- c. the erection of a building
- d. the carrying out of a work
- e. the demolition of a building or work
- f. any other act, matter or thing referred to in section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

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

emergency service organisation includes any of the following:

- a. the Ambulance Service of NSW
- b. Fire and Rescue NSW
- c. the NSW Rural Fire Service
- d. the NSW Police Force
- e. the State Emergency Service
- f. the NSW Volunteer Rescue Association Inc
- g. the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- h. an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

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

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

friable asbestos means material that:

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

health means physical and psychological health.

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

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

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

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

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

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

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

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

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

NATA means the National Association of Testing Authorities, Australia.

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

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

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

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

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

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

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

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

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

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

respirable asbestos fibre means an asbestos fibre that:

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

specified VET course means:

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

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

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

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

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

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

- a. an employee, or
- b. a contractor or subcontractor, or
- c. an employee of a contractor or subcontractor, or
- d. an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e. an outworker, or
- f. an apprentice or trainee, or
- g. a student gaining work experience, or
- h. a volunteer, or
- i. a person of a prescribed class.

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

Appendix D – Acronyms

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

Appendix E – Relevant contacts

Balranald Shire Council

Phone (03) 5020 1300

Email: council@balranald.nsw.gov.au

Web: www.balranald.nsw.gov.au

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

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

Asbestos Diseases Research Institute

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

Australian Institute of Occupational Hygienists Inc.

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

Dust Diseases Authority

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

Environment Protection Authority (EPA)

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

Licensed Asbestos Contractors

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

Asbestos Removal Contractors Association NSW

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

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

Civil Contractors Federation (CCF)

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

Local Government NSW

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

NSW Ombudsman

Phone: (02) 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)**TAFE NSW**

Phone: 131 601

Website: www.tafensw.edu.au

Housing Industry Association (HIA)

Phone: (02) 9978 3333

Website: www.hia.com.au/

Local Government Training Institute

Phone: (02) 4922 2333

Website: www.lgti.com.au

Comet Training

Phone: (02) 9649 5000

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

Master Builders Association (MBA)

Phone: (02) 8586 3521

Website: www.masterbuilders.com.au

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50

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

Website: www.safework.nsw.gov.au

Appendix F – Waste management facilities that accept asbestos wastes

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

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

Waste management facilities in Balranald LGA that accept asbestos wastes

Balranald Shire Council – Euston and Balranald Landfills will accept asbestos waste , by prior agreement, subject to a scale of fees and / or on a cost recovery basis.

Disposal of asbestos waste at these landfills shall be in accordance with section 10.

Waste management facilities in other areas that accept asbestos wastes

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

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

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

Appendix G – Asbestos-related legislation, policies and standards

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

Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Environment (DPE)

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

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

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

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

Dust Diseases Authority (DDA)

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

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

Environment Protection Authority (EPA)

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

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

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

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

Heads of Asbestos Coordination Authorities (HACA)

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

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

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

Local Government NSW (LGNSW)

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

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

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

NSW Department of Industry

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

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

The NSW Department of Industry also has responsibilities for:

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

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

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

NSW Ministry of Health

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

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

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

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

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

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

Office of Local Government

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

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

SafeWork NSW

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

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

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

National organisations

Asbestos Safety and Eradication Agency

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

The agency has broad functions under its legislation, including:

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

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

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

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

National Association of Testing Authorities (NATA)

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

NSW (Head Office) and ACT

Phone: (02) 9736 8222

National Toll Free: 1800 621 666

Website: www.nata.asn.au

Environmental Health Committee (enHealth)

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

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

Safe Work Australia

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

Phone: (02) 6121 5317

Email: info@swa.gov.au

Website: www.safeworkaustralia.gov.au

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

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

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

Emergency management

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

Naturally occurring asbestos

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

Residential settings

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

Site contamination

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

Waste

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

Workplaces

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

Appendix J – Asbestos containing materials

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

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbled decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	During the 1960s and 1970s, pure loose-fill asbestos was sold as ceiling insulation for residential and commercial premises. A Canberra based company known as 'Mr Fluffy' installed insulation in at least 1,000 homes in the ACT and is also understood to have installed insulation into homes in NSW.
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985
Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Sources:

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

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

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

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

Air conditioning duct, in the exterior or interior acoustic and thermal insulation
Arc shields in lift motor rooms or large electrical cabinets
Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats
Asbestos ceiling tiles
Asbestos cement conduit
Asbestos cement electrical fuse boards
Asbestos cement external roofs and walls
Asbestos cement in the use of form work for pouring concrete
Asbestos cement internal flues and downpipes
Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers
Asbestos cement pieces for packing spaces between floor joists and piers
Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc
Asbestos cement render, plaster, mortar and coursework
Asbestos cement sheet
Asbestos cement sheet behind ceramic tiles
Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards
Asbestos cement sheet internal walls and ceilings
Asbestos cement sheet underlay for vinyl
Asbestos cement storm drain pipes
Asbestos cement water pipes (usually underground)
Asbestos containing laminates, (such as Formica) used where heat resistance is required
Asbestos containing pegboard
Asbestos felts
Asbestos marine board, eg marinate
Asbestos mattresses used for covering hot equipment in power stations
Asbestos paper used variously for insulation, filtering and production of fire resistant laminates
Asbestos roof tiles
Asbestos textiles
Asbestos textile gussets in air conditioning ducting systems
Asbestos yarn
Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)
Bituminous adhesives and sealants
Boiler gaskets
Boiler insulation, slabs and wet mix
Brake disc pads
Brake linings

C

Cable penetration insulation bags (typically Telecom)
Calorifier insulation
Car body filters (uncommon)
Caulking compounds, sealant and adhesives
Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)
Cement render
Chrysotile wicks in kerosene heaters
Clutch faces
Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings
Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation
Electric hot water services (normally no asbestos, but some millboard could be present)
Electric light fittings, high wattage, insulation around fitting (and bituminised)
Electrical switchboards see Pitch-based
Exhausts on vehicles

F

Filler in acetylene gas cylinders
Filters: beverage wine filtration
Fire blankets
Fire curtains
Fire door insulation
Fire-rated wall rendering containing asbestos with mortar
Fire-resistant plaster board, typically on ships
Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry
Flexible hoses
Floor vinyl sheets
Floor vinyl tiles
Fuse blankets and ceramic fuses in switchboards

G

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

Gaskets: chemicals, refineries

Gaskets: general

Gauze mats in laboratories/chemical refineries

Gloves: asbestos

H

Hairdryers: insulation around heating elements

Header (manifold) insulation

I

Insulation blocks

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

Insulation in electric reheat units for air conditioner systems

L

Laboratory bench tops

Laboratory fume cupboard panels

Laboratory ovens: wall insulation

Lagged exhaust pipes on emergency power generators

Lagging in penetrations in fireproof walls

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

Limpet asbestos spray insulation

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

M

Mastik

Millboard between heating unit and wall

Millboard lining of switchboxes

Mortar

P

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

Packing material on window anchorage points in high-rise buildings

Paint, typically industrial epoxy paints

Penetrations through concrete slabs in high rise buildings

Pipe insulation including moulded sections, water-mix type, rope braid and sheet

Plaster and plaster cornice adhesives

Pipe insulation: moulded sections, water-mix type, rope braid and sheet

Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R

Refractory linings

Refractory tiles

Rubber articles: extent of usage unknown

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts

Sealant or mastik on windows

Sealants and mastik in air conditioning ducting joints

Spackle or plasterboard wall jointing compounds

Sprayed insulation: acoustic wall and ceiling

Sprayed insulation: beams and ceiling slabs

Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels

Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing

Tapered ends of pipe lagging, where lagging is not necessarily asbestos

Tilux sheeting in place of ceramic tiles in bathrooms

Trailing cable under lift cabins

Trains: country – guards vans – millboard between heater and wall

Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods

Woven asbestos cable sheath

Sources:

Environmental health notes number 2 guidelines for local government on asbestos, 2005 (Victorian Department of Human Services). www.health.vic.gov.au/environment/downloads/hs523_notes2_web.pdf

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

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

Appendix K – Asbestos licences

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

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

New South Wales Asbestos Occurring Naturally Map

Legend

Known Asbestos Sites

Size of site

- 1000
- 500
- 100
- 10

Other Sites

- Asbestos Sites
- Other Sites

Scale

0 20 40 80 120 160 Kilometers

Map Notes

Asbestos Occurrence is based on geological data from 1:1M scale maps and 1:250,000 scale maps. Areas in the Broken Hill Region include 1:25,000 scale geological mapping. This information was not available for the Broken Hill Region. This information will continue to be updated in the light of new geological data.

Potential Areas For Naturally Occurring Asbestos (NOA)

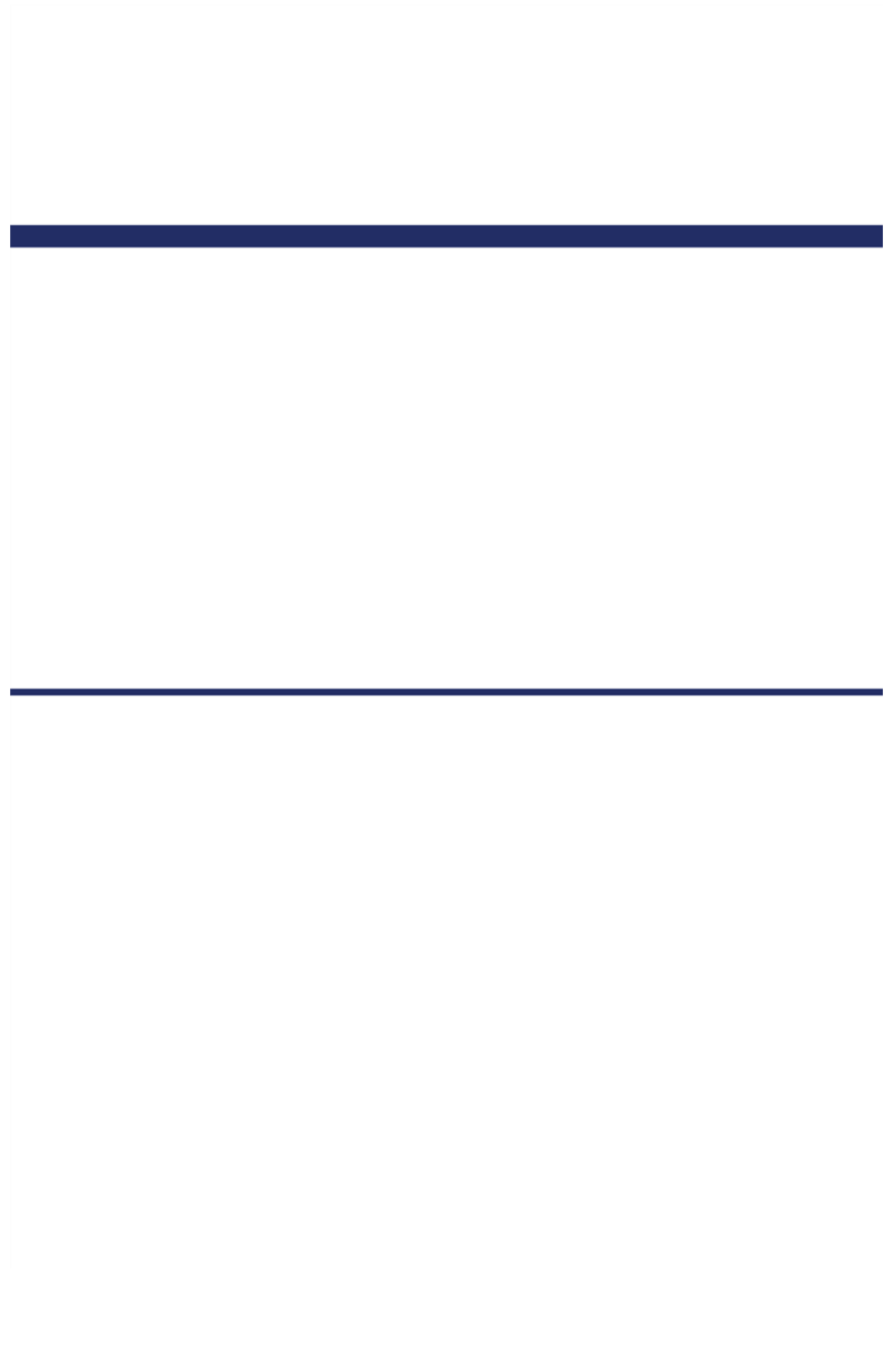
Potential Asbestos Areas (geological data) are shown in the legend. Asbestos Occurrence is based on geological data from 1:1M scale maps and 1:250,000 scale maps. Areas in the Broken Hill Region include 1:25,000 scale geological mapping. This information was not available for the Broken Hill Region. This information will continue to be updated in the light of new geological data.

These areas have the potential for NOA. Based on current knowledge, areas away from identified NOA occurrences these areas do not necessarily determine that asbestos is present or absent.

Disclaimer

The State of New South Wales does not warrant the accuracy, reliability, completeness, or suitability for any purpose of the information contained in this publication. The State of New South Wales does not accept any liability for any loss, including indirect or consequential damage, arising from the use of any information contained within this publication.

NSW 1:5 750 000 NATURALLY OCCURRING ASBESTOS February 2016





POLICY REGISTER

Asset Disposal

Policy adopted: 2022 – Minute No: 2022/96

Reviewed: July 2025

file Ref: D22.63114

Policy Information

<i>Issue</i>	Prepared/Revised by	Action Amendment Description	Approved by and Date
1.0	2022		Council 2022/96
2.0	2025		Council

OBJECTIVE

- To provide an accountable and transparent process for the disposal of surplus assets and materials.
- To ensure that such disposal is in accordance with the requirements of the Local Government Act (1993) and in the interests of good governance and complies with Council's Code of Conduct, particularly with respect to conflict of interest.
- To clearly define a framework, responsibilities and guidelines for Council Officers to manage the disposal of surplus assets and materials.

SCOPE

This policy applies to all processes related to the disposal of assets (except those expressly excluded by this Policy) undertaken by Balranald Shire Council.

POLICY STATEMENT

Disposal of Plant, Equipment and Goods

At all times, surplus assets or materials should be disposed of in a way that maximises returns whilst ensuring open and effective competition.

Prior to disposal, a reasonable effort is to be made to ensure Council has no need for the asset. Items of historical or cultural significance should be given special regard and any dangerous goods disposed of only in an authorised manner.

No warranty is to be offered on assets sold.

Approval to commence the disposal process must be obtained from the relevant Director or Manager with the appropriate delegated authority to dispose of the asset value in question.

A decision to dispose of an asset should be based on one or more of the following:

- Obsolete and/or operationally inefficient;
- Non-compliance with workplace health and safety standards;
- The item in question is past its designated expiry date;
- No further use in the foreseeable future;
- No use in the previous 18 months (stores stock items);
- Optimum time to maximise return or part of an asset

- replacement program;
- Uneconomical to repair.

Accountability

All decisions made, and the reasons for the decisions, must be documented and recorded within Council's electronic document and records management system by the responsible officer.

Methods of Disposal

Public Tender

Where assets of significant value (being \$250,000 or more) are to be sold, the sale must be by way of a public tender process. The tender process must be undertaken in accordance with the Local Government (General) Regulation 2005 and the Office of Local Government Tendering Guidelines for NSW Local Government.

Methods for Assets valued under \$250,000.00

Public Auction/Online Auction, Expressions of Interest/Quotations, Gifts to Charity, Destruction/Recycling.

The responsible officer, in consultation with their manager/director, must determine the most appropriate method of disposal.

For example, low value items may best be disposed of by way of advertising locally and seeking expressions of interest.

Auctions may be best utilised for items where there is public demand for items and the costs of the auction can be justified in relation to the expected revenue from the sale of the item.

Trade-ins can be an efficient and convenient way to upgrade equipment such as plant. A decision to trade in must be based on a clear analysis of the benefit of trade in versus a separate sale of the goods/item in question.

Donations to charities or community organisations can be made in relation to low value items (under \$2000.00) with the authority of the relevant director. The following should be kept in mind when determining such donations:

- Charities and community groups should receive equitable treatment to avoid possible claims of bias;
- Where the donation is seen as appropriate but there is a potential claim of bias; the matter should be referred to the General Manager;

- Where feasible the charity or community group should remove/transport the assets themselves at no cost to Council.

Items that have no value, are unserviceable and/or the disposal cost is deemed higher than the likely return may be written off and recycled or destroyed.

Conflicts of Interest

The officer responsible for the disposal of any Council asset and the relevant director or manager must ensure that no conflict of interest occurs in or as a result of the asset disposal process.

Sales to Staff or Councillors

The sale of assets to staff is **NOT** to occur outside of a public process.

DEFINITION

Asset: means any asset item recorded in Council's Asset Register, excepting land and buildings.

Conflict of Interest: as defined under Council's Adopted Code of Conduct.

Charity or Community Group: Not for profit organisations.

Plant: Includes machinery, vehicles, equipment, appliance, implement or tool and any equipment, component or fitting thereof or accessory.

EXCEPTIONS

This Policy does not relate to real property (i.e. land and buildings).

LEGISLATION REQUIREMENTS

As listed at the end of this policy.

POLICY HISTORY AND VERSION CONTROL

Policy Title	Asset Disposal Policy
Directorate	General Manager
Department	Corporate
Policy Group	Corporate

Responsible Officer	Governance and Risk Officer
History	2.0
Relevant Legislation	<ul style="list-style-type: none">• Local Government Act 1993• Local Government (General) Regulation 2005• Tendering Guidelines for NSW Local Government

RELATED DOCUMENTS

- Adopted Code of Conduct
- Procurement Policy and Procedures
- Asset Management Policy



POLICY REGISTER

Asset Management Policy

Policy adopted: 20022 – Minute No: 2022/96

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1 | Page

Policy Information

<i>Issue</i>	Prepared/Revised by	Action Amendment Description	Approved by and Date
1.0	2022		Council 2022/96
2.0	2025		Council

OBJECTIVE

To ensure adequate provision is made for the long-term management of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council infrastructure assets by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining asset management awareness throughout the organisation by training and development.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

SCOPE

The policy sets the guiding principles and framework for undertaking asset management at Balranald Shire Council.

POLICY STATEMENT

Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Balranald Shire Council's physical infrastructure includes Water & Sewerage assets, Roads, Bridges, Footpaths, Buildings, and Parks. This infrastructure is essential for delivering the services to the community that Council is responsible for.

Asset management practices impact directly on the core business of Council and appropriate asset management is required to achieve our strategic service delivery objectives.

Adopting asset management principles will assist Council in achieving its Strategic longer-term planning and long-term financial objectives.

A strategic approach to asset management will ensure that the Council delivers the highest appropriate level of service through its assets. This will provide positive impact on;

- Members of the public and staff;
- Council's financial position;
- The ability of Council to deliver the expected level of service and infrastructure;
- The political environment in which Council operates; and
- The legal liabilities of Council.

Principles

A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.

All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.

Asset management principles will be integrated within existing planning and operational processes.

Asset Management Plans will be maintained for major service/asset categories. The plans will be informed by financial planning and consultation with the community regarding services levels.

An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.

Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long-term financial plans will form the basis of annual budget estimates.

Service levels defined in adopted asset management plans will form the basis of annual budget estimates with the service and risk consequences of variations in defined services levels and budget resources documented in budget documentation.

Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.

Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.

Training in asset and financial management will be provided for Councillors and relevant staff.

Policy Commitment

We are committed to:

- Delivering financial sustainability by making decisions that lead to a cost-effective asset base, by focusing on asset renewal before new assets, rationalising under-utilised assets, limiting asset expansion unless justified and disposal of obsolete assets.
- Providing a level of service to the community that responds to community needs.
- Ensuring the services currently provided are available for future generations.
- Providing infrastructure in a condition that supports the services provided.
- Identifying funding to support and maintain our infrastructure.

Responsibilities and Delegations

Councilors are responsible for adopting the policy, allocation of resources, providing high level oversight of the delivery of Council's asset management strategy and plan and maintaining accountability mechanisms to ensure that Council's resources are appropriately utilised to address Council's strategic plans and priorities.

The General Manager has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.

DEFINITION

NIL

EXCEPTIONS

NIL

LEGISLATION REQUIREMENTS

Will be listed at the end of this policy.

RELATED DOCUMENTS

- Asset Disposal Policy
- Community Strategic Plan
- BSC Delivery Program
- BSC Asset Management Plan
- BSC Long-term Financial Plan

POLICY HISTORY AND VERSION CONTROL

Policy Title	Asset Management Policy
Directorate	Infrastructure Services
Department	Engineering and Assets
Policy Group	Environmental
Responsible Officer	Asset Officer
History	2.0
Relevant Legislation	<ul style="list-style-type: none">• Local government Act 1993• The NSW Local Government Amendment (Planning and Reporting) Act 2009

	BURIALS ON PRIVATE LAND		Doc No	
			Version	Date
			1	13.09.2013
Controller:	Approved By:	Review Date		
GENERAL MANAGER	Council 21st February 2017 Minute No: 02.17.3924	February 2019		

Policy Number:

Policy Section:

Policy Title: Burials on Private Land

File reference: File 400

OBJECTIVES: To allow burials on private land.

To protect public health.

POLICY STATEMENT

Balranald Shire Council is the approval authority under the Public Health (Disposal of Bodies) Regulation 2012 for applications for burial on private land in the Balranald Local Government area. This policy is intended to provide guidance to applicants of Councils requirements in fulfilling this role.

1. Preamble

The operation of cemeteries and interment of deceased persons on private land must be approved by Council in accordance with the conditions outlined below and the provision of the Public Health Regulation 2012, Part 8, Disposal of Bodies.

No interment can take place on private land unless approval for establishment of a cemetery and a permit for burial have been issued by Council.

This policy will apply to all applications to bury bodies on private land not being a public or private cemetery.

2. ESTABLISHMENT OF A CEMETERY ON PRIVATE LAND

Whilst Council would prefer a person to be buried in a public cemetery, Council does recognise that it will, on occasions, be requested to allow a family member to be buried on private land for various personal reasons.

Establishment of a cemetery on private land may be made to Council from the owner/s of the land.

Any proposal for a private burial/cemetery will require the submission of a Development Application.

Development Application accompanied by a site plan showing the location of the proposed burial site in relation to existing buildings, permanent existing observable landmarks, all boundaries of the site, watercourses, dams and drainage depressions, together with payment of the appropriate fee.

The burial site must be used for private purposes relating only to the burial of family members. A separate Development Application is required to be submitted to Council for any subsequent burial if a separate site.

Accurate details to an approved scale showing the layout of the cemetery including each grave site and proposed dimensions of same.

The land on which the cemetery is to be located must have a minimum area of five (5) hectares.

The proposed cemetery must be sited a minimum of 100 meters from the boundary of the land and any habitable buildings (other than the applicant's dwelling) on the land.

The boundaries of the cemetery must be permanently marked with posts, fencing or other approved method.

The cemetery must not be within 100 metres of any natural watercourse, in an area where it may impact on a drinking water catchment or groundwater supply or within an area excluded by the provisions of any other authority.

The existence of a cemetery is to be designated on the land title as a permanent record. A copy of the amended title or planning instrument is to be provided to Council for its records.

It is the responsibility of the applicant to ensure future maintenance and rights of access to the cemetery site in the event of a change of ownership of the land.

The Application Fee will apply for establishment of a cemetery on private land. This fee includes registration, approval and site inspection and is payable by the applicant.

The burial site is to be located above the 1 in 100 year flood level.

A register of burials must be kept and immediately after a burial has been carried out, enter into such register. The following details must be provided to Council.

