



Meander Valley Council  
Working Together

# POLICY MANUAL

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Updated February 2025

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# Policy No. 1: Risk Management

## POLICY MANUAL

<b>Policy No. 1</b>	<b>Risk Management</b>
<b>Purpose</b>	The purpose of this Policy is to provide a framework for the management of risk, to reduce and mitigate potential risks and their consequences for the Council and the community.
<b>Department</b>	Governance
<b>Author</b>	John Jordan, General Manager
<b>Council Meeting Date</b>	13 June 2023
<b>Minute Reference</b>	139/2023
<b>Next Review Date</b>	<b>August 2027</b>

## POLICY

### **1. Definitions**

<i>Risk</i>	The possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of a combination of the likelihood of the occurrence of an event and its consequence.
<i>Risk Appetite</i>	The level of risk and consequence that the Council is willing to accept to achieve its strategic and operational objectives.
<i>Risk Management</i>	The coordinated activities to direct and control organisational risk.
<i>Risk Register</i>	The reporting tool used to record and assess risk and set out mitigating actions.

### **2. Scope**

This Policy applies to all Councillors, the Council's employees, contractors and volunteers in the management of risk that arises from all the Council's activities.

### **3. Policy**

The Meander Valley Council is committed to ensuring that risk management practices are embedded into all business processes and operations in order to drive consistent, effective and accountable action, decision making and management practice.

A strong risk management culture is critical to enabling the Council to safely achieve its strategic, operational and community service objectives. In mitigating risk, the Council will maximise the value it delivers while minimising the potential for harm, financial and non-financial loss or consequence.

#### **4. Risk Management Objectives**

The Council manages risk to achieve the following objectives:

<i>Promote</i>	<ul style="list-style-type: none"> <li>• An organisation wide approach by integrating risk management processes into each of the following areas: <ul style="list-style-type: none"> <li>- Business strategy, project management and decision making;</li> <li>- Audit, insurance, and specialist risk functions;</li> <li>- Workplace health and safety; and</li> <li>- Compliance and general governance functions.</li> </ul> </li> <li>• Consistency and transparency in methodology, assessment and management processes.</li> <li>• Proactive recognition of external factors and anticipation of uncertainties that may affect the achievement of strategic objective.</li> <li>• Confidence in operating performance, management decision making and the achievement of expected outcomes.</li> </ul>
<i>Demonstrate</i>	<ul style="list-style-type: none"> <li>• Sound business practice to residents, customers, employees and others.</li> </ul>
<i>Sponsor</i>	<ul style="list-style-type: none"> <li>• Innovation and maximise value from assets, investment, and opportunities.</li> </ul>
<i>Provide</i>	<ul style="list-style-type: none"> <li>• Appropriate, consistent, and transparent ownership and accountability for risk mitigation.</li> <li>• Mechanisms for the timely identification and effective management of risk occurrences and consequences.</li> <li>• Confidence in management practice to the Board.</li> <li>• Generating and maintaining a sound corporate history and learning organisation.</li> </ul>

#### **5. Risk Management Requirements**

The Council is committed to the development of effective and robust risk management practices and meeting the objectives of this Policy. This commitment is reflected through the following areas:

- the Council will make available the necessary resources for the management of risk in accordance with this Policy and the Council’s risk appetite;
- each Director is accountable for managing their Network’s strategic and operational risks and for ensuring risks are identified and managed in accordance with the Risk Management Framework and Risk Register;
- risk registers are based on the outcomes of thorough risk identification and assessment processes that are developed in accordance with the Standard;

- review of risk registers are regularly conducted and reporting, and escalations occur as needed; and
- a review of the Council's risk appetite is facilitated on an annual basis, or sooner if needed.

## **6. Risk Management Framework**

To manage risk, the Council will maintain a Risk Management Framework (RMF) which sets out the approach to assessing and managing risk. The RMF is a tool to systematically identify, assess, manage and monitor risk exposures that are likely to adversely impact the Council's operations. The RMF comprises the:

- Risk Management Policy (this Policy);
- Risk Appetite Statement;
- Strategic and Operational Risk Registers; and
- Internal audit processes and risk assessment documentation.

### *Risk Appetite Statement*

As a public entity, the Council has a responsibility to ensure that unnecessary and high levels of risk are not a regular occurrence in its decision-making and daily operations.

To ensure the sustainable delivery of its services, the Council generally has a low appetite for unmitigated risks across its operations. However, when considering the future direction of the Council (outlined in the Community Strategic Plan and the Annual Plan), the Council is willing to accept that it will need to take some calculated risks to pursue opportunities and deliver key programs and projects for the future benefit of the Meander Valley community.

The Risk Appetite Statement adopted by Council annually, gives form and clarity on the Council's tolerance for risk. The Council's Risk Appetite settings will be considered by Councillors, employees, contractors and volunteers in their decision-making.