- Name, age and last address of the person whose body or remains have been buried.
- Date of the person's death;
- Date of the burial;
- Identification of the allotment where the burial has been made;
- Name of the undertaker who transported the body to the cemetery;
- Name of the person, if any, who conducted any ceremony at the burial.

A geotechnical report of the area proposed to be used as a burial site may be required by Council to establish the depth of soil to enable burial at an appropriate depth, if the water table of the area and the potential to pollute ground waters or surface waters.

A plan or map, prepared by a Registered Land Surveyor, showing the location of the cemetery/burial plot in relation to the boundaries of the property, and the position of the allotments within that cemetery must be prepared and kept with the register at all times.

A Restriction to Use of the land pursuant to Section 88B of the Conveyancing Act, or a Solicitors Dealing and containing the following or similar wording, is to be submitted to Council within three (3) months of the use of the burial site: "Within the area shown so burdened on the attached plan, a grave site is located and no construction or excavation is permitted without prior written consent of the Council."

A Restriction to Use of the land pursuant to Section 88B of the Conveyancing Act, or a Solicitors Dealing, containing the following or similar wording, and submitted to Council within three (3) months of the use of the burial site.

"The owner must not restrict the reasonable access to the grave site by the most suitable route. Further, the owner must not interfere or damage the grave site, provided that any person visiting the grave site must not interfere with the operations of the property and must leave all farming infrastructure as it is found."

3. CONDITIONS RELATING TO BURIALS ON PRIVATE LAND

The operation of the cemetery and handling and internment of deceased persons on private land must be carried out in accordance with the provision of the Public Health (Disposal of Bodies) Regulation 2012.

No internment must take place unless a "Burial Permit" is issued by Council. A copy of the Death Certificate or coroner's advice is to be certified as sighted by a registered undertaker or to accompany the application for a Burial Permit.

Graves are to be identified by permanent markers giving full name and date of birth and death

Should seepage or subsurface water be encountered during excavation of the burial site, the coffin is to be lined with lead or a similar, approved lining material.

No internment must take place until council's authorised officer has inspected the excavated grave.

Once placed within the grave the upper surface of the coffin must be placed at least 900mm below the natural level of the soil where it is buried.

A register of burials must be kept and immediately after a burial has been carried out, enter into such register. The following details must be provided to Council:

- Name, age and last address of the person whose body or remains have been buried;
- Date of the person's death;
- Date of the burial;
- Identification of the allotment where the burial has been made;
- Name of the undertaker who transported the body to the cemetery;
- Name of the person, if any, who conducted any ceremony at the burial.

Application Fee will apply for each burial permit issued for private land. This fee includes registration, approval and inspection of the excavated grave.



POLICY REGISTER

Communications Device Policy

Policy adopted: 17.12.2021 (Minute No. 220/2021)

Reviewed:

File Ref: D21.57902

Document Control

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox A/General Manager	First Edition	BSC Minute No. (2021)

Purpose

The purpose of this policy is to document Balranald Shire Council's (BSC) requirements and expectations regarding the use of its communications devices. The policy aims to ensure BSC employees understand the way in which BSC's communication devices should be used in the organisation. BSC makes its communication systems available to employees to enable efficient sharing and exchange of information in the pursuit of BSC's goals and objectives.

Scope

This policy applies to Councilors, all BSC employees, contractors, consultants, temporary and casual employees and any other authorised personnel offered access to BSC communication devices and systems. Communication devices and systems include but are not limited to:

- All computers (laptop and desktop).
- All iPads, tablets, data phones.
- BSC's email system.
- All telephones (land-line and mobile).
- All copying devices.
- All two-way radios.
- Facsimile machines.

Personal Use

Reasonable personal use of BSC's communication devices is permissible; however, personal use is a privilege, which needs to be balanced in terms of operational needs; its use must be appropriate, lawful, efficient, proper and ethical.

BSC recognises that:

- Councilors and Employees are also private citizens with individual personal needs and obligations.
- Councilors and Employees may need to make use of communication devices for personal purposes.
- There is a reasonable limit to which BSCs' communication devices may be used for personal purposes.

Every employee has a responsibility to be productive and act appropriately during their work time, therefore, personal use:

- Should be infrequent and brief.
- Must not disrupt BSC communication systems.
- Should not interfere with the employee's job responsibilities or detrimentally affect the job responsibilities of other employees.
- Employees reasonably suspected of abusing personal use requirements will be asked to explain such use.
- Councilors and Staff who have been allocated a laptop or other communications devices (iPad, data phone, etc.) are responsible for all access to websites, emails, downloads, etc. that occur on that device whilst at work, at home or elsewhere by themselves or by any

other person.

Inappropriate Use

The use of BSCs communications devices to make or send fraudulent, offensive, sexually explicit, unlawful or abusive information, calls or messages is **strictly prohibited**.

Any employee identified as the initiator of fraudulent, unlawful or abusive calls or messages will be subject to disciplinary action and possible criminal prosecution.

Staff who receives any threatening, intimidating or harassing telephone calls or electronic messages should immediately report the incident to their Manager/Supervisor / General Manager.

All employees should be aware that it is illegal to record telephone conversations unless authorised under relevant legislation to do so.

Sites

All staff access to the internet is routed through BSC's proxy server (BSC IT Section). All sites visited by staff are logged and are available for review. BSC makes available a filtered Internet for staff use. Sexually explicit, offensive and other sites are not available. Blocked sites that are required for business activities should be approved by a member of senior management prior to being unblocked.

Staff are not to:

- Intentionally download or load unauthorised software.
- Visit inappropriate Web sites.

Use of Email

Email (external / internal) forms part of the official business communications of BSC (see BSC's Records Management Policy).

As such, email is governed by the same legislative requirements (State Records Act 1998, GIPA Act, Privacy & Personal Information Protection Act 1998,) as all other BSC records.

Email is accessible through BSC's E-mail Server. All business-related emails must be registered in the electronic document management system and not stored in email accounts.

All emails, both external and internal, are archived by BSC (BSC IT Servers) and are available for review. Such reviews will be authorised by the General Manager.

In addition to inappropriate usage restrictions for communication devices, email is **not** to be used for:

- Sending or distributing 'chain' letters, 'hoax' mail or for other mischievous purposes (spam).
- Unauthorised accessing of data or attempt to breach any security measures on the system, attempting to intercept any data transmissions without authorisation.
- Sending E-mail messages of a defamatory nature. Email can be used as evidence in a court of law. BSC and the sender can both be held liable for publishing defamatory material.

Email - Leave Arrangements

When employees are on extended leave, the 'Out of Office Assistant' is to be used to inform each sender:

- When the employee will be back from leave, and

- Urgent matters should be e-mailed to BSC's central email address; BSC@BSC.nsw.gov.au

When the employee returns to work they are to ensure that the 'Out of Office Assistant' is turned off and all relevant matters have been or will be dealt with.

Email - Prevention of Virus Attacks

Recipients of e-mail messages that have a suspicious title are **NOT** to open the e-mail message without prior consultation with BSC's IT Section. Although virus protection software is installed, there is no guarantee that this will prevent all viruses from infiltrating the BSC network.

Where documents are received as an attachment to an email message, these attachments, under all circumstances, must be scanned by anti-virus software to avoid the potential risk of infecting the BSC network.

Software programs received as an attachment to an email message are not to be installed onto a PC or BSC's network under any circumstances without the prior permission of the General Manager who will consult BSC IT Section.

Email Disclaimer

The following should be included as a standard footer, on every external email sent from BSC's system:

IMPORTANT NOTICE REGARDING CONTENT & CONFIDENTIALITY

The views expressed in this email are not necessarily those of BSC unless otherwise stated. Whilst BSC does use anti-virus software this cannot ensure that this message is free from viruses or any other defect or error.

This electronic message is intended only for the addressee and may contain confidential information. If you are not the addressee, please be advised that any transmission, distribution or photocopying of this e-mail is strictly prohibited. The confidentiality attached to this e-mail is not waived, lost or destroyed by reasons of a mistaken delivery to you. The information contained in this e-mail transmission may also be subject to State Government access to information legislation. If you have received this email in error, please contact the author of the message, as soon as practicable.

Monitoring Use and Breaches of this Policy

BSC may monitor, copy, access and disclose any information or files that are stored, processed or transmitted using BSC's equipment and services. Such monitoring will be used for legitimate purposes only (such as legal discovery) and in accordance with any relevant privacy legislation and / or guidelines.

Reviews of email and phone usage may occur at the request of the General Manager.

BSC employees who breach this policy may be subject to disciplinary action pursuant to BSC's Code of Conduct and the NSW Local Government (State) Award. Such disciplinary action may include termination of employment.

Councillors who breach this policy may be subject to disciplinary action pursuant to BSC's Code of

Conduct and the NSW Local Government Act 1993.

Private Use Payment

BSC allows limited personal use as per this policy.
The General Manager shall review annually a private use limit before private use accounts are issued to employees. This limit is the minimum amount to cover the costs of administration and account issue on a monthly basis and the cost to BSC based on the phone plan or service provided. E.g. A corporate phone plan with unlimited calls and text may require no employee contribution.

Private use of Mobile Phones as approved by BSC (excluding the Mayor/General Manager) will require the staff member to reimburse the costs of all **private** calls, texts or messaging service and website use.

A staff member may make arrangements to make weekly deductions for payment of private phone usage.

Full payment of the phone account will be made within 30 days of receipt of the phone account.

Review

This policy should be reviewed every 4 years or following an ordinary election of BSC. The policy may be reviewed and amended at any time at BSC's discretion (or if legislative or State Government Policy changes occur).

Staff Acknowledgement

The General Manager must ensure that all new staff, and existing staff, receives a copy of this policy. Councillors and staff shall be requested to sign the BSC Communications Agreement (Attachment 1) after the Councilor and staff member have read the policy document.

Related BSC Policies

- BSC Records Management Policy.
- BSC Code of Conduct.

ATTACHMENT 1

BSC
COMMUNICATION DEVICES AGREEMENT

NAME: _____

- I understand my responsibility as a user of BSC's communication devices and systems including private use payments where approved.
- I have received, read, understand and will abide by the BSC Communication Devices Policy.
- I understand that any breach of the Communication Devices Policy may result in disciplinary action under BSC's Code of Conduct and may be dealt with pursuant to the NSW Local Government (State) Award or Local Government Act 1993.
- I also understand that if I commit any breach of this policy, my access privileges may be revoked.

User Signature: _____

Date: _____



POLICY REGISTER

EEO Policy

Policy adopted: 17.12.2021 (Minute No. 220/2021)

Reviewed: 2025

File Ref: D21.57893

Document Control

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox A/ General Manager	First Edition	Council Minute No. 220/2021)
2.0	Executive Services	2 nd edition	

Policy Objective

Balranald Shire Council (BSC) aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, and vilification and bullying.

The BSC aims to ensure when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. The BSC also tries to create a work environment which promotes good working relationships.

Policy Scope

This Policy applies to employees, agents and contractors (including temporary contractors), administrators appointed under section 256 of the *Local Government Act 1993* (NSW) members of BSC committees, conduct reviewers, delegates of BSC, work experience employees and volunteers of the BSC, collectively referred to in this Policy as 'Council Officials'.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

Policy Statement

The purpose of this EEO Policy and the EEO Management Plan is to achieve the following outcomes:

- a workplace culture displaying fair workplace practices and behaviours,
- a diverse and skilled workforce, and
- improved employment access and participation by EEO groups.

EEO groups are people affected by past or continuing disadvantage or discrimination in employment. As a result, they may be more likely to be unemployed or working in lower paid jobs.

These groups are:

- Women
- Aboriginal people and Torres Strait Islanders
- Members of racial and ethnic minority groups, and
- People with a disability.

The EEO objectives are designed to create a benchmark for future planning and workplace interaction and provide Balranald Shire Council with a mechanism to measure our progress in achieving our goals in relation to EEO.

In developing the goals and outcomes contained in the EEO Management Plan, consideration has been given to the National Framework for Women in Local Government. The ongoing evaluation of the Plan will also take into account the content of the Framework.

This EEO Policy and EEO Management Plan are prepared in accordance with the requirements of the Local Government Act 1993.

Legislation

Under EEO laws, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited. Balranald Shire Council has a legal obligation to make sure the workplace is free from discrimination, harassment and bullying as required by the following legislation:

- **Anti-Discrimination Act (NSW) 1977** - specifies that BSC is "to eliminate discrimination or harassment in employment on the grounds of Race, (including colour, nationality and national or ethnic origin), sex (including pregnancy), marital status, disability, homosexuality, age (compulsory retirement only), transgender, carer's responsibility. Other unlawful conduct includes sexual harassment; vilification on the basis of race, homosexuality, transgender and HIV/AIDS status.
- **Local Government Act (NSW) 1993** - Section 344 of this legislation states that BSC is "to promote equal employment opportunity for women, members of racial minorities and physically handicapped persons in BSCs".

In accordance with Section 345 of this Act, BSC is also obliged to "prepare and implement an equal employment opportunity management plan." This legislation is further supported by the National Framework for Women in Local Government which aims to increase women's participation in local government decision-making.

- Other laws relating to EEO include:
 - Age Discrimination Act 2004
 - Disability Discrimination Act 1992
 - Disability Services Act 1993
 - Equal Opportunity for Women in the Workplace Australia 1999
 - Human Rights and Equal Opportunity Commission Act 1992
 - Human Rights (Sexual Conduct) Act 1994
 - Racial Discrimination Act 1975
 - Racial Hatred Act 1995
 - Sex Discrimination Act 1984
 - Occupational Health and Safety Act 2000
 - Privacy and Personal Information Protection Act 1998
 - Carers Recognition Act 2010, and
 - Local Government (State) Award 2017
- Council has a moral obligation to ensure its employees are not subjected to other forms of harassment. All staff members are expected to uphold the organisation's values and to treat each other with consideration and respect at all times in accordance with section 3.6 of the Code of Conduct.

1. DISCRIMINATION

A. Direct discrimination

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory laws and include sex, race, age, etc. A full list of the grounds of discrimination which operate Federally and in NSW will be relevant, and are listed out below.

• Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)	• Religious belief or activity
• Sex	• Marital status, relationship status
• Pregnancy (including potential pregnancy)	• Homosexuality, transsexuality, sexuality, sexual preference, lawful sexual activity, gender identity
• Carers' responsibilities, family responsibilities, carer or parental status, being childless	• Disability, including physical, mental and intellectual disability
• Breastfeeding	• Age (including compulsory retirement)
• Industrial/trade union membership, non-membership or activity	• Political belief or activity
• Employer association membership, non-membership or activity	• Criminal record
• Temporary absence from work because of illness or injury	• Medical record
• HIV/AIDS	• Defence service
• Spent convictions	• Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)

B. Indirect discrimination

Indirect discrimination may occur when an employer imposes a policy or requirement which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. - a prohibited ground of discrimination).

Example: The BSC imposes a height restriction on all applicants for the position of 'Weeds Officer', that is, an applicant must be over 185cm (6 feet) tall in order to be successfully considered for the position. This requirement at first glance appears fair because it applies to all applicants irrespective of gender. However, in practice this requirement will disadvantage women as a group because statistically, women are naturally shorter than men. So the effect is to disadvantage women because of their sex. The criteria for the position should be replaced with a focus on outcomes and performance.

Discrimination also includes the situation where a BSC Official harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

2. VILIFICATION

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

3. SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other BSC Officials can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- physical contact such as pinching, touching, grabbing, kissing or hugging
- staring or leering at a person or at parts of their body
- sexual jokes or comments
- requests for sexual favours
- persistent requests to go out, where they are refused
- sexually explicit conversations
- displays of offensive material such as posters, screen savers, internet material etc
- accessing or downloading sexually explicit material from the internet
- suggestive comments about a person's body or appearance
- sending rude or offensive emails, attachments or text messages.

4. BULLYING

Bullying is repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Single incidents of unreasonable behaviour can also create a risk to health and safety and may escalate into bullying. There is no requirement that bullying be intentional.

It is not bullying for a manager or supervisor to counsel a BSC Official about their performance. Performance counselling is a necessary part of ensuring BSC Officials meet the BSC's standards of work and behaviour. Also, other reasonable managerial actions such as disciplinary action, work directions and orders, and allocation of work in compliance with business needs and systems do not constitute bullying. However, unreasonable management actions can constitute bullying if the content, delivery and expectation of the management action are unreasonable.

5. VICTIMISATION

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. BSC Officials must not retaliate against a person who raises a complaint or subject them to any detriment.

Responsibilities in Relation to EEO

The overall responsibility for monitoring the effectiveness of the EEO Policy and Management Plan and for implementing on-going programs of action to make the plan fully operational lies with BSC's Management. However, BSC recognises EEO is the responsibility of everyone in the BSC, and as such will ensure advice on EEO matters is available on an on-going basis to all.

The co-ordination of the EEO Management Plan is primarily the responsibility of the General Manager. The General Manager has responsibility for:

- Compilation of EEO statistics;
- Distribution and maintenance of the EEO Management Plan;
- Provision of EEO information to other staff ;
- Ensuring EEO Management Plan is in accordance with and meets the obligations of the Local Government Act 1993;
- Identification and coordination of EEO training to meet BSC's EEO goals; and
- Evaluation of EEO training.

Other people within BSC have responsibilities for ensuring the implementation of EEO as follows:

Individual Employees - have a responsibility to:

- Understand and comply with this Policy;
- Understand and comply with the BSC's Code of Conduct;
- Be aware of their rights and responsibilities under BSC's policy and the law;
- Treat all work colleagues equally and in a non-discriminatory manner, and with consideration and respect at all times
- Ensure they do not engage in any unlawful conduct towards other employees, BSC Officials, customers/clients or others with whom they come into contact through work;
- Follow the complaint procedure in this Policy if they experience any unlawful conduct;
- Report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy;
- Maintain confidentiality if they are involved in the complaint procedure;
- Promote harmonious working relationships with other members of staff in all circumstances;
- Undertake EEO training provided by BSC; and
- Align personal behaviour with BSC's values.

The General Manager and Executive Team - have additional responsibility to:

- Promote the aims and objectives of the EEO Policy and Management Plan and associated practices and procedures;
- Ensure employees act in a non-discriminatory manner, free of harassment and bullying;
- Identify EEO needs;
- Consider amendments to the EEO Policy and Management Plan;
- Ensure all employees participate in corporate EEO training as required; and
- Ensure Managers fulfil their responsibilities under EEO.

Managers/Supervisors/Coordinators/Team Leaders - have additional responsibility to:

- Identify EEO needs;
- Consider amendments to the EEO Policy Management Plan, and make suggestions where appropriate;
- Ensure employees act in a non-discriminatory manner, free of harassment and bullying;
- Ensure employees treat each other with consideration and respect at all times;
- Ensure employees are aware of BSC's EEO Management Plan;
- Ensure new employees on commencement undertake corporate and workplace inductions and participate in BSC's induction training program;
- Ensure all employees have equal access to employment and training opportunities subject to individual, directorate and corporate priorities;
- Ensure recruitment and selection procedures within their area of responsibility are not discriminatory; and
- Ensure employees under their supervision; fulfil their responsibilities in regard to EEO.

Breach of this Policy

All BSC Officials are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the BSC terminated or not renewed. For other BSC Officials a breach of this Policy could result in you losing your position.

In some cases, behavior and actions which result in breaching this policy may also be a breach of legislation i.e. illegal and individuals involved may be prosecuted.

BSC will fully support any external agency in any investigation into activity which is identified as breaching this policy.

If a person makes an unfounded complaint or a false complaint (e.g. - making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation action.

Complaint handling procedure

If a BSC Official feels they have been subjected to any form of unlawful conduct contrary to EEO laws this Policy or the BSC's Code of Conduct, they should not ignore it. BSC has a complaint procedure for dealing with these issues.

The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of the General Manager.

Examples of the ways in which a complaint can be dealt with

A. Confront the Issue

If a BSC Official feels comfortable doing so, they should address the issue with the person concerned. A BSC Official should identify the offensive behaviour, explain the behaviour is unwelcome and offensive and ask the behaviour stop. It is important the person is aware their behavior is unacceptable. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is not a compulsory step. If a BSC Official does not feel comfortable confronting the person, or the BSC Official confronts the person and the behaviour continues, the

BSC Official should report the issue to the Work Health and Safety Officer (WH&S) or the General Manager.

If a BSC Official is unsure about how to handle a situation and is also unsure if they want to make a complaint they should contact the WH&S Officer / General Manager for support and guidance. The WH&S Officer / General Manager will aim to assist people uncertain about their rights and options.

B. Report the Issue

A BSC Official should report the issue to their Supervisor or the WH&S Officer.

The Supervisor or WH&S Officer will aim to deal with the BSC Official's complaint in accordance with this Policy. There are two complaint procedures that can be used being informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

C. Informal Complaint Procedure

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- a) the Supervisor or WH&S Officer discussing the issue with the person against whom the complaint is made; and/or
- b) the Supervisor or WH&S Officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

D. Formal Complaint Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by the General Manager or a person from outside BSC, appointed by BSC.

An investigation generally involves, collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behavior occurred. Once a finding is made, the General Manager or the external investigator will make recommendations about resolving the complaint.

If BSC considers it appropriate for the safe and efficient conduct of an investigation, BSC Officials may be required not to report for work during the period of an investigation. BSC may also provide alternative duties or work during the investigation period. Generally, BSC Officials will be paid their normal pay during any such period.

If a complaint is against the General Manager, then the complaint will be investigated by the BSC Mayor / Administrator who shall seek assistance from an External party appointed by BSC.

Confidentiality

All staff will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other BSC Officials in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, then BSC will endeavour to take appropriate action in relation to the complaint.

All BSC Officials involved in the complaint must also maintain confidentiality, including the BSC Official who lodges the complaint. Spreading rumours or gossip may expose BSC Officials to a defamation claim. BSC Officials may discuss the complaint with a designated support person or representative (who is not a BSC Official employed or engaged by BSC). However, the support person or representative must also maintain confidentiality.

Possible outcomes

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct, breach of this Policy or breach of the Code of Conduct that person may be disciplined.

The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected BSC Official and BSC.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy or BSC's Code of Conduct, may have their contracts with BSC terminated or not renewed. For other BSC Officials, a breach of this Policy or BSC's Code of Conduct could result in the loss of their position subject to Award requirements.

BSC may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the complaint;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

What to do if you are not satisfied with the outcome

If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process they can contact the General Manager. The complaint handling process and/or the outcome may then be reviewed by the BSC's Internal Auditor. The General Manager's or Internal Auditor's decision in relation to the review will be final.

The BSC's goal is to resolve issues in-house wherever possible. BSC Officials can seek the assistance of an outside agency if they feel their complaint has not been adequately addressed. BSC supports the assistance of union or employee associations to assist in resolving issues under this policy or to provide support through the process.

Reporting Harassment, Discrimination or Bullying

All employees of BSC have a legal and moral responsibility to treat each other fairly and are expected to fulfil these responsibilities as a condition of employment.

Where BSC Officials believe they have been the subject of discrimination, harassment or bullying on any grounds, they are encouraged to report the matter using BSC's Grievance Policy.