Without limiting the scope and extent of risk related matters, the RMF will consider the following risk categories (referred to as domains):

- people, culture and reputation
- infrastructure
- environmental and social
- financial sustainability
- health and safety
- service delivery
- legal and regulatory
- information, data and technology

### *Risk Register*

The Strategic Risk Register and Operational Risk Register are to identify hazards that could occur in the Council's activities and mitigating actions that will be put in place to reduce the risk rating to a tolerable level as indicated in through the Risk Appetite Statement.

The RMF will be approved by the General Manager and will be reviewed at least every six months and comprehensively every 12 months.

The General Manager will report to Council (and the Audit Panel) on the review outcomes annually.

## **7. Roles and Responsibilities**

Councillors, management, employees, contractors and volunteers all have a joint responsibility of making risk management a priority as they undertake their daily tasks in the operations of the Meander Valley Council. Management and staff are to be familiar with and competent in the application of the Council's Risk Management Policy and are accountable for adherence to that policy within their areas of responsibility.

<i>Council</i>	<ul style="list-style-type: none"> <li>• Approves the Risk Management Policy and the annual Risk Appetite Statement.</li> <li>• Provides adequate budgetary provision for the implementation of this policy.</li> </ul>
<i>General Manager</i>	<ul style="list-style-type: none"> <li>• Ensure implementation of appropriate risk management framework as an essential function.</li> <li>• Ensure risks are managed in accordance with standards, legislation and the Council's policy.</li> <li>• Provide risk management related information, as requested by the Council.</li> <li>• Maintain strategic risk register and review systemic level practices to ensure continuous improvement and planned risk mitigation is achieved.</li> </ul>
<i>Directors and Managers</i>	<ul style="list-style-type: none"> <li>• Maintain operational risk registers and review systemic level practices to ensure planned risk mitigation is achieved.</li> <li>• Facilitate the provision of risk awareness training in their departments.</li> <li>• Ensure effective recognition and management of risks across the Council's operations and their departments.</li> <li>• Ensure the Council's assets and operational activities, together with liability risks to the public, are adequately protected through appropriate insurance, risk financing and loss control programs and measures.</li> <li>• Prepare and implement documented procedures for each area of operations.</li> <li>• Monitor and audit practices to ensure compliance with risk conditions and mitigation measures.</li> <li>• Provide information to assist in the investigation of a risk management issue or claim that against the Council.</li> <li>• Immediately act upon information provided by employees or residents who are reporting a hazard or incident.</li> <li>• Actively implement and report on audit recommendations; and</li> </ul>

	<ul style="list-style-type: none"> <li>Promote and inform all employees, contractors and volunteers of about the RMF and measures to manage risk in their departments.</li> </ul>
<i>Employees, contractors and volunteers</i>	<ul style="list-style-type: none"> <li>Ensure knowledge and compliance with the RMF and related policy and procedures.</li> <li>Apply risk management practices to ensure mitigation of risk and incident prevention are part of daily tasks;</li> <li>Report any emerging risk, non-compliance, hazard, incident, injury or near miss.</li> <li>Assist with risk assessments or investigations.</li> <li>Implement recommendations of audits.</li> </ul>
<i>WH&amp;S and Risk Management Committee</i>	<ul style="list-style-type: none"> <li>Co-ordinate and facilitate RMF practices.</li> <li>Review the Council's risk management policies and procedures.</li> <li>Recommend new procedures or amendments to existing procedures to reduce risk.</li> <li>Review and monitor the Council's risk management performance measures.</li> <li>Monitor the recommendations and outcomes from risk management audits.</li> </ul>

## **8. Performance Review**

The Council will ensure that there are ongoing reviews of its management system to ensure its continued suitability and effectiveness. Records of all reviews and changes shall be documented.

## **9. Legislation and Associated Council Policies**

The Risk Management Framework integrates with, and is supported by, the Council's Workplace Health and Safety Framework

*Work Health and Safety Act 2012*

*Work Health and Safety Regulations 2012*

AS/NZS ISO 31000: 2018 Risk Management Standard

AS ISO IEC 31010: 2019 Risk Management – Risk Assessment Techniques

## **10. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

## Policy No. 2: Stock Underpasses on Council Roads

### POLICY MANUAL

<b>Policy No. 2</b>	<b>Stock Underpasses on Council Roads</b>
<b>Purpose</b>	The purpose of this Policy is to outline the basis upon which the Council will allow for the construction of underpasses on the Council's maintained roads.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Dino De Paoli, Director
<b>Council Meeting Date</b>	8 September 2020
<b>Minute Number</b>	175/2020
<b>Next Review Date</b>	<b>September 2024</b>

#### POLICY

#### **1. Definitions**

Nil.

#### **2. Objective**

To ensure a uniformity of acceptable standard of construction and an appropriate approval process for construction of underpasses that allow for the movement of stock across a road carriageway safely without affecting other users of the carriageway.

#### **3. Scope**

This Policy applies to the Council, its employees and any land owner wishing to install a stock underpass within a Council road reserve.

#### **4. Policy**

The Council will permit underpasses to be constructed within a Council road reserve subject to the adjoining property owner obtaining all relevant permits.

The property owner requesting the underpass shall be responsible for all costs. The Council may consider a contribution of up to 50% of the capital cost with an upper limit of \$50,000 where there is a significant benefit to road users.

Upon approval for construction of the underpass, the property owner shall enter into a Part 5 agreement under the *Land Use Planning and Approvals Act 1993*, which formalises the requirements for ongoing maintenance or replacement of the underpass, which will be the responsibility of the property owner. Maintenance of the road pavement and any barriers will be the responsibility of the Council.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

*Local Government Highways Act 1982*

*Land Use Planning and Approvals Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 3: Election Caretaker Arrangements

## POLICY MANUAL

### Policy No. 3

### Election Caretaker Arrangements

#### Purpose

The purpose of this Policy is to prescribe caretaker arrangements to be applied to the conduct of the Council's business following notice of a general local government election by the Tasmanian Electoral Commission.

#### Department

Governance

#### Author

John Jordan, General Manager  
Jacqui Parker, Governance Coordinator

#### Council Meeting Date

12 July 2022

#### Minute Reference

161/2022

#### Next Review Date

June 2026

## POLICY

### 1. Definitions

#### *By-Election*

Election to replace a Councillor after the Councillor's office becomes vacant.

#### *Candidate*

A person standing for election.

#### *Caretaker Period*

Period from the notice of election through until the close of the polls of the relevant local government general election.

#### *Electoral Material*

Any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.

#### *Election Campaign*

Activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers, telephone canvassing, social media campaigns and advertising.

*Major Policy Decision*

The appointment, remuneration or termination of the General Manager, approval of contracts greater than \$250,000, adoption or renewal of policies, making, amending or repealing of planning schemes (unless already certified), and establishment of by-laws. Any amendment to the Council's adopted budget that exceeds \$250,000 over budget estimates, but not a reallocation of funds from one project to another that remains within the Council's overall budget.

*Council Resources*

Any equipment, materials, office space or property owned or operated by the Council, but excluding publicly bookable venues. Any information, systems, images or social media and websites of the Council.

**2. Objective**

To provide direction to Councillors, the Council's staff and election candidates on the conduct of the Council's business during the period of an election.

**3. Scope**

This Policy applies to elected members, employees and contractors of the Council, for the duration of any caretaker period for a local government general election.

This Policy does not apply to local government by-elections, other than the restrictions applicable to the use of the Council's resources and information for the advantage of a candidate or political party during a by-election.

**4. Policy Statement**

The Meander Valley Council, its elected representatives and staff will, during a caretaker period, conduct the business of the Council in a manner that balances continuity of service and administration with the need to ensure that:

- a. major policy decisions are not made by the Council in the lead-up to an election that would prove binding or limit freedom of action for an incoming Council;
- b. the Council's resources and information are not used for the advantage of a candidate, interest group or political party in a local government general election; and
- c. the apolitical nature of the services provided by the Council's staff is protected and controversy about their role and work in the context of an election period is avoided.

## **5. Major Policy and Funding Decisions**

- a. During a caretaker period, the Council will avoid decisions which give rise to major policy, resourcing or financial outcomes that:
  - i. commit or compromise the freedom of the incoming Council;
  - ii. risk reputational damage to the Council; and
  - iii. risk drawing the Council or staff into matters of political contention within the context of an election campaign.
- b. For clarity, a Major Policy Decision does not include promises on future policies or actions a candidate or political party announces as part of their election campaign.
- c. During a caretaker period, Council (or the General Manager as applicable under delegation) will not:
  - i. appoint, dismiss or renew the contract of a General Manager. An Acting General Manager may still be appointed in the event of any absence or resignation by the incumbent General Manager.
  - ii. approve proceeding to tender or the awarding of a contract where the total commitment exceeds \$250,000. This does not prevent the General Manager executing, within the caretaker period, a contract as agreed by a resolution of Council before the caretaker period.
  - iii. make, amend or repeal a local planning instrument under the *Land Use Planning and Approvals Act 1993* (ie. a planning scheme, a temporary local planning instrument or a planning scheme policy).
  - iv. make a new By-Law.
  - iv. will not approve or renew any major policies of the Council unless there is a legislated or compelling business requirement supported by qualified advice that is certified by the General Manager under the *Local Government Act 1993* (section 65). Such reasons may include:
    - A. unforeseen issues such as an emergency, legal requirement or other matter not otherwise foreseen, which may compel the Council or the General Manager to exercise judgment and make a major policy decision in order to ensure continuity of service or address a compelling business need; or
    - B. a decision relates to a component or activity that forms part of an approved and ongoing program of work where the total spend is specified in the annual budget *and* which if not progressed during the caretaker period would cause a substantial disruption, risk of loss, damage or reputational harm to the Council if the decision is deferred.
- d. Where the above circumstances apply, as described in either 5(c)(v)(A) or 5(c)(v)(B) of this Policy, in the interests of transparency the Council will:
  - i. issue a public advice on its website as to the reasons for the variation to the above restrictions.
  - ii. issue a public advice on its website as to the reasons for the variation to the above restrictions.
  - iii. such advice does not alter the need and discretion the Council has on the release or otherwise of information determined in a Closed Session of Council.