Assistance is also available from:

- (a) Employee Assistance Program
The EAP provides employees with access to counselling services to identify and resolve problems influencing their well-being and effectiveness at work.
- (b) Human Resources Officer and WHS Officer (Contracted Service)
The HR and WHS Officers can also give advice to staff members, supervisors, managers and executive officers regarding harassment issues and grievance resolution procedures.
- (c) Unions
Unions may be able to assist their members and can be contacted at any stage. They can support members in bringing a complaint to the attention of management and monitoring responses to ensure that appropriate action is taken.
- (d) Anti-Discrimination Board of NSW
Staff members can contact the Anti-Discrimination Board (ADB) at any stage for confidential advice. Employees may choose to lodge a formal complaint with the ADB if they are not satisfied with the way in which their grievance is being handled internally. The ADB will refer you to a more appropriate agency, such as the Human Rights and Equal Opportunity Commission, where necessary.

Definitions

Council Official within this policy collectively refers to employees, agents and contractors (including temporary contractors) or administrators appointed under section 256 of the *Local Government Act 1993* (NSW) members of BSC committees, conduct reviewers, delegates of BSC, work experience employees and volunteers of the BSC.

Equal Employment Opportunity (EEO) is the principle that ensures that all employees and potential employees are treated equitably and fairly, regardless of their race, sex, marital status, age, physical or intellectual impairment, or sexual preference.

EEO Groups are groups that have been identified as experiencing high levels of discrimination and disadvantage in the workplace and for whom EEO strategies are needed to be developed to address these disadvantages. These groups are:

- Women
- People of non-English speaking backgrounds (NESB)
- People of Aboriginal or Torres Strait Islander descent
- People with physical disabilities

Contacts for Outside Agencies

Australian Human Rights Commission

Toll Free: 1300 656 419

Anti-Discrimination Board (NSW)

Tel: 02 9268 5555

Toll Free: 1800 670 812 (rural and regional NSW only)

Exceptions

None

Legislation

Anti-Discrimination Act (NSW) 1977
Local Government Act 1993
Sex Discrimination Act 1984
Racial Discrimination Act 1975
Disability Discrimination Act 1992

Related Documents

Code of Conduct
Grievance Policy

Review

BSC reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 4 years or following an ordinary election of BSC, or earlier if there are relevant statutory or State Government policy changes.

Council official acknowledgement

I acknowledge and confirm:

- *receiving a copy of BSC's Anti-Discrimination and Equal Employment Opportunity Policy;*
- *I will comply with the Policy; and*
- *I understand there may be disciplinary consequences if I fail to comply the Anti-Discrimination and Equal Employment Opportunity Policy, including up to termination of my employment.*

Your name:

Signed:

Date:



POLICY REGISTER

Fraud and Corruption Policy

Policy adopted: 17.12.2021 (Minute No. 220/2021)

Reviewed:

File Ref: D21.57898

DOCUMENT CONTROL

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox A/General Manager	First Edition	Council Minute No 220/2021

Policy Scope

This policy applies to all BSC officials - Councillors, staff, volunteers and delegates.

Policy Objectives

To indicate Balranald Shire Council's commitment to the prevention of fraud and corruption and to outline the methodology to deter and detect fraudulent behaviour and corrupt conduct.

Policy Statement

Balranald Shire Council will not tolerate any form of fraudulent or corrupt conduct from councillors, staff, contractors, consultants or volunteer.

Balranald Shire Council is committed to the:

- Development and maintenance of a sound ethical culture supported by appropriate policies, procedures and strategies that prevent fraudulent and corrupt behaviour.
- Regular conduct and review of fraud and corruption risk assessments to identify circumstances in which fraud and corruption could occur.
- Implementation of fraud and corruption prevention and mitigation procedures in day to day operations.
- Use of formal procedures for the investigation of allegations of corrupt and fraudulent behaviour.
- Maintenance of processes and procedures that encourage all business dealings with tenderers, suppliers, consultants and contractors are conducted in an ethical manner.
- Ongoing education and training of all BSC officers and elected members in relation to their obligations in combating dishonest and fraudulent behaviour.

Responsibilities

Council officials are responsible for reporting cases of suspected fraud or corrupt conduct.

Council officials have a responsibility to act honestly and to follow diligently BSC policies and procedures to prevent and mitigate fraud and corruption.

The General Manager is ultimately responsible for the prevention, detection and reporting of fraud and corruption through the implementation of appropriate and effective internal control systems. The General Manager must report "possible" corrupt conduct to the Independent Commission Against Corruption (ICAC) pursuant to the *ICAC Act 1988*.

Managers are also responsible for the prevention, detection and reporting of fraud and corrupt conduct by ensuring:

- There are mechanisms in place within their area of control to assess the risk of fraud and corrupt conduct and to manage such risks by appropriate internal controls.
- The promotion of employee awareness and training/education on the prevention of fraud and corruption.
- Compliance with all relevant policies and practices.

- Reporting of any fraud or corruption matters to the General Manager.
- That reasonable steps are undertaken to ensure that BSC contractors within their area of control adhere to the provisions of this policy.

All BSC officials are responsible for:

- Performing their functions and duties with diligence, honesty, integrity and impartiality.
- Complying with this policy and all legislative requirements to ensure they are not participating in corrupt or fraudulent behaviour.
- Reporting any suspicion of fraudulent or corrupt behaviour to the General Manager, or the Chair of BSC if such behaviour concerns the General Manager, or by utilisation of BSC's Internal Reporting Policy.
- Reporting any identified weaknesses in internal controls that could potentially facilitate a fraudulent or corrupt act.

Council officials should read BSC's Internal Reporting Policy in relation to the protection afforded officials who report or disclose information for specified matters (such as fraud and corruption) internally or to external agencies.

Fraud and Corruption Risk Assessment Process

Council's main objective is to minimise the occurrence of fraud and corruption within BSC by:

- Identifying fraud and corruption risks.
- Determining strategies to control these risks.

The General Manager will instigate a review of BSC's fraud and corruption risk and control strategies every four years. The General Manager will also ensure that periodic and comprehensive risk assessments are conducted by relevant Managers pursuant to BSC's Enterprise Risk Management Policy. Regular audits will be conducted (external auditors) to test the fraud and corruption control framework.

Examples of Fraudulent and Corrupt Activity

Theft

- Stationery and officer supplies.
- Construction and maintenance equipment and tools.
- Laptop computers.
- Mobile phones.
- Technical equipment (mobile GPS, cameras etc.).
- Cash.
- Intellectual property, including documents and data.

Inappropriate or Misuse of BSC Resources

- Unauthorised use of corporate credit cards, petrol cards, Cab charge or vouchers.
- Staff undertaking secondary paid work during work hours.
- Staff using telephones excessively for private purposes without appropriate reimbursement of costs.

- Internet service being used extensively for non-work purposes.
- “Left-over” materials being taken by BSC officers.
- Plant being used by staff for private use without authorisation or payment.

Gifts, Benefits and Bribes

Any gifts or benefits provided to, or any attempt to give a gift or benefit to a BSC officer, is managed by BSC’s Gifts and Benefits Policy. The Policy prescribes when a gift may or not be accepted and relevant processes for dealing with such matters.

Bribes are given to influence the way a recipient carries out their official functions. For example, not respond to or report an illegal or unauthorised activity or procure goods and services from a specific person or company.

Higher risk areas for exposure to such behaviour includes:

- Officers who approve or can influence decisions.
- Officers who procure goods and services for BSC.
- Regulatory and compliance staff.
- Staff who carry out work with the private sector.

Procurement, Tendering and Contract Management

Activities associated with procurement, tendering and contract management have traditionally been susceptible to fraud and corruption risks. Examples of such risks include:

- Order splitting to avoid tendering provisions or quotes.
- Collusion with suppliers (dummy quotes).
- Fraudulent contract variations.
- False invoices.

Human Resources

- Creation of false employees on the payroll system.
- Job applicants falsifying career background details.
- Direct recruitment of friends and relatives breaching the legislative requirement of merit-based employment.
- Claiming unworked overtime on timesheets or time sheet falsification.

Information Technology

- Unauthorised electronic transfer of funds.
- Unauthorised alteration of input data.
- Alteration or misuse of software.
- Unauthorised sale or provision of information to 3rd parties.

Discipline and Investigation

Balranald Shire Council has zero tolerance for corrupt or fraudulent behaviour. BSC staff found guilty of such matters will face disciplinary matters pursuant to the Code of Conduct and the Local Government (State) Award. BSC officers will be disciplined pursuant to BSC’s Code of Conduct.

Further, as stated above, all “possible” corruption matters, involving BSC officers, have a mandatory statutory reporting requirement to the ICAC. The ICAC or BSC itself can also seek criminal prosecutions by reporting fraud and other corruption matters to the NSW Police Service.

The General Manager must make an initial determination as to whether the matter in question concerns or may concern corrupt conduct. This may entail his or her own analysis of the circumstances surrounding the matter or utilising another staff member or an investigator to carry out preliminary enquiries on which to base the determination.

After formal notification by the General Manager, the ICAC will normally determine if they will investigate the alleged corruption matter. Alternatively, the ICAC may instruct BSC to carry out their own investigation and report the findings to the ICAC. In such circumstances BSC should engage an experienced and suitably qualified investigator for the process.

Fraud and Corruption Prevention Training

Balranald Shire Council acknowledges that a high level of awareness amongst all BSC officers in relation to fraud and corruption issues is an essential element in identifying and combatting such behaviours. Awareness training will be implemented through the following programs:

- At induction for all new employees.
- At the induction program for all new Councillors.
- Regular refreshers.
- Fraud and Corruption prevention information through meetings, memos and other internal publications.
- Follow up meetings with staff after internal and external audits where relevant.

Fraud and Corruption Mitigation Practices

Balranald Shire Council recognises that appropriate policies and procedures must be implemented in certain operational areas to regulate and enable the monitoring of particular activities. These areas within BSC include:

Risk Management

- Risk Assessment pursuant to the Enterprise Risk Management Plan.

Finance

- Cash Handling Procedures
- Petty Cash Handling Procedures
- Corporate Credit / Debit Card Policy

Governance

- Procurement Policy.

- Councillors' Expenses and Facilities Policy.
- Disposal of Assets Policy.
- Secondary Employment Policy.
- Use of BSC Resources (Corporate Practice Guide).
- Internal Reporting Policy.

Ethics

- Code of Conduct.
- Fraud and Corruption Prevention Policy.
- Statement of Business Ethics.

Fraud Detection

- Fraud detection mechanisms/controls to aid in the early detection of suspicious or fraudulent behaviours. Such mechanisms may include monitoring staff and transactions and internal audit activities.
- Stock take of equipment and resources provided for staff.

Definitions

Fraud

Can be defined as a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events includes: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception (Audit Office of NSW).

Corruption

The *ICAC Act 1988* at sections 7, 8 and 9 defines corruption as:

- Any conduct of any person (whether or not a public official) that adversely affects, or that could affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- Any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- Any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- Any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or the benefit of any other person.

Council official

Council official includes Councillors, members of staff, volunteers and delegates of BSC.

Related Legislation and Policies

- *Local Government Act 1993*
- *Independent Commission Against Corruption Act 1988*
- *Public Interest Disclosure Act 1994 NSW*
- Enterprise Risk Management Policy

Review

Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 4 years or following an ordinary election of BSC, or earlier if there are relevant statutory or State Government policy changes.



POLICY REGISTER

Investment Policy

Policy adopted: 2021 – Minute No: 2021/175

Reviewed: July 2025

file Ref: D21.60024

Policy Information

<i>Issue</i>	Prepared/Revised by	Action Amendment Description	Approved by and Date
1.0	2021		Council 2021/175
2.0	2025	No Amendments	Council

POLICY OBJECTIVE

The objectives of this policy are to:

- Provide a framework for investing Council's funds at the most favourable rate, whilst
- Ensuring consideration is given to the preservation of capital, liquidity, level of risk and security

SCOPE

This policy applies to all Council investments.

POLICY STATEMENT

This policy is to ensure Council:

1. Protects Council/rate payers' capital whilst earning an acceptable income from investments.
2. Have appropriate working capital funds available to carry out its strategic objectives as outlined in the Delivery Program and Resourcing Strategies.
3. Holds a reasonable level of funds that are immediately accessible in the event of a disaster or unexpected failure of infrastructure.
4. Meets its liability commitments as they fall due.
5. Legally restricted funds are appropriately accounted for and invested to earn reasonable income towards their purposes. Legally restricted funds include unexpended grants, etc.
6. Resolves to set aside investments for particular purposes and these funds earn interest towards those purposes and are readily available when called upon (it should be recognised that these funds are by policy of Council only and have no enduring legal status that would bind a future Council).

Prudent Person Standard

The investment portfolio will be managed with the care, diligence, and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Risk Management Guidelines

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance and are to be considered in the light of the following considerations:

- Preservation of Capital - the requirement for preventing losses in an investment portfolio's total value (the time value of money)
- Diversification - the requirement to place investments in a broad range of products so as not to be over exposed to an entity or sector of the market
- Credit Risk - the risk that a council has invested in fails to pay interest and/ or principal on maturity
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period

- Maturity Risk - the risk relating to the length of term to maturity of the investment, the larger the term, the greater the length of exposure and risk to market volatilities
- Leveraging Risk - the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product

Approved Investments

Investments are limited to those allowed by the Ministerial Investment Order (2011) issued by the NSW Minister of Local Government. This policy limits the types of investments to:

- Interest-bearing deposits or senior bonds issued by an authorised deposit taking institution (ADI)
- Securities issued by the Commonwealth Government, any State of the Commonwealth, or a Territory
- Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993)
- A bill of exchange where the maturity date is not greater than 200 days' duration and is issued by an authorised deposit taking institution (ADI)
- A deposit with NSW Treasury Corporation or investments in an hour-glass investment facility of the NSW Treasury Corporation

Authorised investments allowed under this policy include the following examples:

- Bonds and Debentures
- Term Deposits
- On-Call/ Cash Accounts
- Bills of exchange
- Negotiable Certificate of Deposit

All examples above must only be issued by ADIs (such as banks, credit unions and building societies) or by the Commonwealth, State, or Territory Governments.

Credit and Maturity Guidelines

Investments are to comply with four key criteria.

Criteria 1: Overall Portfolio and Institutional Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category. Further, exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S & P Rating* (or equivalent)		Overall Portfolio - Maximum %	Individual portfolio - Maximum %
Long Term Rating	Short Term Rating		
Securities issued by the commonwealth of Australia or any state of the Commonwealth or Territory		100%	100%
TCorpIM Funds		100%	60%
AAA/AA+/AA/AA-	A-1+	100%	40%
A+/A	A-1	90%	30%
A- / BBB+	A-2	50%	20%
BBB/BBB/Unrated*	A-3 – Unrated^	30%	10%

- * Only Applies to Approved ADI institutions. The Trustee Act provides for investments with building societies and credit unions; however, they are not rated. The maximum amount of funds allowed to be invested in total with building societies/ credit unions is 30 per cent.
- ^ Only Applies to Approved ADI institutions. The Trustee Act provides for investments with building societies and credit unions; however, they are not rated. The maximum amount of funds allowed to be invested with an individual building society/ credit union is 10 per cent.

Criteria 2: Maturity Terms Framework

Terms of maturity shall be limited to the following maximums:

Types of Investments	Terms of Maturity
On - Call / Cash Accounts	No Limit if on-call
Term Deposits	See criteria in the table below:
Bills of Exchange	Not more than 200 days
Negotiable Certificate of Deposits	Not more than 185 days or six months

Criteria 3: Portfolio Maturity Constraints Framework

With regards to term deposits, the investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	Min Term	Maximum
Portfolio Under 1 year	50%	100%
Portfolio Under between 1 to 2 years	0%	40%
Portfolio Under between 3 to 5 years	0%	10%

Criteria 4: Quotation Framework

A minimum of three (3) quotations must be obtained prior to placing any new or renewal investment.

Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits, but is not limited to, the following investments:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Investment Advisor

Another option council may pursue is the appointment of an Investment Advisor who is licensed by the Australian Securities and Investment Commission. Council may also engage NSW Treasury Corporation (TCorp) to provide financial advice about investment strategies.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed, unless such remuneration is rebated 100% to Council.

Measurement and Performance Benchmarking

It is expected that the performance of each investment will be greater than or equal to the applicable benchmark in the table below:

Investment	Performance Benchmark	Time Horizon
At Call, Short Term Deposits	Official RBA Cash Rate	3 months or less
Term Deposits & Bank Bills	S&P/ASX Bank Bill Index - 1 Year	3 months to 12 months
Term Deposits & Bank Bills	S&P/ASX Bank Bill Index - 3 Year	12 months to 3 years

Reporting and Reviewing of Investments

Documentary evidence must be held for each investment including:

- Details maintained in the investment register
- Provide legal title to the investment
- Certificates must confirm the amounts of the investment held on Council's behalf as at 30 June each year and must be reconciled to the investment register
- This investment Policy is to be reviewed every two years or as required in the event of legislative changes or change of Council
- All investments must be recorded in Council's financial records
- Reconciled monthly with a monthly report provided to Council

The General Manager or their delegated representative is authorised to approve variations to this Policy if the investment is to Council's advantage and/or due to revised legislation or statutory guidance.

Definitions

Nil

Exceptions

Nil

LEGISLATIVE REQUIREMENTS

All investments are to comply with the following

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Investment Order (2011)
- The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards

- Office of Local Government Investment Policy Guidelines
- Office of Local Government Circulars

Related Documents

- Balranald Shire Council's Integrated Planning and Reporting Framework
- Investment Checklist

POLICY HISTORY AND VERSION CONTROL

Policy Title	Investment Policy
Directorate	Corporate and Community Services
Department	Finance
Policy Group	Finance
Responsible Officer	Senior Finance Officer
History	2.0
Relevant Legislation	<ul style="list-style-type: none"> • Local Government Act 1993 • Local Government (General) Regulation 2005 • Ministerial Investment Order (2011) • The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14 • Local Government Code of Accounting Practice and Financial Reporting • Australian Accounting Standards • Office of Local Government Investment Policy Guidelines • Office of Local Government Circulars



POLICY REGISTER

Leasing & Licencing of Council Property

Policy adopted:	2020/245 – Minute No:
Reviewed:	July 2025
file Ref:	D25.110097

Policy Information

<i>Issue</i>	Prepared/Revised by	Action Description	Amendment	Approved by and Date
1.0	2020			Council 2020/245
2.0	2025	No Amendments		Council

1. OBJECTIVE

This policy enables Council to consider applications for the leasing and licencing of Council controlled land assets, including Crown Land, whilst ensuring Council is consistent and transparent, and complying with appropriate legislative requirements when determining each application. It excludes the hire of community buildings, sporting venues and facilities.

2. RELEVANT LEGISLATION

Local Government Act 1993

Crown Land Management Act 2016

Roads Act 1993

3. POLICY STATEMENT

Council has the responsibility to maintain its land asset portfolio in the best interests of the local community and stakeholders. The Council's land asset portfolio includes buildings, vacant land, Crown Reserves and commercial property, and a network of road reserves controlled by Council within the Balranald Shire Local Government area.

For the purpose of this Policy, it is important to clarify the difference between a lease and a licence agreement:

- A lease will provide exclusive possession of a defined area of land, for a fixed period (or series of periods) of time, with the intention to create an estate in land – that is an interest in the land itself which can be assigned or sold.
- A licence provides permission to use land, it allows someone access to the land of another for an agreed purpose, it provides non-exclusive use of the land.

Where possible, Council will allow leases or licences to be held over designated Council controlled land assets to ensure that the property is maintained and used in a responsible and appropriate manner, allow the occupant legal tenure over the property, and to encourage capital investment and improvements to be made to the property.

Where possible, long term users of a Council controlled Crown Land will be offered an agreement based on the appropriate leasing or licencing template and guidelines provided the appropriate State Government Authority, and as allowed under the *Crown Lands Management Act 2016* to allow community and social groups the opportunity to plan for the ongoing improvement of the community facility they occupy and ensure that the facility is available to contribute to the continuation and growth of recreational activities of the local community and visitors to the region.

The determination for the leasing or licencing of all properties will be made after public advertisement of an "Expression of Interest", or after an application is made for the formal tenure over an available site.

When determining a suitable lease or licence for Council controlled land assets, including Crown Land, Council will:

- be consistent with Council's economic, social and asset management objectives;
- be in compliance with legislative obligations;
- when required by procedure or legislation, consult with all affected stakeholders and relevant sections of the community taking into account all relevant comments and representations;
- consider all applications with the intention of securing an optimum mix of financial and other benefits for the community;
- proceed through a fair and open process;
- proceed in accordance with Council's Policy.

In all cases, the occupant of a Council controlled land asset must indemnify Council, and any relevant State Government Authorities from:

- All claims for loss and damage that may be made against the Council in respect of personal injury or the death of any person;
- All claims for loss or damage to any property whatsoever, arising out of or as a consequence of the lease, licence or agreement of a Council controlled land asset;
- Carry a minimum sum insured for Public Liability Insurance of \$10,000,000 with the interest of Balranald Shire Council as the owner or trustee of the designated land parcel to be noted on the insurance policy.

Where applicable, all leases, licences and agreements must ensure that noxious weeds and pests on the Council controlled land asset are controlled by the lessee/licensee during the lease/licence period.

For a leased or licenced property, Council seeks to recover rent at competitive or fair value. At the discretion of Council a rental subsidy may be applied.

Market rental assessments will be obtained for all Council's public land and buildings, by suitably qualified property professional and will be updated on a regular basis. In certain circumstances a rental assessment may be required from an independent suitably qualified valuer. The market rental value is the amount of annual rent achieved if the accommodation had been let in a competitive market (if such a value can be determined).

If the assessed market value is not agreed upon, the applicant is entitled to obtain their own independent valuation by a suitably qualified valuer. If a significant difference in value applies, the valuer will be required to meet with Council staff to determine a resolution on the market value.

Where it is clear a proposed lessee/licensee has an ability to pay a market rental or fee, the rental/fee payable shall be the market rate as determined by the assessment.

4. CALCULATION OF RENTAL REBATE FOR NOT FOR PROFIT ORGANISATIONS

Where a not for profit organisation seeks to occupy a Council asset, Council may offer a discounted annual rent. Attachment 1 contains the metrics for determining level of rental subsidy for leases and licences for not for profit organisations.