## **6. Major Announcements and Representation of Council**

- a. This Policy applies to the timing of the making of major policy decisions that are likely to commit an incoming Council, not to their announcement.
  - i. This policy is not contravened where decisions made before the calling of an election are announced during the caretaker period.
  - ii. Where possible, decisions that have been agreed but not made public should be announced ahead of the caretaker period if their announcement is likely to cause controversy during the election campaign.
- b. Whether a particular policy decision or announcement qualifies as *major* is a matter for judgement. The General Manager will, if needed, provide guidance or a determination on whether or not a decision should be made.
- c. The Mayor shall continue to be the spokesperson for Council in accordance with section 27 of the *Local Government Act 1993* (the Act) and shall carry out the civic and ceremonial functions of the mayoral office during the caretaker period.
- d. Individual Councillors may continue to represent the community and facilitate communication between Council and the community for the duration of the caretaker period.
- e. Councillors who are candidates for re-election are to ensure they continue to comply with the Act and relevant Policy, including but not limited to:
  - i. Policy No. 23 – Responsibilities of Council Representatives; and
  - ii. Policy No. 49 – Media Communications.
- f. In fulfilling their duties as a Councillor during this period, Councillors may claim allowances and expenses under the Council's Policy No. 24 - Councillor Expense Entitlements, Attendance at Conferences and Training. For the avoidance of doubt:
  - i. in circumstances where a Councillor is travelling or attending solely as an election candidate then no allowances may be claimed.
  - ii. if undertaking an official role designated to the Councillor, including deputation for the Mayor, Deputy Mayor or as a designated spoke person of Council, then any entitlement to allowances is not altered.
- g. Councillors will not use the position of elected representative, or access to employees or resources, to gain media attention in support of their, or any other candidate's election campaign.
- h. A Councillor shall not use membership of a Council committee or appointment as a member of an external group to disseminate information or promote their or any other candidate's election campaign.

## **7. Access and Use of Information**

- a. At the commencement of the caretaker period the General Manager is to:
  - i. review all advertising campaigns, events or community activities and make recommendations to Council about whether those campaigns should continue, be modified in content, or be deferred.
  - ii. review arrangements for the distribution of publicly communicated material, such as newsletters. The Council will avoid active distribution of material if it promotes a candidate or political party.

- b. During the caretaker period the following provisions shall apply:
  - i. no electoral material shall be permitted to be displayed or distributed on any of the Council's owned or managed property.
  - ii. the Council's supplied equipment and the Council's branded material shall not be used by in any manner that supports a candidate's election campaign.
  - iii. Councillors may continue to use the Council's equipment and branded material throughout the course of the caretaker period to carry out their regular functions as described under section 28 of the *Local Government Act 1993*.
  - iv. Councillors will not use the position of elected representative, or access to employees or resources, to gain media attention in support of their own, or any other candidate's, election campaign.
  - iv. nothing in this policy removes the requirement of Councillors and staff to comply with relevant policy and guidelines relating to the security, use and distribution of information and material.

## **8. Continuity of Council Business and Operations**

Nothing in this Policy prevents the Mayor, Councillors, General Manager and staff from carrying on the business of Council during a caretaker period:

- a. Council Meetings shall continue to be held and will consider Agenda Items that relate to the ordinary business of Council other than those matters otherwise identified in this Policy.
- b. the General Manager may still exercise all delegations and functions provided by Council or legislation, including the appointment of staff.
- c. the Council's employees shall maintain the normal business activities of the Council. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived support for a candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.
- d. capital works as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the caretaker period, regardless of scale.
- e. the Mayor and Councillors may continue to accept invitations to attend community functions and may continue to correspond with constituents on matters related to Council business.
- f. all elected representatives are to comply with requirements to declare gifts and donations.
- g. the Council's supplied equipment and the Council's branded material shall not be used by Councillors or staff in any manner that supports a candidate's election campaign.

### **Legislation and Related Standards**

*Local Government Act 1993*

*Tasmanian Electoral Act 2004*

*Land Use Planning and Approvals Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 4: Governance Charter

## POLICY MANUAL

<b>Policy No. 4</b>	<b>Governance Charter</b>
<b>Purpose</b>	The purpose of this Policy is to provide a mutually agreed standard of behaviours and conduct for Councillors
<b>Department Author</b>	Governance and Community Wellbeing Jonathan Harmey, General Manager
<b>Council Meeting Date Minute Reference</b>	21 January 2025 011/2025
<b>Next Review Date</b>	<b>January 2020</b>

### POLICY

#### 1. Definitions

##### *Expected Behaviours*

Includes, but not limited to:

- We work as a team, value each other's contribution and are accountable for our work;
- We support each other's roles to deliver the best outcomes for our customers and community;
- We are supported, trusted and empowered to do our work;
- We value open and transparent communication to keep each other well informed;
- We operate in an environment where people feel connected;
- We come prepared and willing to contribute in meetings;
- We actively listen and support a safe space for all;
- Our meetings stay on topic, and start and finish on time;
- We respect confidentiality;
- We understand and comply with our roles, governance obligations and meeting procedures;
- We are inclusive and respectful towards each other;
- We act with integrity and kindness;
- We are committed to resolving misunderstandings quickly;
- We practice gratitude, humility and empathy;
- We speak honestly about others;
- We do not speak over or interrupt others;
- We follow through on what is said at all times;
- We actively engage in healthy debate;
- We show open mindedness, listen to debate and are prepared to change our minds;

- We show genuine curiosity and seek to understand other's perspectives; and
- We maintain the desire to enhance the reputation of the Council, Councillors, the Council's staff and community members.

#### *Self-regulation*

Includes, but not limited to:

- calling out inappropriate behaviour;
- taking individual time-out when necessary;
- calling a time-out to de-escalate situations; and
- seeking out a mediator or coach.

#### *PCBU*

Person Conducting a Business or Undertaking for the purposes of the *Work Health and Safety Act 2012*.

## **2. Objective**

The objectives of this Policy are to ensure that:

- a. the agreed behavioural standards required of all Councillors, individually and collectively, are applied in Council Meetings, Council Committee Meetings, Workshops and whilst undertaking all Council duties.
- b. self-regulation is applied where required.
- c. the public confidence in decisions made by Councillors at Meander Valley and Councillor conduct is evident and well considered.
- d. Meetings of Council operate in a safe, respectful and effective manner.
- e. the Council meets its obligations as a PCBU pursuant to the *Work Health and Safety Act 2012* in order to mitigate against psychosocial risks to Councillors, the Council's staff and others engaged in the Council workplace.

## **3. Scope**

The Governance Charter is a mutually agreed behavioural standards required of all Councillors, individually and collectively, and applies in Council Meetings (open, closed and special) and Council Committee meetings (referred to collectively as Council meetings); Council Workshops and when undertaking all Council duties. This Policy applies to all Councillors undertaking duties at the Meander Valley Council.

## **4. Policy**

### *4.1 Councillor Conduct*

Section 28U of the *Local Government Act 1993* (the Act) requires that, in performing the functions and exercising the powers of their office with the Council, Councillors comply with the provisions of the Councillor Code of Conduct, as prescribed by the Minister for Local Government.

Meander Valley Council's Councillors are expected, individually and collectively, to comply fully with the requirements of holding their positions as Councillors, including but not limited to the Code of Conduct and the Act.

If another Councillor is concerned that the conduct of a Councillor is not consistent with the conditions in this Governance Charter or Code of Conduct, they are encouraged to raise their concerns directly with that Councillor, in a respectful manner or direct their concerns to the Mayor or General Manager if appropriate. This Governance Charter will be the most effective if Councillors self- and co-regulate and utilise informal means to resolve any issues. The manner in which issues are addressed or resolved may utilise a range of conflict resolution options including, but not limited to: mediation, agreement for arbitration, development or coaching. Concerns can also be raised for discussion at a Workshop where all Councillors can be involved in the resolution of issues by consensus.

In the event that issues cannot be resolved following Workshop discussions, more formal approaches (eg. formal resolution by Council) may need to be employed. The General Manager may provide an Agenda Item to a Council Meeting whereby recommendations are discussed and deliberated upon. If issues continue to occur and Councillors are still non-compliant further formal matters should be instigated (eg. further recommendations to Council for dealing with non-compliance) or referral via the established Code of Conduct process.

#### *4.2 Process for Dealing with Councillor Conduct During Council Meetings that are Not Compliant with Expected Behaviours*

In addition to Regulation 37(1) of the *Local Government (Meeting Procedures) Regulations 2015* (the Regulations), Council is able to determine any procedures relating to its Meetings as it considers appropriate. In the event of any inconsistency between the Regulations and additional procedures, the relevant provisions in the Regulations prevail. Councillor conduct that does not comply with this Governance Charter during Meetings will be deemed unsuitable conduct and the process for dealing with unsuitable conduct is detailed in this Governance Charter. In all circumstances, Councillors are able to raise a Point of Order regarding behaviour of other Councillors during Meetings. At all times, normal rules dealing with Points or Order apply during Meetings. The Meetings Chairperson has specific actions in Regulation 40 of the Regulations to address unsuitable conduct. Councillors are expected to identify when they may have a conflict of interest and take appropriate action.

#### *4.3 Process for Dealing with Conduct by the Chairperson During Council Meetings that is Not Compliant with Expected Behaviours*

If, during the course of a meeting, another Councillor reasonably believes that the conduct of the Chairperson is unsuitable conduct, the Councillor may raise the concern as a Point of Order. Normal rules dealing with Points or Order apply during Meetings at all times.

#### 4.4 *Council Workshops*

Council Workshops are not formal meetings of Council but meetings where full and frank discussion between Councillors and the Council's staff can occur. Formal decisions are not made at Workshops and matters requiring a formal decision are referred to a Council Meeting. As such, formal meeting procedures as set out in the Regulations do not apply, however, all Councillors are required to comply with the Councillors Code of Conduct and this Governance Charter.