5. VARIANCE

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

Attachment 1 – Matrix, Criteria for Determining Level of Rental Subsidy for Leases and Licences for Not for Profit Organisations

	Criteria	Each answer worth 4 points	Each answer worth 3 points	Each answer worth 2 points	Each answer worth 1 points
1	Organisational Status & Structure	The organisation is locally based, stand alone and not-for-profit. It has a voluntary management committee, comprised mainly of local area representatives	The organisation is locally based, has a regional focus, is stand alone and not-for-profit. It has a voluntary management committee, comprised partly of local area representatives	The organisation is a locally based service, outlet or project that is part of a larger not-for-profit organisation, it has a voluntary advisory committee, comprised partly of local area representatives	The organisation is a locally based service, outlet or project that is part of a larger not-for-profit organisation. There is limited or no local area representation on the advisory committee or similar
2	Capacity to undertake range of Administrative and Management responsibilities	Dependant on assistance from volunteers for all administrative and management functions	Paid staff undertakes some of the administrative and management functions and volunteers assist with the other tasks	Staff undertake majority of administrative and management functions with additional assistance provided by umbrella organisation	Umbrella organisation carries out majority of administrative and management functions
3	Extent of Service provided by Organisation	The broader community is a beneficiary of services established by the organisation	Service is significantly used by number of specific sections of the local community	While the organisation provides a direct service to only a small number in the local community, it forms a part of a larger service provision	Service is only used by a small number of the local community
4	Extent of Accessibility of facility to Community	Facilities are accessible to many in the local community (managed by Council)	Facilities are generally accessible to the local community (managed by Council)	Facilities have limited accessibility to others in the local community (any fees charges for use comes to Council)	Facilities not accessible to others in the local community or limited access with funds (if charged) going to lessee/licensee

Attachment 1 – Matrix, Criteria for Determining Level of Rental Subsidy for Leases and Licences for Not for Profit Organisations

	Criteria	Each answer worth 4 points	Each answer worth 3 points	Each answer worth 2 points	Each answer worth 1 points
5	Number / Type of Service Providers	A unique service (only one of a kind)	One of a number of providers of a community service	One of a number of providers meeting a less critical community need (in terms of Council identified targets) or meeting an identified recreational need	Provider meets social or recreational needs only
6	Social and Community Benefit	Service is unique and specific and meets high level of need, or service meets identified social / community needs, with most service users from low socioeconomic or disadvantaged backgrounds	Service meets identified social / community needs, with service users from range of socioeconomic backgrounds	Service meets a broad social / community need	Service is valued by community but it is not focused on meeting an identified social / community need
7	Ability to Charge Fees and Raise Income	Limited or no ability to raise revenue	Some ability to raise revenue and charge fees which may be varied to reflect ability of clients to pay	Has ability to charge fees and raise revenue	Operate on profit basis
8	Access to other sources of funding	No access to other sources of funding	Limited access to other sources of funding (no more than 5% total)	Access to other sources of funding – Federal, State and/or Local funding which provides between 5%-30% of total funding	Access to other sources of funding – Federal, State and/or Local funding which provides more than 30% funding

Attachment 1 – Matrix, Criteria for Determining Level of Rental Subsidy for Leases and Licences for Not for Profit Organisations

	Criteria	Each answer worth 4 points	Each answer worth 3 points	Each answer worth 2 points	Each answer worth 1 points
9	Do they provide direct competition to commercial ventures?	No. Main activity is not a commercial activity	While main business is not a commercial activity, some aspects of the business are in direct competition with other organisations or businesses	While they are in direct competition with commercial providers they provide added or differentiated service to users	In direct competition with commercial providers
10	Reactive & Ongoing Maintenance	Takes responsibility for internal & external reactive maintenance as detailed in the agreement including full cleaning of the facility	Takes responsibility for almost all the internal & external reactive maintenance as detailed in the agreement including majority of the cleaning of the facility	Takes responsibility for some of the internal & external reactive maintenance as detailed in the agreement including minor cleaning of the facility	Does not take responsibility for internal & external reactive maintenance including no cleaning of the facility

Calculating the Subsidy

Category	Category A	Category B	Category C	Category D
Points of Range	31-40	21-30	11-20	10 points
Range of Subsidy	77-100% Subsidy	52-76% Subsidy	27-51% Subsidy	No subsidy

The level of subsidy is based on the number of points. Subsidy will be based on the following equation:

Market Rental = assessed per square metre value x actual square metres of the building

$\frac{\text{Score}}{40} \times 100\% = \% \text{ Subsidy}$

40

Assessed rental = Market Rental X % Subsidy



POLICY REGISTER

INFORMATION & COMMUNICATION TECHNOLOGY SECURITY POLICY

Document Control

Issue.	d/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	May 2022	First Edition	Council Minute No. 2022/96
2.0	July 2025	Second Edition	Council Minute No.

Note:

This policy has been developed from Balranald Shire Councils ICT Policy, Federal and State Government requirements. Council acknowledges that the policy as presented has been taken and amended to meet NSW local government requirements. Reference should be made to the Federal Government (ACSC) publication -Information Security Manual 2017

Objective

To provide a governing framework for the security and management of electronic information within Council.

Definitions/Application**Application**

This Policy governs access to and use of the Council's electronic information and any information and communication technology (ICT) assets which create, process, store, view or transmit information.

Policy Statement

Balranald Shire Council is responsible for a significant amount of information held in electronic formats, and it is critical that this information be protected appropriately.

This policy seeks a consistent approach to the implementation of information security to protect information assets and any ICT assets which create, process, store, view or transmit information against unauthorised use or accidental modification, loss or release.

Council will adhere to the following ten ICT Security Principals:

ICT SECURITY PRINCIPLES**Principle 1 - Policy, planning and governance**

Council management will recognise the importance of and demonstrate a commitment to maintaining a robust Council information security environment. At a minimum, Council will:

- develop an Information Security Policy Implementation Plan, ensuring alignment with Council business planning, general security plan and risk assessment findings.
- establish and document information security internal governance arrangements (including roles and responsibilities) to implement, maintain and control operational information security within the Council.
- establish and document information security external governance arrangements to ensure that third party service level agreements and operational level agreements clearly articulate the level of security required and are regularly monitored.

Principle 2 - Asset management

Council will implement procedures for the classification and protective control of information assets. As a minimum, Council will ensure:

- all information assets are assigned appropriate classification and control
- all ICT assets that create, store, process or transmit security classified information are assigned ICT asset custodians and are also assigned appropriate controls.

Principle 3 - Human Resources management

Council will minimise the risk of loss or misuse of information assets by ensuring that security controls are incorporated into Council human resource management, including the development of supporting policies and processes. At a minimum, Council will:

- implement induction and ongoing training and security awareness programs, to ensure that all employees are aware of and acknowledge the Council's ICT Security Policy, their security responsibilities and associated security processes
- document and assign security roles and responsibilities where employees have access to security classified information or perform specific security related roles, and ensure that security requirements are addressed in recruitment and selection and in job descriptions
- develop and implement procedures for the separation of employees from, or movement within, the Council.

Principle 4 - Physical and environmental management

The level of physical controls implemented will minimise or remove the risk of equipment or information being rendered inoperable or inaccessible, or being accessed, used or removed without appropriate authorisation. At a minimum, Council will ensure that:

- policies and processes are implemented to monitor and protect the use and/or maintenance of information assets and ICT assets away from premises.
- policies and processes are implemented for the secure disposal or reuse of ICT assets which are commensurate with the information asset's security classification level.

Principle 5 - Communications and operations management

Operational procedures and controls will be documented and implemented to ensure that all information assets and ICT assets are managed securely and consistently, in accordance with the level of required security. Council will at a minimum ensure:

- review ACSC guidelines at <https://www.cyber.gov.au/>
- the ACSC Information Security Manual (as amended) is used to ensure the security of data during transportation over communication networks.
- a network security guideline is developed and documented in line with the ASCS to guide network administrators in achieving the appropriate level of network security.
- adequate controls are defined and implemented for the prevention, detection, removal and reporting of attacks of malicious code on all ICT assets.
- comprehensive systems maintenance processes and procedures including operator and audit/ fault logs, information backup procedures and archiving must be implemented.
- operational change control procedures are implemented to ensure that changes to information processing facilities or systems are appropriately approved and managed.
- methods for exchanging information within Council and with third parties are compliant with legislative requirements.

processes are developed and implemented to periodically review and test firewall rules and associated network architectures to ensure the expected level of network perimeter security is maintained.

Principle 6 - Access management

Control mechanisms based on business requirements, assessed/accepted risks, information classification and legislative obligations will be in place for controlling access to all information assets and ICT assets. At a minimum, Council will ensure that:

- authentication requirements, including on-line transactions and services, are assessed
- policies and/or procedures for user registration, authentication management, access rights and privileges are defined, documented and implemented for all ICT assets.
- control measures are implemented to detect and regularly log, monitor and review information systems and network access and use, including all significant security relevant events.

Principle 7 - System acquisition, development and maintenance

During system acquisition, development and maintenance, security controls will be established and will be commensurate with the security classifications of the information contained within, or passing across, information systems, network infrastructure and applications. Council will at a minimum ensure:

- security requirements are addressed in the specifications, analysis and/or design phases and internal and/or external audit are consulted when implementing new or significant changes to financial or critical business information systems.
- processes (including data validity checks, audit trails and activity logging) are established in applications to ensure development and support processes do not compromise the security of applications, systems or infrastructure.
- authentication processes are consistent.
- processes are developed and implemented to manage software vulnerability risk for all IT security infrastructures.

Principle 8 - Incident management

Effective management and response to information security incidents is critical to maintaining secure operations. Council at a minimum will:

- ensure information security incident management procedures are established to ensure appropriate responses in the event of information security incidents, breaches or system failures.
- ensure all information security incidents are reported and escalated (where applicable) through appropriate management channels and/or authorities (ELT).
- establish and maintain an information security incident and response register and record all incidents.
- ensure that information security incidents caused by employees are investigated and where it is found that a deliberate information security violation or breach has occurred, that formal disciplinary processes are applied.

Principle 9 - Business continuity management

A managed process including documented plans will be in place to enable information and ICT assets to be restored or recovered in the event of a disaster or major security failure. At a minimum, Council will:

- establish an information and ICT asset disaster recovery register to assess and classify systems to determine their criticality.
- establish plans and processes to assess the risk and impact of the loss of information and ICT assets on Council business in the event of a disaster or security failure.
- develop methods for reducing known risks to Council information and ICT assets.
- ensure business continuity and information and ICT asset disaster recovery plans are maintained and tested to ensure systems and information are available and consistent with Council business and service level requirements.

Principle 10 - Compliance management

Council will ensure compliance with, and appropriate management of, all legislative and reporting obligations relating to information security. Council at a minimum will:

- ensure that all reasonable steps are taken to monitor, review and audit Council information security compliance.
- all Council information security policies, processes and requirements including contracts with third parties, are reviewed for legislative compliance on a regular basis and the review results reported to appropriate Council management (ELT).

Review Triggers

This Policy is reviewed internally for applicability, continuing effect and consistency with related documents and other legislative provisions when any of the following occurs:

- (1) The related documents are amended.
- (2) The related documents are replaced by new documents.
- (3) Amendments which affect the allowable scope and effect of a Policy of this nature are made to the head of power.
- (4) Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this Policy is to be reviewed at least once every two years for relevance and to ensure that its effectiveness is maintained.

Responsibility

This Policy is to be:

- (1) implemented by all officers and Councillors; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the General Manager and ICT Consultant.

ICT Security Procedure Requirements

General Introduction

The ICT Security Procedures is to be read in accordance with the ICT Security Policy. Any inconsistency between the policy and procedure shall be read as if the policy dominates as to direction to be taken.

Principles to be Established through Procedure

Principle 1 – Policy, Planning and Governance

Principle	Action	Date	By Whom	Date Completed
Develop an Information Security Policy Implementation Plan, ensuring alignment with Council business planning, general security plan and risk assessment findings.	Policy developed	Jul 2021	Executive staff	
Establish and document information security internal governance arrangements (including roles and responsibilities) to implement, maintain and control operational information security within the Council.	1. That an ITC Map of staff delegations and hierarchy is prepared to reflect authority for access. 2. That Councils Internal Auditor review the ICT map annually and check the allocation and removal of responsibility during the year.	1. Aug 2021 2. Annual Review	1. Insert position 2. GM / Internal Auditor	
Establish and document information security external governance arrangements to ensure that third party service level agreements and operational level agreements clearly articulate the level of security required and are regularly monitored.	Develop a written agreement to be provided and signed by third party suppliers and maintainers of Councils ICT systems.	Feb 2022	<insert position>	

Principle 2 - Asset management

Principle	Action	Date	By Whom	Date Completed
All information assets are assigned appropriate classification and control	Review ICT assets and assign controls e.g. programs updates	Dec 2022	GM & ICT Consultant	
All ICT assets that create, store, process or transmit security classified information are assigned ICT asset custodians and are also assigned appropriate controls.	Review ICT assets and assign controls e.g. programs updates, site management, access needs, relief employee assignment.	Dec 2022	GM & ICT Consultant	

Principle 3 - Human Resources management

Principle	Action	Date	By Whom	Date Completed
Implement induction and ongoing training and security awareness programs, to ensure that all employees are aware of and acknowledge the Council's ICT Security Policy, their security responsibilities and associated security processes	<ol style="list-style-type: none"> Staff policy developed as to Social Media and general IT use. New staff package to include Social Media policy and acknowledgement form including required disciplinary advice as per Principle 8. 	<ol style="list-style-type: none"> Sep 2021 Sep 2021 	<ol style="list-style-type: none"> GM GM 	
Document and assign security roles and responsibilities where employees have access to security classified information or perform specific security related roles, and ensure that security requirements are addressed in recruitment and selection and in job descriptions	<ol style="list-style-type: none"> That an ITC Map of staff delegations and hierarchy is prepared to reflect authority for access. That Council's Internal Auditor review the ICT map annually and check the allocation and removal of responsibility during the year. 	<ol style="list-style-type: none"> Aug 2021 Annual Review 	<ol style="list-style-type: none"> GM GM / Internal Auditor 	
Develop and implement procedures for the separation of employees from, or movement within, the Council.	<ol style="list-style-type: none"> That an ITC Map of staff delegations and hierarchy is prepared to reflect authority for access. That access approval for changes in staff are made in writing and signed off by the senior manager of that section. 	<ol style="list-style-type: none"> Aug 2021 Dec 2021 	<ol style="list-style-type: none"> GM & ICT Consultant Executive staff 	

Principle 4 - Physical and environmental management

Principle	Action	Date	By Whom	Date Completed
Policies and processes are implemented to monitor and protect the use and/or maintenance of information assets and ICT assets away from premises.	1. Staff policy developed as to Social Media and general IT use.	1.Aug 2021	1. GM	
	2. New staff package to include Social Media policy and acknowledgement form	2.Sep 2021	2. GM	
Policies and processes are implemented for the secure disposal or reuse of ICT assets which are commensurate with the information asset's security classification level.	Develop an ICT cleaning procedure to remove Council information and factory reset all ICT assets before disposal. That a sign off process to check cleaning and reset has occurred.	Sep 2021	GM & ICT Consultant	

Principle 5 - Communications and operations management

Principle	Action	Date	By Whom	Date Completed
A network security guideline is developed and documented in line with the ASCS to guide network administrators in achieving the appropriate level of network security.	Review actions under Federal Governments - acsc.gov.au/publications/Information_Security_Manual_2017_Controls.pdf	ongoing	GM & ICT Consultant	
Adequate controls are defined and	That attacks are reported to ELT and the Internal and External	ongoing	GM & ICT Consultant	Ongoing

implemented for the prevention, detection, removal and reporting of attacks of malicious code on all ICT assets.	Auditors as to attack type, impact and controls implemented			
comprehensive systems maintenance processes and procedures including operator and audit/ fault logs, information backup procedures and archiving must be implemented.		ongoing	GM & ICT Consultant	ongoing
operational change control procedures are implemented to ensure that changes to information processing facilities or systems are appropriately approved and managed.	That a report is submitted to ELT prior to any changes to control procedures or ICT processing for approval.	Ongoing	GM & ICT Consultant	ongoing
methods for exchanging information within Council and with third parties are compliant with legislative requirements.	That a written process is prepared to exchange information of a sensitive nature with third parties. Note: this does not apply to publicly available information based on Councils web site, social media articles or information being supplied under council policies.	December 2021	GM & ICT Consultant	
processes are developed and implemented to periodically review and test firewall rules and associated network architectures to ensure the expected level of network perimeter security is maintained.	That an external consultant is used to test councils fire wall procedures annually. E.g. White Hack	Annually or as required when a breach is detected.	GM & ICT Consultant	

Principle 6 - Access management

Principle	Action	Date	By Whom	Date Completed
authentication requirements, including on-line transactions and services, are assessed	That Councils Internal and external Auditors review annually and check the on-line transaction processing and security.	ongoing	GM & ICT Consultant	Ongoing

policies and/or procedures for user registration, authentication management, access rights and privileges are defined, documented and implemented for all ICT assets.	1. Social media policy developed	1. August 2021	GM	
	2. User acknowledgement form and access privileges recorded on form to be signed by employee.	2. September 2021	GM & ICT Consultant	
control measures are implemented to detect and regularly log, monitor and review information systems and network access and use, including all significant security relevant events.	Event log to be printed weekly and reported breaches to be reported to ELT for action.	ongoing	GM & ICT Consultant	ongoing

Principle 7 - System acquisition, development and maintenance

Principle	Action	Date	By Whom	Date Completed
security requirements are addressed in the specifications, analysis and/or design phases and internal and/or external audit are consulted when implementing new or significant changes to financial or critical business information systems.	That Council include security requirements in the replacement of all ICT programs and assets purchased to protect the organisations IT network.	As required	GM & ICT Consultant	ongoing
processes (including data validity checks, audit trails and activity logging) are established in applications to ensure development and support processes do not compromise the security of applications, systems or infrastructure.	That suppliers are advised of Councils requirements to protect all ICT assets and networks both internal and external and that as per Principle 1 that a signed statement is provided to Council acknowledging this requirement.	ongoing	GM & ICT Consultant	ongoing
authentication processes	That an authentication process for	November 2021	GM & ICT Consultant	ongoing
are consistent.	all new and externally sourced data is undertaken and the event log is retained.			
processes are developed and implemented to manage software vulnerability risk for all IT security infrastructures.	1. Written back up procedures and tests are undertaken to determine if procedures are being applied. 2. A review of the procedure by Councils Internal Auditor is	October 2021	GM & ICT Consultant	ongoing

Principle 8 - Incident management

Principle	Action	Date	By Who	Date Completed
ensure information security incident management procedures are established to ensure appropriate responses in the event of information security incidents, breaches or system failures.	That Council Contingency plan is updated to include procedures for IT recovery.	September 2021	GM & ICT Consultant	
ensure all information security incidents are reported and escalated (where applicable) through appropriate management channels and/or authorities (ELT).	Report all incidents to ELT and to the external auditors.	ongoing	GM & ICT Consultant	ongoing
establish and maintain an information security incident and response register and record all incidents.	Develop a standalone (NonElectronic) register.	September 2021	GM & ICT Consultant	
ensure that information security incidents caused by employees are investigated and where it is found that a deliberate information security violation or breach has occurred, that formal disciplinary processes are applied.	Develop as a staff procedure a disciplinary process to be signed off by staff as part of the staff commencement and change of authority procedure.	September 2021	GM	

Principle 9 - Business continuity management

Principle	Action	Date	By Whom	Date Completed
establish an information and ICT asset disaster recovery register to assess and classify systems to determine their criticality.	Include the recovery process in Councils contingency plan	October 2021	GM & ICT Consultant	
establish plans and processes to assess the risk and impact of the loss of information and ICT assets on Council business in the event of a disaster or security failure.	Contingency plan developed. Update ICT process in plan	October 2021	GM & ICT Consultant	
develop methods for reducing known risks to Council information and ICT assets.	Develop a procedure to limit access by staff to restricted ICT controls eg password changes or authorisation codes.	October 2021	GM & ICT Consultant	
ensure business continuity and information and ICT asset disaster recovery plans are maintained and tested to ensure systems and information are available and consistent with Council business and service level requirements.	1. Undertake an annual test of fire walls and run a mock test of ICT failure to ensure key staff are aware of contingency procedures. 2. Record event and improvement outcomes.	December 2021	GM & ICT Consultant	ongoing

Principle 10 - Compliance management

Principle	Action	Date	By Who	Date Completed
ensure that all reasonable steps are taken to monitor, review and audit Council information security compliance	Require Councils internal auditor to review and assess ICT performance and records annually and report any concerns to the Internal Audit group for action.	annually	GM & ICT Consultant	Ongoing
all Council information security policies, processes and requirements including contracts with third parties, are reviewed for legislative compliance on a regular basis and the	Require Councils internal auditor to review and assess ICT performance and records annually and report any concerns to the Internal Audit Group and ELT for action.	Annually	GM & ICT Consultant	Ongoing
review results reported to appropriate Council management (ELT).				



POLICY REGISTER

Conflict of Interests Policy – Dealing with Council-Related Development Throughout the Development Process

Policy adopted: 16 May 2023 – 2023/62

Reviewed:

File Ref: D23.80245

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Minute No.

DOCUMENT CONTROL

1. Objective

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

2. Legislative requirements

The following requirements to address conflicts of interest in council related development, pursuant to the Environmental Planning and Assessment Regulation 2021:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (Environmental Planning and Assessment Act 1979, schedule 1, clause 9B).

3. Scope

This policy applies to council-related development, excluding development applications for temporary uses, ancillary works within road reserves (i.e. driveways, footpaths etc), ancillary works to public reserves and parks (i.e. amenities buildings, fences, play equipment), easements over council land and tree removals.

4. Definitions

In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

council means Balranald Shire Council.

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner (including community land, operational land, crown land under trust management of Council), or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

development process means application, assessment, determination, and enforcement.

the Act means the *Environmental Planning and Assessment Act 1979*.

Note: A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

5. Policy

Process for identifying and managing potential conflicts of interest

MANAGEMENT CONTROLS AND STRATEGIES

5.1 The following management controls may be applied to:

- a) the assessment of an application for council-related development:
 - i) All council-related development with a construction value exceeding \$500K shall be referred to an external body (adjoining council or consultant) for assessment.
Note - All council-related development with a construction value exceeding \$5M shall be assessed by council staff and referred to the Western Regional Planning Panel for determination – and is not subject to this policy.
 - ii) Communication between applicant and Council's assessment staff is to be made via public avenues, for example the NSW Planning Portal, front counter, phone, or email (council@balranald.nsw.gov.au). Direct access to assessment staff offices by the applicant is not permitted.
 - iii) Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team.
 - iv) Council development assessment staff and project development teams are to be located in different/separate offices of Council's administration building, with separate reporting lines – i.e. reporting to different executive staff.
- b) the determination of an application for council-related development

- i) All council-related development with a construction value exceeding \$500K shall be referred to an external body (another council or a qualified consultant) for assessment.
- ii) All council-related development with a construction value exceeding \$50K shall be reported to the General Manager for determination.
- iii) All council-related development with a construction value exceeding \$500K shall be reported to Council for determination.
Note - All council-related development with a construction value exceeding \$5M shall be referred to the Western Regional Planning Panel for determination – and is not subject to this policy.
- iv) All council-related development applications that receive between 1-6 objections during assessment, shall be circulated to Council, and if called up, reported to Council for determination.
- v) All council-related development applications that receive seven (7) or more objections during assessment shall be referred to Council for determination.

5.2 The management strategy for the following kinds of development is that no management controls need to be applied:

- a) commercial fit outs and minor changes to the building façade
- b) internal alterations or additions to buildings that are not a heritage item
- c) advertising signage
- d) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- e) development where the council might receive a small fee for the use of their land.
- f) where other State bodies are the consent authority for council-related development.

5.3 The regulation and enforcement of approved council-related development

Dependent on the regulation and enforcement activity required, may be undertaken by:

- a) a private certifier or
- b) Council, under delegation for building and subdivision work where Council is nominated as the Principal Certifying Authority or required to by the Act. or
- c) Council staff under delegation in accordance with Council's compliance policy ensuring separation of regulation/enforcement activities and project management or
- d) engagement of an independent third party.

6. Identifying Whether A Potential Conflict Of Interest Exists, Assessment Of Level Risk & Determination Of Appropriate Management Controls

Development applications lodged with the council that are council-related development are to be referred to the general manager (or authorised delegate) for a conflict-of-interest risk assessment.

Note - Council-related development is defined in section 4.

The general manager is to:

- a) assess whether the application is one in which a potential conflict of interest exists,
- b) identify the phase(s) of the development process at which the identified conflict of interest arises,
- c) assess the level of risk involved at each phase of the development process,
- d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in this policy and the outcome of the general manager's assessment of the level of risk involved as set out above.

Note - The general manager could determine that no management controls are necessary in the circumstances.

- e) document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.