If, during a Workshop, a Councillor's behaviour is deemed not to be compliant with expected behaviours, any Councillor is able to call attention to that behaviour and seek appropriate discussion/resolution as per this Governance Charter and other adopted processes. If the matter is resolved, then no further action is required. However, if the matter is not resolved alternative dispute resolutions should be considered (eg. reporting the matter formally via a Council Meeting recommendation, Code of Conduct report, etc.).

#### 4.5 *Conduct Breach*

A conduct breach occurs in the event that a Councillor's unsuitable conduct is reported to Council. This occurs when the General Manager provides a formal report via an Agenda Item to Council where recommendations are provided and voting occurs. If this occurs, it is the Council's responsibility as the PCBU, to resolve how to risk manage the Councillor's unsuitable conduct.

Any subsequent management of a Councillor's behaviour should be determined on a case by case basis taking into consideration that the Council meets its statutory obligations for good governance, non-discrimination and the health and safety of other Councillors, the Council's staff and others engaged in work with the Council.

Management options may include any or all of the following:

- a. a formal direction from the Council setting out behavioural expectations and consequences should the direction not be complied with;
- b. a requirement to unreservedly apologise for unsuitable conduct, generally or to specified individuals;
- c. a written apology, generally or to specified individuals;
- d. completion of a formal risk assessment about ongoing management of risks associated with a Councillor continuing unsuitable conduct;
- e. undertaking a training course or other professional development or coaching opportunity;
- f. attending mediation with another individual (Councillor, members of staff or other determined person);
- g. application of reasonable restrictions on a Councillor contact or interactions with other Councillors, members of staff or other determined person);
- h. reasonable restrictions of a Councillor attendance at the workplace;
- i. a direction by the PCBU for the Councillor to confirm with an application Code or Policy;
- j. referral of the matter to Worksafe Tasmania;

- k. request for the Minister to issue a performance improvement direction to a Councillor;
- l. authorisation for a complaint to be submitted by the PCBU against the Councillor for an alleged breach or breaches of the Councillor Code of Conduct; and
- m. any other measures the Council deems appropriate.

When determining the appropriate management options for a Councillor's conduct breach, the Council must consider and balance the management options with the statutory role and functions of a Councillor. Generally, management options should be proportionate to the risk constituted by unsuitable conduct. If unsuitable conduct by a Councillor continues then more management options may be imposed. The primary objectives are to enable all Councillors to perform their statutory roles and functions safely and to ensure that all Councillors conform to the requirements of the Governance Charter and other applicable legislation.

The Council may, as part of its management response, set reasonable time frames for compliance with any or all of its management options as determined by resolution. If a Councillor substantially fails to comply with management options, the General Manager is required to provide an Agenda Item to Council, as the PCBU, outlining the non-compliance whilst making further recommendations for dealing with the Councillor's non-compliance and unsuitable behaviours. Council deliberations on matters such as this should be conducted in a Closed Council Meeting.

The General Manager is required to maintain a Councillor Conduct Register for the duration of each Council term, to record any reprimands or conduct breaches by Councillors made under this Policy. The entire conduct history of a Councillor remains a relevant consideration under this Policy whilst a Councillors serves on Council.

## **5. Legislation and Related Standards**

Councillor Code of Conduct

Policy No. 98: *Council Meeting Administration*

*Work, Health and Safety Act 2012*

*Work Health and Safety Regulations 2022*

*Anti-Discrimination Act 1998*

*Local Government Act 1993*

*Local Government (Meeting Procedures) Regulations 2015*

*Local Government (Code of Conduct) Order 2024*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 5: Managing Unreasonable Conduct by Customers

## POLICY MANUAL

<b>Policy No. 5</b>	Managing Unreasonable Conduct by Customers
<b>Purpose</b>	The purpose of this Policy is to ensure that the Council's Officers are treated with respect and courtesy during the course of their duties and provided with a clear, standardised and consistent approach for customers and staff.
<b>Department Author</b>	Corporate Services Craig Davies, Director
<b>Council Meeting Date Minute Reference</b>	21 January 2025 004/2025
<b>Next Review Date</b>	<b>January 2029</b>

### POLICY

#### **1. Definitions**

<i>Customer</i>	Any person or organisation having dealings with the Council.
<i>UCC</i>	Unreasonable and challenging conduct by customers.
<i>Unreasonable Conduct by a Customer</i>	Any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the Council, the staff, other service users or the customer themselves. Five categories include: unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviours.
<i>ADR</i>	Alternative Dispute Resolution.
<i>EAP</i>	Employee Assistance Provider.

## **2. Objective**

The objectives of this Policy are to assist all staff members to better manage unreasonable and challenging conduct by customers (UCC), by:

- a. assisting staff feel confident and supported;
- b. acting fairly, consistently, honestly and appropriately when responding to UCC;
- c. understanding staff roles and responsibilities in relation to the management of UCC and the application of this Policy; and
- d. understanding the circumstances when it is appropriate to manage UCC using alternate approaches:
  - including strategies to change or restrict a customer's access to the Council's services
  - alternative dispute resolution strategies to deal with conflicts involving customers and members of the Council
  - application of legal instruments, guidelines to manage unreasonable conduct of the public in Council Meetings including public question time
- e. understanding criteria being considered for customer restriction to staff or services;
- f. understanding the processes to be followed to report UCC incidents and resulting processes to notify customers about any proposed action or decision to change or restrict their access to services; and
- g. understanding procedures for review of decisions made under the Policy including specific timeframes for review.