CONTRACT MANAGEMENT POLICY

Policy adopted: February 2023 - 2023/12

Reviewed:

File Ref: D22.76194

TABLE OF CONTENTS

1. POLICY STATEMENT	1
Scope	1
Purpose	1
Objectives	1
Principles	1
Benefits	2
Applicability	2
Definitions	2
2. ROLES AND RESPONSIBILITIES	2
2.1. Department Manager	2
2.2. Contract Superintendent	3
2.3. Procurement Advisor	3
2.4. Training	3
3. RISKS	3
4. AWARDING OF CONTRACT	4
4.1. Letter of Acceptance	4
4.2. Contracts Register	4
5. PRE-CONTRACT COMMENCEMENT	5
6. PERFORMANCE ASSESSMENT	5
6.1. Introduction	5
6.2. Contractor Reports	5
6.3. Inspections	5
6.4. Performance Review Meetings with Contractor	6
6.5. Analysis of Customer Complaints	6
6.6. Customer Surveys	6
6.7. Unsatisfactory Performance	6
6.8. Performance Measurement Form	7
6.9. Council's Responsibilities	7
6.10. Termination for Failure to Achieve Performance Standards	7
7. PERFORMANCE REPORTING	7
7.1. Contractor Performance Evaluation Report	7
7.2. Reports to Council	8
8. VARIATIONS	8
8.1. Department Manager	8
8.2. Contract Superintendent	8
8.3. Value of Change	9
8.4. Documentation	9
8.5. Exceptions	10
9. EXTENSIONS	10
9.1. Should the Contract be extended?	10
9.2. Authority to extend a Contract	10
9.3. Formal communication	11
10. POLICY IMPLEMENTATION	11
11. POLICY REVIEW	11
12. POLICY CONTACT	11
13. REFERENCES AND RELATED POLICIES	11

1. POLICY STATEMENT

Scope

This Contract Management Policy applies to the management of all Council contracts, including, but not limited to contracts for the supply of products, works and services, but excluding employment contracts and non-binding memoranda of understanding.

The Policy is subordinate to Council's Procurement Policy and is complemented by Council's Tendering Policy.

The Policy does not provide advice regarding the management of contracts.

Advice and instructions on contract management processes and practices can be found in the *Contract Management Guidelines*.

Purpose

The purpose of this Policy is:

- to confirm Council's standards and expectations for contract induction, monitoring, supervision, performance assessment, variations, extensions and customer satisfaction
- to ensure that there is accountability in contract management; and
- to deliver high quality products, works and services by generating strong contractual relationships based on clear performance expectations

Objectives

The key objectives of the Policy are to ensure that:

- Council receives the benefits expected from contracts and contractual relationships,
- Council staff understand Council's obligations under contracts, and
- Council staff manage contracts in a manner which facilitates Council responsibilities and minimise risk.

Principles

Council is committed to the following principles of effective contract management:

- Contracts shall be proactively managed, including management of risk,
- the performance of contractors shall be monitored,
- Council shall honour its' contractual obligations,
- Contracts will be documented and recorded in the Records Management System,
- Contract management shall be undertaken in an honest and transparent manner,
- Good contractual relationships shall be aimed for, developed and maintained,
- Contracts must deliver the specified outcomes, and
- Proper communication channels shall be established and constructive feedback shall be encouraged.

Benefits

Council expects that effective contract management will deliver the following benefits:

- On time delivery of products, works and services,
- Reduced exposure to risks and the costs associated with risks,
- Good quality and value for money products, works and services,
- Innovation and continuous improvement, and
- Goodwill and other intangible or value adding benefits.

Therefore, each contract specification shall have clearly specified contract objectives and the Contract Superintendent shall manage the contract and monitor the performance of the contractor to ensure delivery of the contractual objectives and realization of the contractual benefits.

Applicability

This Policy shall be binding upon Councilors (Administrator) and Council staff. It is also binding upon contractors, consultants and agents while performing any work for Council.

Definitions

Contract Superintendent means, in relation to a contract, the person (normally a member of Council staff) who has responsibility for supervising the contractor and monitoring the contract.

Engineering Finance and Assets Officer means, the Council staff member who has responsibility for coordinating the tendering processes, including contract documentation and the contract register.

Department Manager means, in relation to a contract, the Executive Manager or Manager of the Department that has budget responsibility for the contract.

2. ROLES AND RESPONSIBILITIES**2.1. Department Manager**

The appropriate Department Manager is responsible for policy, planning and development, setting service standards, specifications, customer satisfaction and budget responsibility for the contract. Therefore, the Department Manager has ultimate responsibility for the contract.

In practice however, responsibility for "managing" the contract and contractor is often delegated to the Contract Superintendent. Therefore, the role of the Department Manager is usually similar to that of the project sponsor and includes engagement with the relevant stakeholders such as Councilors and Government Departments.

2.2. Contract Superintendent

The Contract Superintendent is responsible for supervising the contractor and monitoring the contract on behalf of Council and the relevant Department Manager. The Contract Superintendent is the person nominated as such by the Department Manager. In some cases, the Contract Superintendent may be the Department Manager. Usually, the Contract Superintendent is a staff member of the relevant Department. Sometimes, in the case of major capital works projects, the Contract Superintendent may be the Project Manager under supervision of the Engineering Department.

2.3. Engineering Finance and Assets Officer

The Engineering Finance and Assets Officer is responsible for ensuring that Council's tendering and contract administration is undertaken in accordance with legislation, Australian Standards, Council policies and Council guidelines.

The Engineering Finance and Assets Officer has responsibility to provide guidance, advice and assistance to Contract Superintendents, Department Managers and other Council staff in the management, supervision and monitoring of contracts and contractors.

The Engineering Finance and Assets Officer has responsibility for ensuring that proper contract documentation is prepared and the contract register is kept up to date.

2.4. Training

The General Manager will ensure that all staff with procurement and contract management responsibilities receive appropriate training (and refresher training when required) and that these responsibilities are reflected in their position descriptions.

3. RISKS

Management of risks is an inherent aspect of contract management. Risks may include:

- Failure (of either party) to comply with the conditions of contract,
- Inadequate monitoring and supervision,
- Unauthorized changes to the contract, including failure to approve variations and extensions,
- Loss of intellectual property and breach of confidential information,
- Changes in scope, personnel, and technology,
- Fraud and unethical behavior, including failure to disclose conflicts of interest; and
- Lack of properly maintained documentation.

Contract management requirements increase as the value, risk and complexity of a contract increases. The Contract Superintendent shall be responsible for managing risks and shall seek appropriate professional advice at an early stage where insurance, legal or governance issues arise.

It is critical that Council itself complies with the contract. Otherwise, Council may not be able to enforce the contract against the contractor.

The Contract Superintendent shall consult with the Engineering Finance and Assets Officer and Department Manager as required.

Further information can be found in the Contract Management Guidelines prepared by MAV Procurement.

4. AWARDING OF CONTRACT

4.1. Letter of Acceptance

As soon as practicable after a decision has been made to award a contract, the Engineering Finance and Assets Officer shall communicate the decision in writing to the Contractor. The written advice shall cover, at least, the following points:

- Amount of the contract (lump sum, schedule of rates or annualized amount),
- Commencement date and duration,
- Name of Council's nominated Contract Superintendent,
- Name of Contractor's nominated representative; and
- Requirement to provide insurance certificates and performance security deposit or bank guarantee (if required) within a specified timeframe.

4.2. Contracts Register

The Engineering Finance and Assets Officer shall enter the following information in the Contracts Register:

- The contract number and name,
- The contract commencement date, contract term and the date the contract is expected to conclude,
- The name of the Contractor,
- The date and place of the publication of public notice calling for tenders or expressions of interest.
- The names of all tenderers
- the closing date for the submission of tenders,
- The tender evaluation criteria and any ranking accorded to the criteria,
- The names of persons who were on the tender evaluation panel,
- Council's reason for entering the contract if the contract was not awarded to the lowest tenderer,
- The estimated value of the contract for the financial year, in which the contract was entered into,
- In each subsequent financial year during the term of the contract, the estimated value of the contract, and
- Details of approved variations and extensions (as they occur).

The Contracts Register shall be made available by the Public Officer for inspection upon the written request of any person.

The Contracts Register shall be held on Councils Electronic Record Management system only be available to the Public Officer, General Manager, Executive Managers, and other nominate staff.

4.3 PRE-CONTRACT COMMENCEMENT

Prior to the commencement of works or services under the contract, the Engineering Finance and Assets Officer shall ensure that at least the following matters have been addressed (to the extent that they apply):

- A contract "induction" meeting has been held,
- A program or calendar/timetable of works has been submitted and approved by the Contract Superintendent,
- A contract management plan has been submitted and approved by the Contract Superintendent and the required proof of insurances have been provided, and
- Bank guarantees or security deposits have been received and held in the Council safe or banked, as appropriate.

5. PERFORMANCE ASSESSMENT

5.1. Introduction

Performance assessment is a major component of contract management and performance assessment requirements shall be written into the contract specification.

Ongoing performance assessment should be based on the mechanisms for performance assessment included in the contract.

Where applicable, performance assessment shall be based on, but not limited to, contractor reports, inspections, performance review meetings, customer complaints and surveys.

5.2. Contractor Reports

Contractor reports are the method by which a contractor certifies that the products, works or services comply with the specification. If required, the type and frequency of Contractor reports shall be clearly described in the specification. The Contract Superintendent shall ensure that the contractor submits the reports on time and shall review the reports carefully. The Contract Superintendent shall discuss matters of serious concern with the Engineering Finance and Assets Officer and/or Department Manager.

5.3. Inspections

Inspections should incorporate an assessment that compares actual performance to the performance requirements specified in the contract. Inspections shall be the responsibility of the Contract Superintendent.

If required, an inspection regime shall be clearly described in the specification and shall stipulate:

- Who will inspect,
- When inspections will occur, and
- What will be inspected.

5.4. Performance Review Meetings with Contractor

Performance review meetings provide a forum to discuss and assess the contractor's performance. Generally, a performance review meeting shall be based on the most recent contractor report (refer clause 6.2).

If required, the type and frequency of performance review meetings shall be clearly described in the specification. Generally, they shall be held every three months, however, meetings may be required more frequently, at the commencement of a contract.

The conduct of performance review meetings shall be the responsibility of the Contract Superintendent. The contract should authorize the Contract Superintendent to nominate the time, date, and place of performance review meetings. The contract should require the contractor or an appropriate representative and any other person nominated by the Contract Superintendent to attend performance review meetings. The Engineering Finance and Assets Officer may also attend performance review meetings at their own choosing or when requested to do so by the Contract Superintendent.

5.5. Analysis of Customer Complaints

Receipt and analysis of customer complaints shall be the responsibility of the Contract Superintendent.

5.6. Customer Surveys

In the case of long-term service contracts, customer surveys may be undertaken to assess customer satisfaction with the performance of the contractor and the contractor's compliance with the specification. Customer surveys shall be the responsibility of the Contract Superintendent.

If Council intends that the contractor be obliged to achieve a particular customer satisfaction level, then this and the methodology for measuring the customer satisfaction level must be specified in the contract.

5.7. Unsatisfactory Performance

When contractor performance does not meet the contract requirements, the Contract Superintendent shall contact the Contractor and:

- Define the problem,
- Specify the unsatisfactory performance in terms of a comparison with the requirements of the contract, and

- Specify the implications of the problem.

If the Contract Superintendent considers that the problem can be rectified without resort to formal breach of contract procedures, the Contract Superintendent and Contractor shall:

- Identify the cause of the problem, and
- Decide upon corrective action.

If required, the Department Manager and the Engineering Finance and Assets Officer shall participate in the meeting.

The contractor shall implement the corrective action as agreed upon and the Contract Superintendent shall monitor and assess the outcome to ensure that the unsatisfactory performance is rectified on a permanent basis.

The Contract Superintendent shall ensure that any informal problem resolution process does not prejudice Council's rights under the contract with respect to any breach of the contract.

5.8. Performance Measurement Form

If required, a performance measurement form, shall be developed for the contract by the Contract Superintendent. The performance measurement form shall identify the performance requirements of the specification.

The Contract Superintendent shall complete the performance measurement form on a regular basis. For example, after the receipt of the contractor's report (refer clause 6.2) or after the performance review meeting with the contractor (refer clause 6.4).

5.9. Council's Responsibilities

If Council is to be able to enforce the contract, it must ensure that Council itself complies with the contract. The Contract Superintendent should ensure that Council complies with all contract timelines, gives all required notices and otherwise meets its obligations under the contract. Even if the Contract Superintendent employs informal processes to address particular problems, the formal requirements of the contract should still be followed.

5.10. Termination for Failure to Achieve Performance Standards

Any formal process for termination of the contract must be conducted strictly in accordance with the requirements of the contract. Generally, this will require a "show cause" notice to first be issued to the contractor. Legal advice should be obtained before such a process is instigated.

If a contractor has breached a contract with Council, then (whether the contract has been terminated), Council may consider the breach in considering subsequent tenders from the contractor.

6. PERFORMANCE REPORTING

6.1. Contractor Performance Evaluation Report

The performance evaluation report shall focus upon the contractor's compliance with its obligations under the contract. A contract performance evaluation report will generally be an "internal" document used to monitor and improve operational performance. However, some information will be relevant to, or parallel to, the information to be included in the report to Council (refer clause 7.3).

If required, the Contract Superintendent shall be responsible for preparing the contractor performance evaluation report. It shall be based on Council's template and the Department Manager shall determine how frequently the Contract Superintendent is required to prepare a contractor performance evaluation report.

Once complete, the Contract Superintendent shall provide the Department Manager with the contractor performance evaluation report for approval. Upon approval of the Department Manager, the Contract Superintendent shall provide the Contractor with the contractor performance evaluation report and also advise the Contractor of the date of the next review meeting.

6.2. Reports to Council

The report to Council shall primarily be concerned with "outcomes", that is, the effect or benefit of the service and the degree to which the service is meeting community, customer and citizen needs and expectations.

If required, the Contract Superintendent shall be responsible for preparing the report to Council. It shall be based on Council's template and the General Manager shall determine how frequently the Contract Superintendent is required to prepare the report to Council.

7. VARIATIONS

7.1. Department Manager

The appropriate Department Manager is responsible for policy, planning and development, setting service standards and writing specifications.

Therefore, any major change which is a significant departure from the contract specification is the responsibility of the Department Manager to consider. The decision to approve a major change shall be made by the appropriate Council staff member with delegated authority to do so, as defined in Council's Instrument of Delegation.

7.2. Contract Superintendent

The role of the Contract Superintendent is to supervise and monitor the contract in accordance with the specification.

When supervising the contract, minor changes or changes of an operational nature may be made by the Contract Superintendent providing the decision does not alter the objectives, scope, purpose or overall value of the contract.

7.3. Value of Change

The importance of discussion between the Contract Superintendent and Department Manager cannot be overstated when there is any doubt about variations.

As a guide, the value of the change may determine whether it is the Contract Superintendent or Department Manager who has the responsibility and authority to approve the change. For example, providing there are no exceptional circumstances, the Contract Superintendent shall be responsible for and have authority to approve minor changes providing that, during the life of the contract or project, they do not exceed a maximum cumulative value of 10% or \$100,000 (whichever is the lowest amount) of the estimated value of the contract.

Before any variation is approved, the Contract Superintendent or Department Manager must ensure that the value of the change does not exceed the limits of their delegation as shown in Council's Instrument of Delegation.

In the event that the change exceeds a maximum cumulative value of 10% or \$25,000 (whichever is the lowest amount) of the estimated value of the contract, a Council Report will be required to approve the variation.

7.4. Documentation

All changes must be documented. It is the responsibility of the Contract Superintendent to:

- If the change to the contract has been agreed by the parties, write to the contractor providing a description of the change and the agreed value of the change,
- If the change is being directed by the Contract Superintendent pursuant to a contractual entitlement to do so, ensure that the change is directed in writing in accordance with the requirements of the contract,
- Provide a copy of the change to the Engineering Finance and Assets Officer to be attached to the official signed and sealed contract,
- Place a copy of the change on the contract file,
- Report the change in the monthly and quarterly reports, and
- Advise the Finance Manager in writing if the value of the change will create a significant budget variation.

It is the Contractor Superintendent's responsibility to ensure that all contract documentation is retained for a period of seven years following contract closeout, defect liability periods or resolution of pending action (e.g., legal, audit, etc.) whichever is later.

If required, the Engineering Finance and Assets Officer shall assist the Contract

Superintendent to ensure that all documentation is satisfactorily completed.

7.5. Exceptions

All of the commentary in clause 8 must be read subject to Council's specific obligations under the contract. For example, under standard form General Conditions for Construction and Civil Works, such as AS4000-1997, the Superintendent's obligation to direct variations in certain circumstances is not subject to approval from a delegated Council staff member or Council itself.

Council may breach the contract if the Superintendent does not promptly direct a variation in certain circumstances (i.e., without waiting for Council approval). Council may also breach the contract if the Superintendent acts at the direction of another Council staff member with respect to a variation. This is a complex area of law and legal advice should be sought where necessary.

8. EXTENSIONS

8.1. Should the Contract be extended?

It is the Contract Superintendent's responsibility to anticipate and plan for the expiry of a contract. This is part of normal contract supervision and monitoring.

The Contract Superintendent shall review the contract and consult with the appropriate Department Manager to determine the action required for:

- Arrangements with the Contractor for expiry and termination of the contract including actual end date), and
- Arrangements for service delivery beyond the expiry date, for example, the extension of the contract or the commencement of a new contract.

In deciding whether a contract should be extended or allowed to expire at the end of the initial contract term, the Department Manager and Contract Superintendent must ensure that Council complies with any notice periods and procedures for extending the contract.

If the contract is for a fixed period, such as a contract for managing a swimming pool, and it does not contain provision for an extension, it may not be possible for Council to "extend" the contract, as any "extension" will constitute a new contract and hence may be subject to the public tendering requirements.

8.2. Authority to extend a Contract

If delegated authority to award the initial contract existed, then delegated authority to extend the contract should generally also exist.

If the contract was not made under delegated authority, then any decision to extend the contract must be made by Council.

However, if a contract is for a task, such as construction of a building, rather than a fixed period of time, and the contractor needs more time to complete the contract due to unforeseen circumstances/delays or unseasonable weather

conditions, then such an extension shall be deemed to be an operational matter and therefore authority to extend the contract rests with the Contract Superintendent. The Contract Superintendent must comply with all requirements of the contract with respect to granting extensions of time.

8.3. Formal communication

After the decision to extend the contract has been made, it is the responsibility of the Engineering Finance and Assets Officer to write to the Contractor confirming the extension to the contract. The Engineering Finance and Assets Officer shall refer to clause 4 of this Policy to the extent that it applies to the extension and shall also update the Contracts Register.

9. POLICY IMPLEMENTATION

This Policy is effective from the date it is approved by Council.

10. POLICY REVIEW

This Policy shall be reviewed within four years of the date on which it was approved by Council or within twelve months of a Council general election.

11. POLICY CONTACT

The Engineering Finance and Assets Officer is Council's designated contact and has primary operational responsibility for this Policy.

12. REFERENCES AND RELATED POLICIES

- Local Government Act (NSW) 1993
- Local Government (General) Regulation 2021
- Local Government (Tendering) Regulation 1999
- Tendering Guidelines for NSW Local Government 2009
- Model Code of Conduct for Local Councils in NSW 2020
- Government Information (Public Access) Act 2009 (GIPA Act)
- State Records Act 1998
- Balranald Shire Council -Procurement and Disposal Policy



POLICY REGISTER

Councillor Access to Information Policy

Policy adopted: 17.12.2021 (Minute No. 220/2021)

Reviewed:

File Ref: D21.57908

Purpose

The purpose of this policy is to provide a consistent set of guidelines to ensure legal and appropriate Councillor Access to Council records, information and staff that may assist them in undertaking their responsibilities as elected representatives.

This policy defines appropriate interactions between Councillors, employees and contractors of Balranald Shire Council (BSC). It defines potential, perceived and actual improper or undue influence or direction by Councillors to staff and ensures that risks associated with improper or undue influence are mitigated.

Scope

This policy applies to Councillors, all staff and contractors of BSC

Definitions

Council – Council should be read as BSC

Councillors - all elected representatives of BSC Council as defined by the Local Government Act 1993.

General Manager – Executive as appointed by Council.

Directors – refers to the staff Directors.

Public Officer – this position is held by the Executive Assistant.

Staff – is defined as any staff member below the level of Director.

Policy Content Access to Council Records by Councillors

Councillors are entitled to access all council files, records or other documents in accordance with the Government Information Public Access Act 2009 (GIPA) and as identified in Councils GIPA Publication Guide, or which relate to a matter currently before the Council.

Councillors can request access to Council documents relating to their civic duties from the General Manager.

Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights as any other person.

Councillors must not release personal information about a third party except in accordance with the provisions of the Privacy and Personal Information Act.

The Government Information Public Access Act 2009 (GIPA) also include provisions for a member of the public to a general right of access to Council documents.

The General Manager, public officer or a person identified by the General Manager shall keep a record of all requests by councillors for access to information (other than those listed in the GIPA Act or GIPA Publication Guidelines or by a Notice of Motion at a Council meeting).

Use of Information by Councillors

Reference should be made to Council's Code of Conduct and Statement of Business Ethics which offer specific guidance to Councillors in dealing with information provided to them in the course of their civic duties.

It is recognised that Councillors have a role both as a member of the governing body of the Council and as an elected person and importantly it recognises the difficulty for Councillors to reconcile the two areas of responsibility when dealing with Council information and documents. It notes that while it is desirable in the public interest to maintain open government, not all information available to Councillors is available to members of the public.

Councillors are made privy to information of a confidential nature the disclosure of which is specifically prohibited in certain circumstances.

Councillors must undertake to protect confidential information and only use confidential information for the purpose it was intended. Confidential information gained through your official position should not be used for the purpose of securing a private benefit for yourself or any other person.

Confidential information must not be used with the intention to cause harm or detriment to Council or any other person or body and information discussed during a confidential session of a Council meeting must not be disclosed.

The right of Councillors to have access to records is for the purpose of exercising the office of Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless it is already in the public domain. A Councillor has no authority to release documents on behalf of Council.

The Chair of BSC shall not cause the by-passing of the general access provisions by providing to another Councillor information made available through the Chairs' role.

Councillors shall not cause the by-passing of GIPA provisions by providing to a member of the public information made available to Councillors as an elected representative.

The General Manager will provide further guidance and assistance to Councillors in determining whether a document is confidential and/or not to be released.

Interaction between Councillors and Staff

The General Manager is responsible to the Council for the performance of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff on matters not generally available to the public and which are outside the forum of Council and Committee meetings, be directed to the General Manager or to person(s) nominated by the General Manager.

Only the General Manager can provide advice to Councillors and any other officer nominated by the General Manager, from time to time.

Requests for actions, services or maintenance should be made by emailing council@balranald.nsw.gov.au or by contacting the employee nominated by the General Manager who will record the request in Councils Customer Request Management system.

When a detailed report is required, a Notice of Motion should be made to Council.

If a Councillor is concerned about any refusal to provide information, the matter should be raised with the General Manager. If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.

Councillors shall not approach members of staff directly for information or advice, other than public contact staff and then only for routine administrative matters.

The Chair may communicate with Council staff in the course of fulfilling the Chair's responsibilities and the General Manager is responsible for keeping the Chair informed of all matters relevant to those responsibilities.

Staff members will not approach Councillors directly on matters other than routine administrative matters. Any other contact with Councillors must be arranged through the General Manager.

Staff members will not lobby Councillors on policy issues.