## **3. Scope**

This Policy applies to those Council Officers engaging with community members when dealing with customer enquiries to the Council.

## **4. Policy**

This Policy considers unreasonable conduct of a customer as:

### ***4.1 Unreasonable Persistence***

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the Council, staff, services, time or resources. Some examples of unreasonably persistent behaviour include:

- a. an unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with (even when it is evident the customer does understand the information provided).
- b. persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- c. pursuing and exhausting all available review options, even after we have explained that a review is not warranted – and refusing to accept that the Council cannot or will not take further action on their complaint.

- d. reframing a complaint in an effort to get it taken up again.
- e. multiple and repeated telephone calls, visits, letters, emails (including copied correspondence) after the Council has repeatedly asked them not to.
- f. contacting different people, within or outside, the Council to get a different outcome or a more sympathetic response to their enquiry, complaint or concern.

#### **4.2 Unreasonable Demands**

Unreasonable demands are any demands expressly made by a customer that have a disproportionate and unreasonable impact on the Council, staff, services, time or resources. Some examples of unreasonable demands include:

- a. issuing instructions and making demands about how to handle their complaint or enquiry, the priority it should be given or the outcome to be achieved.
- b. insisting on talking to the General Manager or Directors personally when the reasons that this is not appropriate or warranted have been carefully explained to the customer.
- c. portraying themselves as being victimised when this is not the case.
- d. insisting on outcomes that are not possible or appropriate in the circumstances.
- e. demanding services of a nature or scale that we cannot provide, even after the Council has explained this to them repeatedly.

#### **4.3 Unreasonable Lack of Cooperation**

Unreasonable lack of cooperation is when a customer is unwilling or unable to cooperate with the Council, the Council's staff or the accepted complaints process – resulting in a disproportionate and unreasonable use of the Council's services, time or resources. Some examples of unreasonable lack of cooperation include:

- a. sending the Council a constant stream of complex or disorganised information without clearly defining the issue at hand or explaining how the material provided relates to their complaint or enquiry.
- b. providing little or no detail around their complaint or enquiry or providing information in *drips and drabs*.
- c. refusing to follow or accept instructions, suggestions or advice without a clear or justifiable reason for doing so.
- d. arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- e. unhelpful behaviour such as withholding information, acting dishonestly and misquoting others.
- f. claims relating to the legitimacy of the Council's legislative authority.
- g. a customer claiming they are not subject to the laws of Tasmania.

#### **4.4 Unreasonable Arguments**

Unreasonable arguments include any arguments that are not based on any reason or logic that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the Council, the staff, services, time or resources. Arguments are unreasonable when they:

- a. fail to follow a logical sequence that the customer is able to explain to staff;
- b. are not supported by any evidence or are based on conspiracy theories;
- c. lead a customer to reject all other valid and contrary arguments;
- d. are trivial when compared to the amount of time, resources and attention that the customer demands; and
- e. are false, inflammatory or defamatory.

#### **4.5 Unreasonable Behaviour**

Unreasonable behaviour is conduct that is unreasonable in all circumstances (regardless of how stressed, angry or frustrated a customer is) because it unreasonably compromises the health, safety and security of the Council's staff, other service users or the customer themselves. Some examples of unreasonable behaviours include:

- a. acts of aggression, verbal abuse, derogatory, racist or grossly defamatory remarks.
- b. harassment, intimidation or physical violence.
- c. rude, confronting or threatening correspondence.
- d. threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats.
- e. stalking in person or online.
- f. emotional manipulation.

All staff should note that the Meander Valley Council has a zero-tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this Policy, and in accordance with our duty of care and work health and safety responsibilities under the *Work Health and Safety Act 2012*.

#### **4.6 Roles and Responsibilities**

##### **4.6.1 All Staff**

All staff are responsible for familiarising themselves with this Policy as well as expectations of the Council and customers, as detailed within the Council's Customer Service Charter. Staff are encouraged to explain the contents of this document to all customers, particularly those who engage in UCC or exhibit the early warning signs of UCC.

Staff are also encouraged and authorised to use the strategies and scripts provided at the NSW Ombudsman's website – see Part 2 of the *Managing unreasonable conduct by a complainant Manual (3rd edition)*:

- Strategies and scripts for managing unreasonable persistence
- Strategies and scripts for managing unreasonable demands
- Strategies and scripts for managing unreasonable lack of cooperation
- Strategies and scripts for managing unreasonable arguments
- Strategies and scripts for managing unreasonable behaviours

Any strategies that change or restrict a customer's access to our services must be considered by the General Manager as provided in this Policy.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to the General Manager 24 hours of the incident occurring, using the Sample UCC incident form in Appendix A.