Councillors must not attempt to direct or influence staff as to the performance of their work.

Councillors must not request staff to undertake work of a personal nature for them or any other person.

Councillor Access to Council Offices

As elected members of the Council, Councillors are entitled to have unimpeded access to all civic areas, the Council Chamber and meeting rooms.

Councillors who are not in pursuit of their civic duties only have the same rights of access to Council buildings and premises as any other member of the public.

Councillors may not enter "staff only" areas unless with the permission of the General Manager.

The General Manager provides secretarial services and will instruct staff to provide secretarial support on particular matters as required.

Responsibility and Accountability

Councillors and staff are responsible for ensuring that any breaches of this policy are reported to the General Manager.

Where the breach relates to the conduct of a Councillor, the General Manager is responsible for immediately reporting the matter to the Mayor and where the breach relates to the conduct of the Mayor, the General Manager is responsible for reporting this to Council.

Where the breach relates to the conduct of staff the General Manager is responsible for taking appropriate disciplinary action if the breach is proven.

Inappropriate Interactions

The Council has determined that the following interactions are inappropriate:

- councillors approaching members of staff for information on sensitive or controversial matters, other than the General Manager, Directors or other staff nominated by the General Manager and as advised to councillors
- members of staff approaching councillors directly other than via the General Manager or their Manager on staffing or political issues
- councillors approaching staff outside the council building or outside hours of work to discuss Council business
- staff refusing to give information which is available to other councillors to a particular councillor because of the staff member's or councillor's political views
- councillors entering general staff only areas with the exception of the intention to visit the office of the General Manager
- staff being asked to answer questions or provide documents to councillors who are overbearing or threatening
- councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- staff providing advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

Links to Policy

Bullying and Harassment (various Policies)

Code of Meeting Practice

Internal Reporting (Public Interest) Disclosure Policy

Model Code of Conduct

National Competition Policy and Complaints Handling Procedure

Statement of Business Ethics Policy

Links to Forms

Government Information (Public Access) Act 2009 Access Application

References

Under Careful Consideration: Key Issues for Local Government (ICAC)

Good Conduct & Administrative Practice-Guidelines for Councils (NSW Ombudsman)

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulations 2005

Government Information (Public Access) Act 2009

Public Interest Disclosures Act 1994

Independent Commission Against Corruption Act 1988



Policy Register Cyber Security

Organization: Balranald Shire Council

Policy Adopted: 17.05.2022

Minute Number: 2022/96

File Ref: D22.65215

Policy Register - Cyber Security



Document Control

Issue	Prepared / Revised By & Date	Action / Amendment Details	Approved By & Date
1	2022		Council 17.05.2022

Policy Register - Cyber Security



Overview

Strong cyber security is an important component of the NSW Beyond Digital Strategy, enabling the effective use of emerging technologies and ensuring confidence in the services provided by Balranald Shire Council

Cyber security covers all measures used to protect systems and information processed stored or communicated on these systems (from compromise of confidentiality, integrity, and availability)

Cyber security is becoming more important as cyber risks continue to evolve

Purpose

The policy outlines the mandatory requirements to which Balranald Shire Council must adhere, to ensure cyber security risks to their information and systems are appropriately managed

Cyber Security Guideline

Balranald Shire Council has developed a Cyber Security Guideline to assist staff in the day-to-day awareness of cyber security and to help to ensure that the organization is actively preventing cyber security risks

Internal Audit

Balranald Shire Council ARIC committee shall review the cyber security risks annually and the organizations process to reduce or eliminate the risks

The ARIC will review the organizations cyber security guidelines, the organizations response to cyber attack and the organizations security controls

The ARIC will supply a statement annually for the External Audit process advising that they have undertaken a review as above and the recommendations that are being implemented

Policy Register - Cyber Security



Cyber Security Guidelines

User Systems

- **Password Controls**
 - Balranald Shire Council staff will use strong passphrases that meet best appropriate practices using letters, numbers, and symbols
 - Passphrases will not be replicated across multiple platforms unless it has been enrolled into a Single Sign On environment
 - If a password has been suspected of being compromised, then a reset of the credentials will be initiated with new information provided to the appropriate Balranald Shire Council staff member
- **External Scams**
 - Balranald Shire Council staff need to be aware of scams, how to identify them and the most common vectors of attack
 - If privileged information is requested the identity of the person making the request must be identified to confirm their authority
 - Requests for changes related to the transfer of funds must be authorised by an appropriate Balranald Shire Council manager
 - Personally identifiable information must never be provided via telecommunication or email
 - Additional training is to be provided to staff to assist in recognizing scams with ongoing testing to be completed annually
- **Staffing Changes**
 - When applicable Balranald Shire Council management will follow procedures of both onboarding and offboarding of organization staff
 - When onboarding key information including user credentials, license requirements, level of system access and hardware requirements will be provided to a third party for configuration
 - When offboarding a Balranald Shire Council staff member correct procedures will be followed including removal of licensing, lock out of system credentials and forwarding of communication to the appropriate user
 - Balranald Shire Council will have periodic reviews of staff access and licensing to confirm that the most appropriate settings are in place

Information & Data Protection

- **Data Monitoring**
 - Records shall be kept when Balranald Shire Council data is used or moved both from the primary ERP (Content Manager) and external storage facility (SharePoint / OneDrive)
 - If internal organizational data has been exposed incorrectly to an external third party these records will be used as evidence of the exposure
- **Data Security**
 - Facilities and applications used for data storage shall have the ability for auditing and to prevent access from staff and third parties not authorised for the files in question
- **Data Storage & Classification**
 - Records of where information is stored will be kept separately from the data storage facilities
 - Information will be classified into categories to allow for appropriate filing (such as Confidential, Sensitive, Internal Use Only)

Cyber Security Tools

- **Endpoint Applications**
 - Anti-Virus applications will be installed on all user and server environments to protect against external intrusion and remove malicious programs where required
 - Anti-Virus applications are to be automatically patched on a regular basis to provide the latest protections available
- **Supported Operating Systems**
 - Device operating systems will be kept up to date and only versions currently supported by the software vendor with regards to maintenance and security updates



Policy Register - Cyber Security

- Device operating systems are to be automatically patched on a regular basis to provide the latest protections available
- **Supported Business Applications**
 - Business applications will be kept updated either through third party vendors or through regular automated patching
 - A Standard Operating Environment will be configured to streamline what applications are in use by organization staff and confirm that only trusted applications are in use
- **Remote Work**
 - Access to Balranald Shire Council infrastructure will be completed using Virtual Private Networks with internal security controls enforced
 - Organizational staff must not access secure information or systems from publicly accessible devices

Mobile Devices

- **Device Management**
 - Mobile devices provided by Balranald Shire Council or used for organizational purposes will have management applications installed
 - Management applications will provide the ability to provide secure connection to Balranald Shire Council networks and remotely wipe devices in the instance of loss or return upon staff offboarding
- **Organizational Data**
 - Balranald Shire Council data will only be accessed via mobile devices that have management applications installed

Business Continuity & Disaster Recovery

- **Core Infrastructure Replication**
 - Balranald Shire Council core infrastructure will be replicated to an Australian based data centre
- **Replication Security**
 - Any replication of Balranald Shire Council infrastructure must adhere to Australian security standards (including ISO 27001 and NSW Mandatory 25)
 - Any replication of Balranald Shire Council infrastructure must adhere to Australian data sovereignty laws
 - Any replication of Balranald Shire Council infrastructure must be kept secure and only accessed by approved staff and third-party contractors
- **Data Loss Plans**
 - In the instance where Balranald Shire Council has been notified of data breach or loss staff will initially follow the appropriate internal procedure or policy
 - Third parties and law enforcement will be informed immediately as is appropriate for the recovery of data or investigation of the source of a data breach
- **Time To Recovery**
 - In the instance where Balranald Shire Council is required to recover from a system fault or breach third party contractors will restore access to core infrastructure within a reasonable period
- **Offsite Replications**
 - A secondary replication of Balranald Shire Council infrastructure shall be kept for additional security and will adhere to the same security as listed above

Core Infrastructure Changes

- **Testing & Approvals**
 - Where core infrastructure or application updates are required Balranald Shire Council will work with third party contractors for the configuration of a suitable testing environment before moving the update to production
 - If additional infrastructure is required for testing purposes this will be configured as an ad hoc server in the organizations cloud environments
- **Implementation Procedures**
 - Once testing has been completed and approval provided by all third parties and Balranald Shire Council the changes are to be implemented within the organizations core infrastructure
 - Third party contractors will make themselves available for additional testing or issue rectification as required



Policy Register - Cyber Security

Physical Site Access

- **Core Infrastructure Access**
 - Balranald Shire Council infrastructure stored at any of its locations and sites will only be accessed by authorised staff or third-party contractors (as per Appendix A)

Local Network Security

- **Ad Hoc Device Connection**
 - Approval must be provided by either Balranald Shire Council management or approved third parties before an ad hoc device can be physically connected to the local network
- **Local Wireless Network**
 - A separate wireless network is configured for the connection of public or ad hoc devices
 - Increased security rules are to be applied to this wireless network to prevent access to critical Balranald Shire Council infrastructure
 - These settings are to be replicated across all Balranald Shire Council locations and sites
- **Network Filtering & Security**
 - Firewall hardware is to be implemented at all Balranald Shire Council sites and locations to secure and filter incoming and outgoing network traffic
 - Application white and black listing to be configured to prevent the installation of malicious software
 - Network reports are to be provided to Balranald Shire Council stakeholders by third party contractors as requested

Payment Card Practices

- **Trusted Hardware & Applications**
- **Client Information**

Ongoing Compliance & Reporting


- **Security Compliance**
 - Ongoing security compliance checks to be completed by authorised third party contractors to confirm that best appropriate practice is being followed
- **Security Reporting**
 - Annual reporting to be provided showing where Balranald Shire Council is currently meeting security compliance requirements and where additional works are required
 - In the instance where additional works are required Balranald Shire Council will investigate and implement appropriate solutions

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Policy Register - Cyber Security



Name	Position

	PLANT & EQUIPMENT REPLACEMENT POLICY		Doc No. 1	
			Version	Date
			1	May 2022
Controller	Approved by:		Review Date	
	Council			
Executive Manager - Engineering	Minute Number 2022/96			

POLICY OBJECTIVE

The objectives of this policy is to ensure Council's plant, light commercial vehicles and other mechanical equipment is current, applicable and available in good working order to achieve the best cost benefits and service for Council and the Community.

SCOPE

To ensure Council's plant and equipment reflect and adhere to contemporary Plant and Equipment Industry Standards and WHS Safety Requirements in particular the replacement periods of Councils plant and equipment.

POLICY STATEMENT

1. REPLACEMENT PERIODS

Replacement periods will be set to provide the best financial result for Council whilst also taking into account Council's operational needs and funding resources. In general, as a guide changeover periods for plant and equipment will be as follows;

Plant Item	Turnover Kilometres/hours	Turnover Period
Utilities, wagons, vans and light trucks (up to two tonne)	60,000 – 90,000 km	3 - 5 Years
Trucks (up to 8,500kg GVM)	125,000 – 175,000 km	5 – 7 years
Trucks (over 8,501kg GVM)	200,000 – 300,000 km	6 – 8 years
Road Grader	7,500 – 8,500 hours	8 – 10 years
Road Roller	7,000 – 8,000 hours	8 – 10 years
Backhoe	6,000 – 6,500 hours	5 – 7 years
Front End Loader/Excavator	6,500 – 7,500 hours	8 – 10 years
Skid Steer/Bobcat/Forklift	4,000 – 4,500 hours	7 – 8 years
Tractor	6,000 – 6,500 hours	5 – 7 years
Water truck / Fuel Truck	175,000 – 200,000 km	10 – 12 years
Asphalt Repair Truck	180,000 – 200,000 km	6 – 8 years
Caravans	2,500 – 3,500 hours	10-15 years
Slasher/Wing Mowers	N/A	6 – 7 years
Others	On an as needs basis	

If it is necessary to replace an item of plant or equipment outside the stated replacement period, this will be reported to Council.

2. PURCHASING & DISPOSAL

The purchasing of major plant and equipment should consider the following (but not limited to):

- Demonstrated need for the item
 - Age, safety and compliance
 - Cost of life, depreciation and maintenance costs
 - Replacement, purchase price and resale value, change over costs
 - Consideration of whether to purchase (by use of Council monies or loans), hire, lease or hire purchase;
 - Utilisation levels based on actual engine hours or kilometres worked, not days or hours booked
 - Encourage and pursue competitive purchases to maximise the value to both Council and the Community.
- Purchases are to be undertaken in accordance with Council's Procurement Policy, purchases in excess of \$250,000 (incl. GST) are to be conducted through a Public Tender process in accordance with the *Local Government Act (1993)* and the Local Government (General) Regulation (2005). Purchases below \$250,000 (incl GST) are to be conducted through a quotation process, with the number of quotes sought to be in accordance with the Procurement Policy.
 - Where an item of plant or equipment is no longer required, disposal can be by way of direct sale by tender or motor vehicle auction. Disposal of an item of plant or equipment is to be approved by either Council or the General Manager.

3. PLANT REPLACEMENT – GENERAL

- A Fifteen Year Plant Replacement Program is to be maintained and reviewed annually and is to be reported to Council on an annual basis.
- Delegation is provided to the General Manager, under Section 377 of the Local Government Act (1993), to approve the purchase and replacement of major plant and vehicles in accordance with Council's adopted Annual Plant Replacement Program, subject to the changeover costs being within ten percent (10%) of the estimated changeover costs and within the total Council budget allocation for the program, and provided the purchase and replacement procedures are in accordance with Council's Procurement Policy
- Tools and equipment of value less than \$10,000 are not to be funded as plant but are to be purchased from the budget allocation of the Department concerned, considered as Small Plant.
- Plant and equipment items valued at \$5,000 although plant of lesser value can be allocated a plant number if required. So over \$5,000 plant number should be allocated, under \$5,000 plant number may be allocated for costing purposes.

POLICY DEFINITIONS

Plant and equipment: See list of items in table

POLICY ADMINISTRATION

BUSINESS GROUP:	Infrastructure and Works
RESPONSIBLE OFFICER	Executive Manager Engineering and Works
COUNCIL REFERENCE	
POLICY REVIEW DATE	Three (3) years from date of adoption
FILE NUMBER	D22.62648
RELEVANT LEGISLATION	. Local Government Act 1993 (NSW) . Local Government (General) Regulation 2005 (NSW)
RELATED POLICIES/PROCEDURES/PROTOCOLS	. Procurement Policy

POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	17.05.2022	New Policy



POLICY REGISTER

PROCUREMENT AND DISPOSAL POLICY

Policy adopted:	Date (Minute No.220/2021) –
Reviewed:	2025
File Ref:	D21.57920

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Acting General Manager	First Edition	Council Minute No. 220/2021 (Date) 17 December 2021

BACKGROUND

The Local Government Act and Regulations covers the procurement of all goods and services and is binding on all Local Government Authorities.

OBJECTIVE

The objectives of the Procurement and Disposal Policy are to:

- obtain value for money when evaluating, selecting and disposing of goods and services that are paid for with public funds
- ensure essential accounting and control procedures are followed for the process of requisition, ordering, receipt, issue, return and disposal of all goods and services
- provide a set of basic Procurement and Disposal Guidelines for the purchase and disposal of goods and services including a Local Preference provisions;
- promote purchasing practices which protect the health and safety of Council officers and contractors
- ensure goods purchased by council meet relevant safety standards
- ensure that all parties involved in the procurement process at Council comply with relevant legislation, regulations and industry standards
- promote purchasing practices which protect the health and safety of Council officers and contractors
- promote purchasing practices which conserve resources, save energy, minimise waste, protect human health and maintain environmental quality and safety
- behave with impartiality, fairness, independence, openness, integrity and professionalism

SCOPE

This policy applies equally to elected Councillors, Council staff and Contractors.

Managers are accountable for the implementation, maintenance and the management of any breach of policy within their areas of responsibility in accordance with this policy, related procedures and relevant legislation.

DEFINITION

Procurement can be defined as a means of acquiring goods and/or services whether by purchase, lease, hire or contracting.

Disposal can be defined as a means of disposing of property, goods and/or services.

Delegation of Authority

The Council delegates the General Manager (GM) the authority to incur financial expenditure on behalf of Council where expenditure has been provided for in Council's budget or genuine emergency or hardship.

The GM is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised.

Other officers may only incur expenditure on behalf of the Council if:

- a) the officer has been granted a financial delegation by the GM and such delegation is recorded in the Register of Delegations, and
- b) expenditure is provided for in Council's budget; or
- c) in the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

No officer may have a procurement delegation exceeding \$250,000 (LGAct).

Purchase of Goods and Services

Requirements relating to the purchase of goods and services are summarised as follows:

Purchases up to a value of \$50.00	May be purchased from petty cash when available
Purchases up to a value of \$100.00	May be purchased from Petty Cash. However, if the item sourced is used regularly, then officers are encouraged to complete a purchase order
Purchases with an estimated value from \$101 to \$3,000	A purchase order is required
Purchases with an estimated value from \$3,001 to \$15,000	<p>Purchase orders must not be issued unless either:</p> <ol style="list-style-type: none"> 1. A Standing Order Arrangement (SOA) is in place, or 2. A Preferred Supplier Arrangement (PSA) is in place, or 3. A Government Contract Pricing Arrangement is in place, or 4. A Local Government Procurement Pricing Arrangement (LGPA) is in place, or 5. At least two quotations have been obtained (sole supplier situations excepted)

BSC – Procurement and Disposal Policy

Purchases with an estimated value from \$15,001 to \$50,000	<p>Purchase orders must not be issued unless either:</p> <ol style="list-style-type: none"> 1. A Government Contract Pricing Arrangement is in place, or 2. A Local Government Procurement Pricing Arrangement (LGPA) is in place, or 3. At least three quotations have been obtained (sole supplier situations excepted) <p>Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Officer will assess the coverage of such public advertising.</p>
Purchases with an estimated value from \$50,001 to \$249,999	<p>Purchase orders must not be issued unless either:</p> <ol style="list-style-type: none"> 1. A Standing Order Arrangement (SOA) is in place, or 2. A Preferred Supplier Arrangement (PSA) is in place, or 3. A Government Contract Pricing Arrangement is in place, or 4. A Local Government Procurement Pricing Arrangement (LGPA) is in place, or 5. At least three quotations have been obtained (sole supplier situations excepted) <p>Public advertising for quotations is essential. The responsible Officer will assess the coverage of such public advertising.</p>
Purchases with an estimated contract value of \$250,000 and above.	<p>Purchases shall be administered in accordance with Section 55 of the Local Government Act 1993 and the Local Government General Regulation 2005 Part 7 - Tendering.</p>

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

- telephone accounts
- electricity accounts
- subscriptions
- credit and fuel card purchases
- monthly rentals
- legal costs
- payments to contractors
- donations/contributions
- statutory levies, fees and taxes
- payroll deduction remittances
- reimbursements
- in genuine urgent circumstances for the supply of goods or materials/services which are required in an emergency or unplanned event
- insurance premiums

Purchases shall be administered in accordance with Section 55 of the Local Government Act 1993 and the Local Government General Regulation 2005 Part 7 - Tendering.

Receipt of Goods and Services

When the ordered goods are received or the ordered works and services carried out, goods received entry must be processed by the receiving officer in Council's purchasing system.

Bi-Annual Tenders

Except where the supply of goods and services are provided through a formal contract/pricing arrangement (e.g. a Joint Organisation, PSA, NSW Government Contract, LGPA) quotations or tenders will be invited every 2 years for goods and services including:

- Supply of Fuel, Distillate, Oils & Grease
- Supply of Tyres, Tubes & Sleeves
- Supply of Chemicals
- Cleaning of Council Premises
- Security Services
- Provision of Hygiene Services
- Pest control services
- Fire compliance services

Tenders for Professional Services and Utilities Except where the supply of goods and services are provided through a formal contract/pricing arrangement (e.g. NSW Government Contract, LGPA), tenders, expressions of interest or quotations will be called at least every six (6) years for the following: -

- Account Keeping
- Banking Services
- Legal Services
- Gas Supplies
- Electricity Supplies
- Telecommunications

Casual Hire of Plant Quotations will be publicly advertised each year, calling for fixed rates from;

- Owners of earthmoving plant & equipment, spray services, and minor plant items, for projects required to be carried out by Council on an 'as required' basis.
- Casual Hire of Trade Services Quotations will be publicly advertised each year, calling for pre-qualified suppliers of trade services for building maintenance required to be carried out by Council on an 'as required' basis.

Workplace Practice Service

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

Workplace Health & Safety Management and Workplace Injury Management

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

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

Workplace Health and Safety Compliance Service providers and their employees must comply with their work health and safety obligations under the NSW Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017, the Workplace Injury Management and Workers Compensation Act (NSW) and Regulations, workers compensation insurance premium requirements, relevant WHS industry codes of practice, and safety and dispute settlement procedures in applicable industrial awards and approved agreements.

Disposal of Council Goods

All assets to be disposed of by Council should be publicly advertised for sale either:

- at a set price, or
- by tender, or
- by auction (physical or on line)

Any disposal of goods with a contract value of \$150,000 and above should be made through resolution of Council after inviting tenders or expressions of interest.

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

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

Governance of Tender and Quotation Process

To ensure compliance with the Local Government Tendering Regulations, Tenders and procurement of items requiring more than one quotation shall be maintained in a separate file which is to be available to the auditors.

1. Tenders

Each Tender file shall be created and shall include the Local Government Tendering Checklist to ensure that staff is following best practice. The file will contain, the advertisements issued, any third-party information e.g. NSW Procurement etc., all tenders submitted, all determinations made, and documents of staff involved in the assessment process, all decisions of Council including report thereto and the local government tender checklist completed for all items (Annexure C).

2. General Procurement

All quotations must be maintained on a separate procurement file (this file may be electronic or hard copy). The quotation file must include a check list stating the price of the item, the number of quotations required by the policy to be sought, any reason that the number of quotations could not be obtained, and any other information used to decide on the purchase. If the purchase is the result of a decision of Council including a budget item, then a copy of the council's decision shall be included in the file for reference.

Complaints

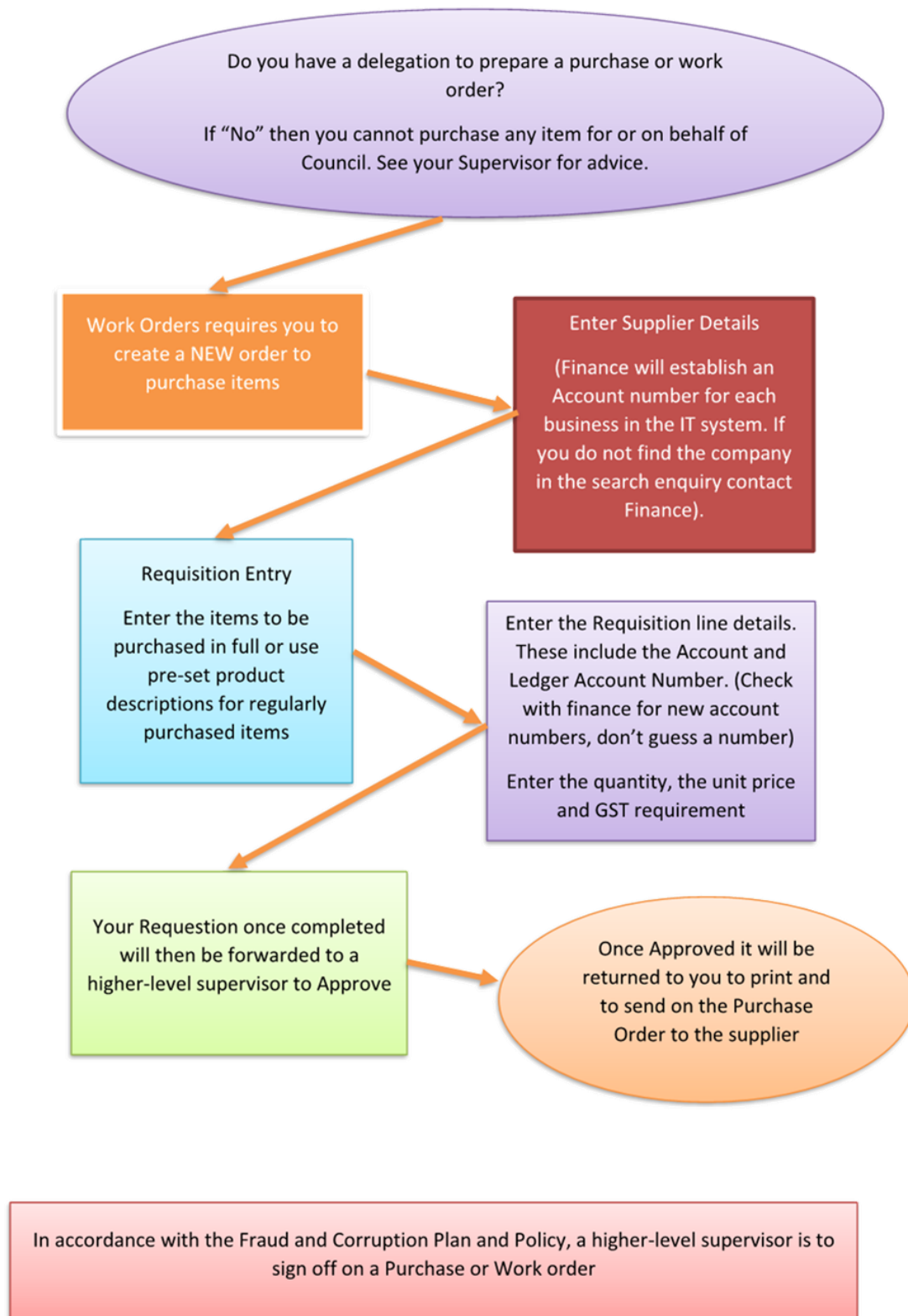
Those persons wishing to lodge a complaint regarding purchasing and procurement or disposal practices at Council should phone 03 5020 1300 or forward their written complaint to the following address:

General Manager
Balranald Shire Council
P.O. Box 120 Balranald, NSW 2715

RELATED DOCUMENTS

- The Local Government Act 1993 Local Government (General) Regulation 2005 Tendering Guidelines for NSW Local Government
- ICAC Guidelines
- BSC Code of Conduct
- BSC Corporate Credit / Debit Card Policy
- BSC Local Preference Purchasing Policy (Annexure B)

ANNEXURE A – PROCUREMENT FLOW CHART for COUNCILS IT SYSTEM



Annexure B - BSC Local Preference Purchasing Policy

OBJECTIVE

To ensure that Council achieves the best 'overall value-for-money' in its procurement of goods and services, while (where possible) giving preference to local suppliers, and non-local suppliers using local content to support the BSC regions economic development.

LOCAL PREFERENCE STATEMENT

The Council's Local Preference Purchasing recognises that 'overall value-for-money' is about broader economic benefits to the BSC region and not just the lowest price. The Council acknowledges that economic benefits flow to all local businesses where Council maximises opportunities for local suppliers to compete for Council's business based on value-for-money.

The Council's Local Preference Purchasing aims to use Council's procurement actions to encourage and support local suppliers and support economic activity within the BSC area where it is efficient to do so, while achieving the Council's overall 'value for-money' objectives. This approach seeks to maximise overall community benefit for the region.

DEFINITIONS

'Worker' - in the context of this policy has the same meaning as that in the *Work Health and Safety Act 2011*.

'local content' means goods or services procured from a local supplier or employees living permanently in the BSC region.

'local supplier' means a business, contractor or industry either permanently based in, or employing permanent staff operating from, permanent premises situated within the BSC regional boundaries for not less than six months prior to the date of the Procurement request; and registered or licensed in New South Wales.

'net cost' means, in relation to a quotation, tender or expression of interest, the total amount quoted or offered by a supplier for the supply of goods or services, including any freight or delivery charges and excluding GST and any discounts or rebates offered by the supplier.

'procurement request' means Tender under the Local Government Act 1993.

PROVISIONS

To assist local industry and local economic development the Council will:

- Encourage a 'buy local' culture within the Council region;
- Encourage local suppliers to participate in Council business by advertising in local newspapers and other means considered appropriate;
- Ensure that procurement policies and procedures do not disadvantage local suppliers;
- Ensure transparency in Council procurement practices;
- Encourage use of local suppliers by contractors, whenever goods or services must be sourced from outside the region;
- Consider the non-price value-for-money considerations set out in this Policy; and
- Apply a price preference discount in favour of local suppliers, as set out in this Policy.

NON-PRICE VALUE-FOR-MONEY CONSIDERATION

Council acknowledges that in assessing 'overall value-for-money', the following non-price considerations should be considered (where relevant) in relation to a Procurement Request:

- availability and access to after-sales service and maintenance;
- quality, type and availability of goods or services;
- advantages in dealing with a local supplier, including administrative and operational efficiency;
- the proportion of local content to be supplied;
- whole-of-life costs of the purchase or contract;
- compliance with specifications, guidelines and requirements;
- the suppliers' knowledge, experience and ability to fulfil the requirements of the contract or purchase;
- the suppliers' commitment to supporting local businesses and the local economy through sub-contracting and other supplier arrangements;
- net benefits to the BSC region, including economic benefits; and
- all other factors relevant to consideration of the Procurement Request.

Notwithstanding the Council's Local Preference Purchasing Policy, an assessment of responses to a Procurement Request must consider all the above factors, in conjunction with price and locality considerations.

PRICE PREFERENCE DISCOUNTS

For the purposes of comparing the price tendered by local and non-local suppliers, the price preference discount set out below will be applied and given to:

- Local suppliers submitting responses to Procurement Requests which are assessed in relation to this policy; and
- Non-local suppliers submitting responses to Procurement Requests, which include use of local content and which are assessed in relation to this policy.

LOCAL SUPPLIER DISCOUNT

For local suppliers who respond to Council's Procurement Requests;

- Council will assess their response as if their total net cost bid was reduced by 5%.
- Discounts will be limited to a maximum of \$15,000.

LOCAL CONTENT DISCOUNT

For non-local suppliers who respond to Council's Procurement Requests if at least 25% of the net cost of their response or tender includes or is attributable to local content, Council will assess such response as if the total net cost attributable to local content were reduced by 5%. Discounts will be limited to a maximum of \$15,000.

OBTAINING DISCOUNTS

To be eligible for either discount, suppliers must specifically detail and explain in their response to Council's Procurement Request the facts upon which they rely to establish their eligibility for the discount and must provide any evidence of such eligibility as reasonably required by the Council.

PROCEDURAL MATTERS

All Procurement Requests issued by Council must clearly state whether and how a price preference for local suppliers will be applied so that respondents to such Procurement Requests are aware of the Local Preference Purchasing Policy prior to the Procurement Request.

If the Local Preference Purchasing Policy is applied in a procurement process, the community should be notified and advised of the cost to the community of applying the policy by posting details of the successful supplier, the monetary cost of applying the policy and a brief statement of the rationale behind the policy on Council's website within a reasonable time of award of the tender.

All Procurement Requests resulting in local preferences being applied must be capable of identification and verification through Council's audit or internal control mechanism.

OVERALL LOCAL PREFERENCE

If:

- The net costs bid by a local supplier and a non-local supplier are equal (after calculating any applicable discounts in accordance with this policy;
- Both suppliers otherwise meet the criteria and requirements of the Procurement Request; and
- Each supplier (and its goods and/or services) is otherwise regarded as being 'equal', considering the non-price value-for-money considerations set out above,
- Preference will be given to the local supplier. To avoid doubt, normal processes of assessment of non-price considerations still apply, and this policy does not require that the lowest cost tender is necessarily successful. The purpose of this policy is to give preference to local suppliers (compared to non-local suppliers) where all else is equal.

IMPLEMENTATION

Examples of how the policy may be implemented are shown below.

Example 1

A tender for the supply of goods and services attracts the following bids:

- Bid A of \$9,750 (net cost) is received from a non-local supplier, which is using non-local supplies and services. No price preference discount applies.
- Bid B of \$10,000 (net cost) is received from a local supplier within the BSC region. A 5% price preference discount applies to the net cost, which is discounted to \$9,500 for comparison purposes.

The local price preference discount is applied as follows:

Bid B is successful, subject to all other considerations being met. Price paid is \$10,000.

Example 2

A tender for contract attracts the following bids:

- (a) Bid A of \$490,000 (net cost) is received from a non-local supplier, which includes local content of \$150,000. Since local content comprises more than 25% of the net cost, a 5% price preference discount applies to the local content component of the bid. The

discounted total net cost of the bid is therefore \$482,500 for comparison purposes.

- (b) Bid B of \$497,500 (net cost) is received from a local supplier. A 5% price preference discount applies to the total net cost of the bid. The discount is limited to the maximum discount of \$15,000. The total discounted net cost of the bid becomes \$482,500 for comparison purposes.

The local price preference discount is applied as follows:

Tenders received	Preference	Calculation	Total bid for evaluation Only
Bid A (non-local supplier) \$490,000	5% price discount is applied to the local content	Less 5% of \$150,000 = \$7,500	\$482,500
Bid B (local supplier)	5% price discount is applied	Less 5% of \$497,500 = 24,875 (Max. \$15,000)	\$482,500

Because Bid B comes from a local supplier, and on the basis that all other considerations were equal, Bid B is successful even though the discounted prices were equal. Price paid is the original \$497,500, this costing the Council a notional \$7,500 (i.e. Council could have purchased from non-local supplier for \$490,000).

Annexure C: Sample Advertisement**Tender Sale and Purchase of Spray Vehicle**

Council is seeking Tenders for the sale of a Toyota Land Cruiser and attached weed spraying equipment as detailed in the attached specification Marked "A" and is seeking Tenders for the supply of a Weed Spraying Unit that complies with Specification Marked "B".

A person or organisation may

- Tender for the purchase only of the Land Cruiser and attached spray equipment identified for sale in Specification "A"; and / or
- Tender for the Trade in and Supply of a Weed Spray Unit as per Specifications "A" and "B"; and /or
- Tender for the supply of a Weed Spray unit only complying with Specification "B".

Note: Council reserves the right to sell the Land Cruiser and attached spray equipment to a person or organisation and to purchase without trade a Weed Spray Unit complying with Specification "B". Council reserves the right to exclude non-complying tenders and to not accept the lowest or any tendered priced.

Persons or organisations shall be excluded from the tender process if they contact staff or Councillors other than the person nominated.

All persons or organisations wishing to tender for any of the options listed above can view the Land Cruiser and attached spray equipment at Balranald Shire Council Works Depot, Airport Road Armidale between 9am and 12pm on Monday ## (Month) 2021.

All tenders shall be submitted via Tender Link or to Councils Tender Box no later than 3pm on Friday ## (month) 2021 and Marked "Tender for Sale and Purchase of Weeds Spray Unit".

For further information on this Tender please contact Bill Smith Councils Procurement Officer on 6770 3600 or email BSC @BSC.nsw.gov.au

Annexure D: :Local Government Tendering Checklist

4. Resources**4.1. Tendering Checklist**

Contract:		
Contract Sum:		
1. Evidence council selected open or selective tendering methods (clause 166), together with reasons, recorded on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Copy advertisement for tenders is on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Copy of any other invitation to bid is on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Copy of all documents provided to tenders on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Documents provided to tenderers include:		
❖ Details of work, facilities or services	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Compliance with <i>Regulation</i> cl.170(1)(e) (if appropriate)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Closing date and tender lodgement requirements	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Outline of policies applicable to the procurement	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Evaluation criteria and methodology	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Specify contact person	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Whether formal tender documents are required and how to obtain them	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Information on obtaining copies of relevant council policies		
❖ Proposed terms and conditions of contract	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Specify criteria on which tenders will be assessed	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Council's Statement of Business Ethics	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Council's Code of Conduct	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ A statement that unethical or inappropriate conduct will result in the tender being disqualified	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Advice to tenderers of steps to take if they suspect corrupt and the action the council will take if it suspects corrupt conduct	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Include information on interaction between council and tenderers including prohibition on contacting councillors	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Record of all requests for tender documents on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Record of staff involved in preparing and issuing tender	Yes <input type="checkbox"/>	No <input type="checkbox"/>

BSC – Procurement and Disposal Policy

documents on file?		
8. Declaration of conflicts of interest for all staff involved on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Written records of all communications between tenderers and council staff on file (including records of advertising, attendance and information provided at any briefing sessions)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10. Full documentation of any changes made to tender specifications (including who made the change and why)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11. Evidence any changes to tendering specifications communicated to all tenderers or potential tenderers and that no tenderer or potential tenderer was disadvantaged on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12. Records of any variation to closing date (including reasons and identity of who made the decision)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
13. Evidence council took all reasonable steps to inform tenderers or potential tenderers of the later closing date?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
14. All tenders date and time stamped?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
15. Records of tender opening carried out in accordance with clause 175 of the <i>Regulation</i> (two persons also present/members of public able to attend)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
16. Records of receipt for facsimile and electronic delivery with tenders submitted by fax or electronically?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
17. Documentation recording the acceptance of any late tenders, including when received and why accepted?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
18. Documented tender assessment criteria on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
19. Documented tender list in alphabetical order of amounts prepared and displayed at council as per clause 175 of the <i>Tendering Regulation</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>Tender assessment documents</i>		
20. Details of any non-complying tenders and why they were assessed as non-complying?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
21. Documented tender assessment matrix completed for every member of assessment panel?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
22. Tender assessment panel members identified and include declaration of conflicts of interest?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
23. Records kept of all communication between potential tenderers and panel members on file?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Tendering Guidelines for NSW Local Government – October 2009

61

Page 14

24. Records of any variations to tenders under clause 176 including reasons why tender(s) varied and evidence all other tenders of same or similar characteristics were given the same opportunity?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
25. Recommendation for preferred tenderer is in line with assessment documents?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
26. Report to council on the tender includes:		
❖ Background information on the calling of tenders including history of decision to go to tender	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Background information on the performance of the previous contractor, if any	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Advice on whether, for continuing contracts, the terms of the terms of the contract have been reviewed	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ A summary of the tender process	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Details of tenders received and details of any non-complying tenders	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Financial analysis of the comparative tenders based on unit price/service price/annual cost/total contract cost	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Details of assessment criteria used together with weightings	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Details of post-tender communication with tenderers	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Compliance with <i>Regulation</i> cl.178(1A) (if appropriate)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ Conclusion and recommendation based on analysis of assessment criteria results	Yes <input type="checkbox"/>	No <input type="checkbox"/>
❖ If recommendation is not to accept any tender, the reasons for that recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
27. Evidence contract entered by council is in accordance with the tender?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
28. Where council enters into negotiations with one or more unsuccessful tenderers, council resolution includes reasons for that decision, including the choice of tenders with whom it negotiates?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
29. Evidence council advised all tenderers of outcome of process and copy of notice displayed at council advising of outcome (clause 179 of the <i>Regulation</i>)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>



POLICY REGISTER

Records Management Policy

Policy adopted: 2021 (Minute No. 220/2021)

Reviewed:

File Ref: D21.57922

Document Control

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox A/ General Manager	First Edition	Minute No. (2021)

Policy Scope:

This policy applies to all Councillors, employees of Balranald Shire Council and contractors and external consultants carrying out work on behalf of Balranald Shire Council.

This policy applies to all records, both physical and digital, created or received, in the conduct of the official business of Balranald Shire Council. This includes all aspects of all records created during business transactions and all business applications used to create records including email, databases and websites.

E-mails, which are relevant to the information gathering, policy formation or decision-making processes of BSC, are part of the scope of this policy.

All records management procedures and systems are to be in accordance with this policy.

Policy Objective:

Balranald Shire Council is committed to meeting its responsibilities under the State Records Act 1998 and to implementing best practice for its information management practices and procedures. The purpose of this policy is to:

- Establish a framework for the implementation of a records management program to ensure Balranald Shire Council's records meet operational business needs, accountability requirements and community expectations;
- Ensure the preservation of BSC's corporate memory through appropriate record keeping practices; and
- Drive efficiencies through implementing best practice.

Policy Statement:

BSC's records are a unique and vital asset that cannot be easily reconstructed or replaced.

They exist for a variety of administrative, functional, historical and legal reasons. Their existence protects BSC's interests and the interests of the community BSC serve. The effective management and preservation of BSC's records is intrinsic to both the decision-making process and productivity within the organisation.

Records must be created in all instances where there is a need for BSC or an individual to be accountable for, and/or provide evidence of decisions made or actions taken.

1. Records Management Program

Under the State Records Act 1998 public offices, such as Balranald Shire Council, are required to establish and maintain a records management program in conformity with standards and codes of best practice approved by the State Records Authority.

Balranald Shire Council's Records management program will:

- *Ensure that the management of BSC's information resources provides timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.*

- *Ensure the preservation of BSCs corporate memory through sound recordkeeping practices and the accurate capture of information to meet legal, evidential and accountability requirements.*

2. Responsibility

The State Records Act 1998 requires BSC to make and keep full and accurate records as evidence of business activities.

BSC is responsible for the protection, safe custody and return of all State Records under its control, ensuring accessibility to all equipment or technology dependant records.

Under the State Records Act (Part 2 Section10) the **General Manager** is responsible for ensuring that Balranald Shire Council complies with the regulations and requirements of the Act;

10 Chief executives to ensure compliance with Act

The chief executive of each public office has a duty to ensure that the public office complies with the requirements of this Act and the regulations and that the requirements of this Act and the regulations with respect to State records that the public office is responsible for are complied with.

The Corporate Records Manager has the responsibility and authority to set and issue corporate standards, and to monitor and audit compliance with these standards throughout BSC.

The Corporate Information Officer is operationally responsible for the efficient management of BSC records incorporating sound recordkeeping principles and records management best practice guidelines. They will also will assist staff in fulfilling their recordkeeping responsibilities and provide advice and training on compliance with this policy and its associated procedures.

All Managers and Supervisors are responsible for ensuring their staff receives training in records management and the use of BSC's record management systems. They are also responsible for ensuring appropriate records management facilities are in place for their business functions and that their staff complies with all recordkeeping requirements.

Public sector employees need to be aware of the recordkeeping requirements that affect the performance of their duties.

BSC staff has a number of basic obligations regarding records:

- Make records to support the conduct of their business activities
- Create records that would not otherwise be created, e.g. File Notes
- Capture records into the corporate record management systems
- Learn how and where records are kept within BSC
- Do not destroy BSC records without authority from the General Manager
- Handle records with care and respect with a view to prolonging their life span
- Do not alter, damage or lose records
- Do not remove records from BSC buildings without the permission of the General Manager
- Maintain confidentiality of records they have access to

- Be aware of records management procedures

Councillors/Elected Members

Elected members, too, must display sound recordkeeping practices. In the "good Conduct and Administrative Practice" document prepared by the NSW Ombudsman, the following is recommended:

Agencies are obliged to make and keep full and accurate records of their activities. Public officials should help their agency meet this obligation by creating and maintaining full and accurate records of the work in which they are involved and of the decisions they make, including the reasons for those decisions. They should ensure the routine capture of these records into recordkeeping systems in the course of their duties.

Note: Councillors should follow the same prescribed obligations as BSC staff (see above).

3. Records Management Functions

Balranald Shire Council operates under a centralised Records management model..

3.1 Records Management Systems

BSCs principal recordkeeping system is paper and electronic based.

In addition, BSC operates various specific purpose systems, where records are created and stored. These include, but are not limited to, staff records.

Records are the property of Balranald Shire Council and electronic documents must be stored on BSC's servers only. Information on desktop computers, notebooks, memory keys, external drives or CD/DVD discs is not admissible as a record of BSC and is in breach of the State Records Act 1998, BSC policies and administrative practices. External and temporary devices are to be used for copies of records stored on BSC's servers only.

3.2 File Creation and Classification

File or container creation within BSC's electronic management system is monitored by the General Manager and select staff who have received specialised training. This allows files to be controlled and consistently named within the system.

The application of classification, using Government Authority 39 (GA 39), issued and authorised by NSW State Records, allows the allocation of security and sentencing to records.

3.3 Registration

Inwards correspondence is registered into Content Manager (CM) after initial appraisal by General Manager or delegate based on legal, evidential and accountability requirements.

A unique identifier is assigned to each record and a date and time stamp affixed as it is entered into CM.

This registration process provides evidence that a record has been created into CM and enables the management of the record over time.

3.4 Storage, Access and Security

The system provides a multilevel security facility which can be applied to individual documents, containers (files) or specific classifications.

Security levels based on the organisational structure and individuals log in is applied to control access on a 'read only' or 'edit' level.

Records are available to all authorised staff that requires access to them for business purposes. Access is restricted on the written request of the General Manager based on the protection of personal privacy. Staff access to records is monitored as required..

All access to Balranald Shire Council records by members of the public will be at the discretion of the Public Officer and in accordance with the GIPPA Act.

Originals of imaged records are retained for a period of 6 months. These are placed in date order in batches and stored in the records storage area of BSC. Exceptions to this are originals of imaged records that have been identified as State Records, have a legal or locally significant function or are part of a development application.

Hard copy files are maintained for these records. A report library is also operated. These physical documents replicate records registered into BSC's electronic document management system and are maintained by the General Manager.

Legal documents and BSC Business Papers are stored in the strong room of the BSC Administration building. All other physical records, including semi active, inactive and archived files, are located in records storage in CM. All areas used for records storage have controlled access.

3.5 Tracking

CM (BSCs electronic document management system) facilitates tracking of electronic documents by providing the functionality of auditing and reporting.

Balranald Shire Council uses a manual system to track its active physical files. It is based on the premise of consideration and awareness of the value of records.

Physical files are not to be removed from their location for prolonged periods nor are they to be removed from the BSC Administration building without the permission of the Divisional Manager Finance and Administration.

3.6 Monitoring and Maintenance

The management of records within Balranald Shire Council is constantly monitored. Recordkeeping systems, processes and procedures are regularly reviewed and opportunities for improving effectiveness and/or efficiencies identified.

Regular planning for records management will be undertaken through specific strategic and operational plans, which will be reviewed on a regular basis.

3.7 Disposal

Balranald Shire Council records must be protected, maintained, retrievable and usable for their total retention period as outlined by the Government Authority 39 (GA39), and disposed of in accordance with the State Records Act 1998.

BSC's records are appraised and sentenced through the application of classification. A retention period and disposal action, determined by GA 39, is applied to all classes of activities.

Hard copy documents of short term value which have been scanned and captured into BSC's electronic document management system are disposed of in accordance with the Government Authority 28 (GA 28) "General Retention and Disposal Authority – Imaged Records".

BSC's method of destruction is pulping. This activity is carried out by an independent contractor under the supervision of corporate information staff.

No records of BSC are to be destroyed without the authorisation of the General Manager.

4.0 Definitions:

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

State Records - any record made or kept, or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office...' *Government Information (Public Access) Act 2009*

Policy Review

This policy should be reviewed every 4 years. The policy may be reviewed and amended at any time at BSC's discretion (or if legislative or State Government Policy changes occur).



POLICY REGISTER

Social Media Policy

Policy adopted: 2021 (Minute No. 220/2021)

Reviewed:

File Ref: D21.579833

DOCUMENT CONTROL

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox Acting General Manager	First Edition	Council Minute No. (2021)

Background

Balranald Shire Council is committed to engaging with its community and staff in relevant and meaningful ways and is cognisant of the ever increasing and important role of online social media for communication, engagement and interaction.

This policy and guidelines will promote wider and responsible use of these technologies within the organisation now and into the future. Online collaboration technologies are changing the way we work, providing new avenues to engage with customers, colleagues, and the public. They provide new models for interaction and can help build stronger, more successful relationships.

If you are a Balranald Shire Council staff member, employee or contractor, volunteer and are creating, using or contributing to social media then these guidelines are designed to assist you.

Policy Scope

This policy applies to all Council officials (Council staff, volunteers and contractors) utilising social media platforms.

Policy Purpose

This Policy provides clarification for Balranald Shire Council concerning Social Media use in relation to obligations under the Code of Conduct, including:

- The provisions of the Code of Conduct that hold employees accountable for the consequences of their private actions where they may have a bearing on their standing as a public official;
- Reinforcing that breaching the Code of Conduct when using social media may result in disciplinary action.

Policy Objective

To define the responsibility of staff when using social media in public within the work environment and to differentiate this activity from private use.

Policy

Definition:

Social media is the term used for internet based tools for sharing and discussing information among people and communities. It refers to user-generated information, opinion and other content shared and discussed over open digital networks. Social media may include (although it is not limited to):

- Social networking sites (e.g. Facebook, LinkedIn, Myspace)
- Video and photo sharing websites (e.g. Flickr, YouTube)
- Blogs, including corporate blogs and personal blogs (e.g. BlogSpot, Blogger)
- Micro-blogging (e.g. Twitter)
- Forums, discussion boards and groups (e.g. Google groups, LGNSW groups)
- Wikis (e.g. Wikipedia)
- Podcasting
- Email and instant messaging.

Social media also includes all other emerging electronic/digital communication applications.

Responsibilities

The *Code of Conduct* sets out the standards of behaviour expected of Balranald Shire Council staff based on a framework of behavioural principles and obligations.

Social Media and the Code of Conduct

The Code of Conduct applies when participating in social media in the same way as when participating in any other media, public forum or engagement with the community. The Code of Conduct applies to Balranald Shire Council staff when participating in social media for official and private use.

Official and Private Use

Whether using social media for official or private purposes, employees are reminded that comments will often be permanently available and able to be reproduced in other media. For the purposes of this guidance, the definition of official and private use is as follows:

- *Official use*: Using social media tools when acting as an official representative of Balranald Shire Council.
- *Private use*: Using social media tools in a personal, private capacity.

Official Use**Making Public Comment**

When using social media for official purposes it should not be used to express personal opinions.

Fair and Objective Treatment

All communication of an official nature should be objective and courteous in dealings with the government, other councils and the wider community.

Privacy and Confidentiality

Council officials must ensure the privacy and confidentiality of information acquired at work is protected at all times and treated in accordance with relevant laws and policies. The potential risks and ramifications of a breach of privacy or confidentiality when using social media are severe.

Council officials will not use the images of children unless the parent or guardian has provided written permission and is aware of the proposed use, social media sites and distribution potential across websites and social media.

Council will seek permission to use images of all persons where possible except in images taken of events or social gatherings, street or park landscapes or where a person can not be identified by the location or distance to the person.

Council officials shall remove all images of people immediately on the request of the person, family or organisation with legal responsibility.

General Conduct

Pursuant to Council's Code of Conduct, staff must ensure that any use of social media platforms, when used in an official capacity, is free from any form of verbal abuse, intimidation, harassment or discriminatory language or behaviour.

Inappropriate and offensive language (and/or inappropriate or offensive pictures, cartoons or diagrams) are prohibited from any Council social media platform.

Council officials must treat all users of Council's social media platforms equitably, fairly and with respect.

Creation of Council Social Media Platforms

Creation of new platforms (such as the creation of new Facebook pages) must be approved by the General Manager.

Council has one official Facebook site and will use only a single site for transmission on other social media and through its web site. The General Manager may approve other sites subject to need for a single purpose or limited time.

Facilitators and Moderators

All social media sites operated by Balranald Shire Council must have moderators and facilitators appointed in writing (by Council's) General Manager to enable oversight of activity within the site; monitor and decide on content; ensure moderation rules are followed; encourage participation and enable an understanding of common objectives for all participants.

Register and Passwords

Facilitators and moderators of Council Social Media sites must create and maintain their entry in the Social Media Register. The register will record the device/platform being used, the name of the principal Council staff member (user) and the access passwords.

Access to passwords will be limited to designated staff listed on the register as nominated by the General Manager.

Complaints Management

Council maintains a separate Complaints Management Policy and Customer Request Management (CRM) System. Complaints regarding social media are encompassed within that policy and any complaints received are to be entered into the CRM system and a response determined.

Council Business Transactions

Do not conduct Council business transactions, such as customer requests, over social media. Customer Service is provided by staff, by telephone or email.

Some General Rules of Use

- Be responsible for what you write. Your words will be archived and available for many years into the future. Readers in the future may be potential employers, clients or friends and family.
- Do not share Balranald Shire Council Intellectual Property.
- Do not click unsolicited links. These often conceal malware, spyware, phishing or other malevolent software used by scammers.
- Do not reveal sensitive personal information. See note above on children and other images.
- Do not reveal other people's sensitive information.
- Personal use of social media during work hours is generally not permissible by Council. If you are using social media this should be limited to your lunch break and/or before or after working hours.

- Council accepts that social media is a reciprocal medium and content on specific issues may not always be complimentary. To the extent that criticism is established as having valid grounds a response will be provided by Council, only after consultation between the relevant site facilitator/moderator and Council's General Manager.

Private Use

Personal or private use of social media at the council officials home is deemed to be a staff member's private matter and private interest. However, the provisions of Council's Code of Conduct must be considered if making any form of comment about another Council official or the Balranald Shire Council elected body.

Therefore, a Council official must **not** harass, bully, discriminate against nor make defamatory or inappropriate comments about any other Council official on their own personal social media platform (e.g. their own Facebook page).

Making Public Comment Relating to Council on a Private Platform

When using social media for private purposes, Council officials must ensure that they make it clear that any comments relating to Balranald Shire Council or its programs and activities are not official, and that they are speaking only on behalf of themselves.

Council officials must ensure that any personal comments do not compromise their capacity to perform their public role in an unbiased manner. Such comments (made in a personal capacity) about Council, its activities or programs should not be derogatory nor defamatory. Council officials must also ensure that they do not reveal any confidential information relating to Council when using a social media platform privately.

Breach of this Policy

A breach of the provisions and/or requirements of this policy may constitute a breach of Council's Code of Conduct. Therefore, disciplinary actions may be undertaken pursuant to the Code of Conduct and/or the Local Government (State) Award.

Staff Acknowledgement

All staff, must sign the acknowledgement at attachment 1 of this policy. New staff must sign the acknowledgement at their induction. Council's General Manager must ensure the acknowledgment is signed by all current staff as soon as practicable.

Review

This policy should be reviewed every 4 years. The policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur or changes to the relevant technology that impact on social media use).

Attachment 1***Council official acknowledgement***

I acknowledge and confirm:

receiving a copy of Council's Social Media Policy;

*I have read and understand the requirements of the Policy and I will comply with the Policy;
and*

I understand there may be disciplinary consequences if I fail to comply with the Social Media Policy, including up to termination of my employment.

Your name: _____

Signed: _____

Date: _____



POLICY REGISTER

VOLUNTEER MANAGEMENT POLICY

Policy adopted: 2021 Minute No. 220/2021

Reviewed: 2025

File Ref: D21.59741

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Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	G.Wilcox A/General Manager	First Edition	Council Minute No (2021)

CONTENTS

1.	INTRODUCTION.....	1
2.	OBJECTIVES.....	1
3.	SCOPE.....	1
4.	DEFINITIONS	2
5.	RESPONSIBILITIES.....	2
	A. General Manager and Directors.....	2
	B. Managers.....	2
	C. Supervisors	3
	D. WHS/HR Officer.....	3
	E. Health and Safety Committee (HSC)	3
	F. Volunteer.....	3
	G. Volunteer Supervisor or Site Supervisor	3
6.	PROCEDURES	4
7.	CONSULTATION, CO-ORDINATION AND CO-OPERATION.....	4
8.	RISK MANAGEMENT.....	5
	A. Identifying Risks and Controls Associated with Volunteer Activities.....	5
	B. Providing Training, Equipment and Supervision for Volunteers.....	5
	C. Supervision of Volunteers	6
	D. Use of Plant and Equipment.....	6
	E. Personal Protective Equipment.....	6
	F. Hazard/ Incident Reporting.....	6
	G. Insurance and Liability for Volunteers	7
9.	MONITORING AND REVIEW.....	7
10.	INDEPENDENT INDIVIDUAL OR ORGANISATION	7
11.	NON-COMPLIANCE.....	7
12.	ADMINISTRATION	7
	Single Entry Point	7
13.	RELATED DOCUMENTS	8
14.	REFERENCES.....	8
15.	REVIEW PROCESS	8
16.	Attachment 1 Volunteer Management Process Flow Chart	9

1. INTRODUCTION

Balranald Shire Council (Council) is committed to encouraging equitable access to services and facilities that meet the needs of the community and to recognise that volunteers contribute to the political, social, economic, environmental and cultural well-being of the community by:

- Expanding the ability of BSC to respond to the needs of the public by providing education and weed control services
- Engaging the community in protecting local resources, improving the physical environment and support for environmental issues
- Strengthening community cohesion, social wellbeing and trust.

BSC recognises that volunteers from the community can make a valuable contribution to the Council activities. They may be involved in caring for the environment or public contact roles.

Through their commitment and energy, volunteers enrich the fabric of the local community.

The Volunteer Management Procedure is produced to address the need to formalise roles and responsibilities for all involved in the volunteering process and support volunteering opportunities in our community. This procedure provides the framework for volunteers and Council workers to work cooperatively and safely at all times. (Refer Attachment 1 - Volunteer Management Process Flow Chart)

Refer also to procedures and guidelines for specific volunteer tasks and activities.

2. OBJECTIVES

- Ensure that volunteering remains a mutually beneficial activity.
- Recognise the importance of volunteer contribution to a wide range of services to the community and working with Council to achieve its vision mission and policy objectives.
- Clearly define the responsibilities of volunteers and Council workers.
- Provide guidance to volunteers and Council workers to maintain a safe and healthy workplace and community.

3. SCOPE

- Volunteers who participate in Council managed projects and / or events.
- Council employees involved in the management, coordination or supervision of volunteer programs and volunteers.

4. DEFINITIONS

WHS – Work Health and Safety. (Previously referred to as ‘OHS’ – Occupational Health and Safety)

PCBU – Council as an employer with paid workers is a PCBU. Under work health and safety legislation, a PCBU is ‘a person conducting a business or undertaking’. A PCBU conducts a business or undertaking alone or with others.

Manager – Paid worker of Council with delegated responsibility to manage the functions of a Branch / Department / Business Unit.

Program Coordinator – Paid worker of Council who is responsible for coordinating the volunteer program(s)

Volunteer – A volunteer means a person who does community work on a voluntary basis not working for payment or reward (the person may receive out-of-pocket expenses). A volunteer is a ‘worker’ when engaged by a PCBU to carry out work.

Volunteer Association – (May be incorporated or unincorporated) Under work health and safety legislation, is a group of volunteers working for one or more community purposes e.g. sporting, benevolent or recreational and no one is paid to work for the association. If someone is paid, the association is considered to be a PCBU and therefore, has WHS obligations.

Community work – Community work is work that is not for financial gain and that is done as a charitable, benevolent, philanthropic, sporting, educational or cultural purpose.

5. RESPONSIBILITIES

A. General Manager

- Ensure that processes are in place to manage the health and safety of volunteers
- Ensure adequate resources are available for the effective management of risks relating to volunteer activities;
- Ensure that adequate pre-requisites are in place prior to volunteers commencing duties
- Ensure the periodic review of the implementation and effectiveness of risk control measures for volunteers
- Ensure Council consults, coordinates and co-operates with other duty holders to meet their Work Health and Safety (WHS) legislative requirements in relation to the effective management of risks associated with volunteers
- Ensure that processes are in place for the review of this procedure and the processes for managing volunteer risks every two years.

B. Managers

- Ensure the identification, assessment, control and monitoring of hazards and hazardous activities related to volunteers
- Periodically review the implementation and effectiveness of control measures to manage risks associated with activities volunteers conduct, and revise of controls if necessary
- Provide Management and the WHS/HR Officer with reports on volunteer related risks and controls for the areas over which they have control

-
- Ensure an appropriate person (e.g. Volunteer Supervisor or Site Supervisor) is appointed to supervise volunteers
 - In conjunction with the WHS/HR Officer, review this procedure and the effectiveness of the processes for managing volunteer risks every two years.

C. Supervisors

- Identify hazards associated with volunteers and their activities, assess the risks and implement effective control measures;
- Conduct risk assessments in consultation with workers and other duty holders
- Monitor and review the implementation and effectiveness of controls and revise controls where necessary
- Provide information, training and supervision to all volunteers on hazards and hazardous activities related to the work that they undertake
- Liaise with the WHS/HR Officer for assistance in managing risks associated with volunteers and the activities they undertake.

D. WHS/HR Officer

- Oversee the system and processes for the identification, assessment, control and monitoring of risks that may arise from the activities volunteers undertake
- Consult with key stakeholders in managing risks associated with volunteers and provide information to Council management and workers as applicable
- Monitor the implementation and effectiveness of the risk management process for volunteers and provide reports to senior management as required.

E. Health and Safety Committee (HSC)

- Participate in the identification of hazards and control measures for volunteer activities, where required; and
- Participate in reviewing the effectiveness of risk controls implemented for volunteer's activities.

F. Volunteer

- Complete Councils induction and any relevant training prior to undertaking any volunteer activities;
- Take reasonable care for his or her own health and safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of others; and
- Comply, so far as reasonably able, with any reasonable instruction given by council to allow council to comply with its legal obligations; and
- Cooperate with any reasonable policy, procedure or instruction of council relating to health and safety that has been notified to workers.
- Report to the appropriate person as soon as practical any matter which could affect the safe undertaking of the activity

G. Volunteer Supervisor or Site Supervisor

- Complete a Volunteer Induction Checklist prior to the volunteer undertaking any duties
- Ensure that activities are conducted in accordance with Council WHS procedures

6. PROCEDURES

Before volunteers are permitted to undertake an activity on behalf of or under the direction of Council, a risk assessment of the activity will be undertaken by the relevant Manager in consultation with the Program Coordinator to ensure the following:

- The activity is suitable for the volunteer(s)
- The activity does not place the volunteer(s) at risk to their health and safety
- The volunteer has the physical capacity to undertake the activity
- The volunteer has the knowledge and skills required to undertake the activity in a safe manner.

When satisfied that the activity is appropriate for volunteers, and before the activity commences, the relevant Program Coordinator is to ensure the following matters are addressed:

- Potential hazards have been identified
- Consultation has been undertaken with the volunteer(s) regarding safe work procedures
- Appropriate risk management procedures and controls have been developed
- Volunteers have been provided with information, instruction, training with regard to risk management procedures relevant to the activities they are involved in
- There is in place a system of work for the safe handling, use, storage and transport of plant, equipment or any substances to be used in the activity
- At the location of the activity, there are safe means of entry and exit which are identified to the volunteers
- Arrangements are in place for the appropriate level of supervision and monitoring of the activity
- Records are kept of attendance, tasks undertaken and information on incidents including near misses
- Volunteers are provided with appropriate information, instruction and training which, depending on the activity, may include the following:
 - WHS induction training
 - Hazard identification
 - First aid
 - Responding to an emergency
 - Use of communication equipment
 - On-the-job training in specific risk management procedures as required.
 - Council's Model Code of Conduct
 - Volunteer Management Manual

While undertaking activities on behalf of Council, volunteers have responsibilities for health and safety. In particular, volunteers through their actions or omissions are not to place themselves or other persons at risk while undertaking activities on behalf of Council.

7. CONSULTATION, CO-ORDINATION AND CO-OPERATION

Council (as the PCBU) will consult, so far as is reasonably practicable, with volunteers who carry out work for Council and who are, or are likely to be, directly affected by health and safety matters.

Volunteers are required to actively participate in consultation arrangements and cooperate with all reasonable instructions, policies and procedures that make up Council's health and safety management system and processes.

Volunteers generally do not work the same hours and may work in different environments and locations to other workers. The most effective consultation mechanisms for each project or job involving volunteers will be determined in consultation between the Program Coordinator and volunteers.

8. RISK MANAGEMENT

In adopting risk management procedures, Council is committed to providing the highest possible level of protection based upon the hierarchy of risk control.

In accordance with statutory requirements, Council will seek to apply the following approach to managing risks, in order to achieve the lowest level of risk that is reasonably practicable. As a first priority, Council will seek to eliminate the identified hazard.

If it is not reasonably practicable to eliminate the hazard and associated risk, then Council will aim to minimise the risk by:

- Substituting the hazard
- Isolating the hazard
- Using engineering controls
- Using administrative controls.

The use of personal protective equipment (PPE) is to be considered as the last resort measure. Before adopting the use of PPE, Council will ensure all other measures have been considered which, either singly or in combination, have been unable to establish an acceptable level of protection for the volunteer.

Some hazards will require using a combination of control measures that may include the use of PPE.

A. Identifying Risks and Controls Associated with Volunteer Activities

The Manager/Supervisor for the relevant work area must ensure that any work activities or events involving volunteers have a WHS Risk Assessment completed prior to the work commencing or the event being booked. This assessment will follow the process outlined in Council's Managing WHS Risks Procedure and will identify the hazards associated with the activity and the required control measures. The WHS/HR Officer will assist the Manager/Supervisor with the completion of the risk assessment as required.

The Manager/Supervisor will ensure that all risk control measures identified in the WHS Risk Assessment are implemented.

Volunteers are not permitted to undertake high risk work tasks (e.g. working at heights, traffic control, etc.). Where required, Council will arrange for appropriately qualified personnel to complete these tasks.

B. Providing Training, Equipment and Supervision for Volunteers

Volunteers will be provided with the required instruction, information and training for their role.

All volunteers must receive Council induction prior to undertaking any activities on behalf of the Council.

The Volunteer Induction Checklist in Appendix 3 can be used to track all WHS requirements for volunteers including any pre-requisites for the role, required PPE and mandatory training/instruction.

Approved volunteers will be recorded in the Volunteer Register (see Appendix 4).

C. Supervision of Volunteers

The relevant Manager will ensure that adequate supervision is arranged for volunteers. Where practicable, the Volunteer Supervisor / Site Supervisor should be present while volunteers undertake work activities. Where this is not practicable (e.g. remote locations, community transport), the Supervisor must consider how adequate supervision can be implemented. This may include planned or random site visits and maintaining communication with volunteers to check the progress of their activities and discuss any issues / hazards they may have identified.

D. Use of Plant and Equipment

Where practicable, Council will supply any plant / equipment required for volunteer tasks. Volunteers must be trained in the use of plant or equipment and deemed to be competent prior to operating it. Volunteers are not permitted to use or operate equipment if they have not been authorised by Council.

Volunteers must receive prior approval if they wish to supply their own equipment. Any equipment supplied by volunteers must be checked and authorised by the Volunteer Supervisor / Site Supervisor prior to being used.

The Volunteer Supervisor / Site Supervisor is responsible for ensuring that pre-start checks are undertaken for all plant and equipment used by volunteers.

Electrical items must have a current test/tag record attached to the item.

The Supervisor is authorised to prevent the use of, or remove, any item considered unsafe or inappropriate for the task.

E. Personal Protective Equipment

Council will supply volunteers with appropriate personal protective equipment for the tasks they are undertaking. The Volunteer Supervisor / Site Supervisor is responsible for ensuring volunteers use and maintain PPE, and for arranging the replacement of any worn / damaged items.

F. Hazard/ Incident Reporting

Volunteers must report all hazards or incidents to their Volunteer Supervisor/ Site Supervisor who will follow Councils relevant procedures including the Managing WHS Risks and Incident Reporting and Investigation procedures.

Volunteers will have the same access to post incident briefing and support as is provided to Council's workers.

Volunteers are able to raise complaints and grievances as per Council's Internal Reporting Procedure.

G. Insurance and Liability for Volunteers

Council will carry appropriate insurance policies to cover volunteers (e.g. public liability). In some cases, volunteers will be required to demonstrate that they have their own insurances (e.g. comprehensive car insurance if using their own car). Any insurances required by the volunteer will be determined prior to starting work.

9. MONITORING AND REVIEW

During the volunteer activity lifecycle, Council will ensure appropriate monitoring and review processes are conducted. These may include and not be limited to supervision of activities by the Program Coordinator and monitoring of:

- Attendance registers
- Compliance with risk management procedures and safe work procedures and instructions
- Use of Council owned plant and equipment
- Impact on the environment
- Incident reporting procedures
- Volunteer(s) health and wellbeing.

10. INDEPENDENT INDIVIDUAL OR ORGANISATION

In considering the relationship council may have with an independent individual or Organised Group it may be appropriate to enter into an agreement with the organisation, treating the arrangement similar to a contractor. The Group should be able to demonstrate to Council their ability to undertake the task or project in a safe manner. Council will site evidence of the groups commitment and ability to deliver health and safety initiatives in managing the tasks/project.

11. NON-COMPLIANCE

Issues of non-compliance with policies, procedures or not cooperating with reasonable instruction of the person in charge of the activity by volunteers may result in termination or disciplinary action being taken by the Manager or Program Coordinator. Whilst it is not desirable to take the "big stick approach", non-compliance must be dealt with and issues raised to ensure the activity is conducted in as safe a manner as possible with volunteer(s) not placing themselves or other persons at risk while undertaking activities on behalf of council.

12. ADMINISTRATION

Single Entry Point

The engagement of volunteers and ongoing administration of the work relationship should be coordinated, in a similar manner as paid workers. A single point entry will assist a council in maintaining administrative management of the volunteers.

Where a designated Program Coordinator or the like is not in place, individual workers with responsibilities for overseeing or engaging with volunteers will consult, co-ordinate and co-

operate to ensure volunteer activities are effectively and efficiently managed across all functional areas.

The Volunteer Management Process Flow Chart represents the process for engaging and working with volunteers.

13. RELATED DOCUMENTS

- Work Health and Safety Policy
- Managing Work Health and Safety Risks Guideline
- Incident Reporting and Investigation Guideline
- Incident/Injury Register
- Work Health and Safety Risk Assessment Form
- Risk Register
- Corrective Action Report
- Volunteer Register
- Volunteer Application Form

14. REFERENCES

- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)
- Code of Practice: How to manage work health and safety risks 2011 (SafeWork NSW)
- The National Standards for Volunteer Involvement 2015 (Volunteering Australia)
- The Essential Guide to Work Health and Safety for Organisations that Engage Volunteers 2012 (Safe Work Australia)

15. REVIEW PROCESS

This Policy shall be reviewed:

- Within 12 months immediately following a Council Election; or
- Immediately if any provision is contrary to law.

16. Attachment 1 Volunteer Management Process Flow Chart