#### *4.6.2 General Manager*

The General Manager, in consultation with relevant staff, has the responsibility and authority to change or restrict a customer's access to services in the circumstances identified in this Policy. When doing so the General Manager, or their delegate will consider the criteria (adapted into a checklist in Appendix B) and will aim to impose any service changes or restrictions in the least restrictive ways possible. The aim when taking such actions will not be to punish the customer, but rather to manage the impacts of their conduct.

When applying this Policy, the General Manager, or their delegate will also aim to keep at least one open line of communication with a customer. However, it is recognised that in extreme situations all forms of contact may need to be restricted for some time to ensure the health, safety and security of staff or third parties.

The General Manager, or their delegate is also responsible for recording, monitoring and reviewing all cases where this Policy is applied to ensure consistency, transparency and accountability for the application of this Policy.

#### *4.6.3 Directors and Other Senior Staff*

All Directors and other senior staff are responsible for supporting staff to apply the strategies in this Policy. Managers and Team Leaders are also responsible for ensuring compliance with the procedures outlined in this Policy and that all staff members are trained to deal with UCC – including during induction.

After a stressful interaction with a customer, Managers and Team Leaders should provide affected staff members with the opportunity to debrief their concerns either formally or informally. Managers and Team Leaders will also ensure that staff are provided with proper support and assistance including medical or police assistance and if necessary, support through programs like the Employee Assistance Program.

Managers and Team Leaders may also be responsible for arranging other forms of support for staff, such as appropriate communication or intercultural training.

#### 4.6.4 Councillors

Councillors hold a vital role in upholding the principles outlined in this Policy, contributing to a safe and respectful community environment. Councillors have a responsibility to advocate for the implementation and adherence to this Policy within the community.

### 4.7 **Responding To and Managing UCC**

#### 4.7.1 *Changing or Restricting a Customer's Access to the Council's Services*

UCC incidents will generally be managed by limiting or adapting the ways we interact with or deliver services to customers by restricting:

- a. Who they have contact with – limiting a customer to a sole contact person or staff member at the Council.
- b. What they can raise with us – restricting the subject matter of communications that we will consider and respond to.
- c. When they can have contact – limiting a customer's contact with the Council to a particular time, day or length of time or curbing the frequency of their contact with the Council.
- d. Where they can make contact – limiting the locations where face-to-face interviews will be conducted to secured facilities or areas of the office.
- e. How they can make contact – limiting or modifying the forms of contact that the customer can have with the Council. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to the Council's premises, contact through a representative only, taking no further action or terminating provision of services altogether.

When using the restrictions provided in this section, it is recognised that discretion will need to be used to adapt them to suit a customer's personal circumstances such as level of competency, literacy skills and cultural background. In this regard, it is also recognised that more than one strategy may be needed in individual cases to ensure their appropriateness and efficacy.

#### 4.7.2 *Limiting the Customer to a Sole Contact Point*

Where a customer tries to forum-shop within the Council, changes their issues of complaint or their enquiry repeatedly, constantly reframes their issues or raises an excessive number of issues, it may be appropriate to restrict their access to a single staff member (a sole contact point) who will manage their correspondence and interaction with the office. This may help ensure they are dealt with consistently and may minimise the incidence of misunderstandings, contradictions and manipulation.

The sole contact's direct supervisor will provide regular support and guidance as needed. The General Manager will also review the arrangement every three months to ensure that the relevant Council Officer is managing/coping with the arrangement. Customers who are restricted to a sole contact person will, however, be given the contact details of one additional staff member who they can contact if their primary contact is unavailable for an extended period of time.

#### *4.7.3 Restricting the Subject Matter of Communications That Will Be Considered*

Where customers repeatedly send letters, emails or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to an issue that has already been comprehensively considered or reviewed (at least once) by the Council, it may be necessary to restrict the issues the customer can raise with the Council. For example, it may be necessary to:

- a. refuse to respond to correspondence that raises an issue that has already been dealt with, that raises a trivial issue or is not supported by evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless it is decided that the matter needs to be pursued further.
- b. restrict the customer to one complaint or enquiry per month. Any attempts to circumvent this restriction (for example by raising multiple complaints or issues in the one letter) may result in modifications or further restrictions being placed on their access.
- c. return the correspondence to the customer and require them to remove any inappropriate content before we agree to consider its contents.

#### *4.7.4 Limiting When and How a Customer Can Contact the Council*

If a customer's contact with the Council places an unreasonable demand on time or resources, or affects the health, safety and security of staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, it may be necessary to limit when or how the customer can interact with the Council. This may include:

- a. limiting their telephone calls or face-to-face interactions to a particular time of the day or days of the week.
- b. limiting the length or duration of telephone calls, written correspondence or face-to-face interactions. For example:
  - i. telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
  - ii. limiting face-to-face interactions to a maximum of 15 minutes.
- c. limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the natures of the service(s) provided the Council may limit:
  - i. telephone calls to one every two weeks/month.
  - ii. written communications to one every two weeks/month.
  - iii. face-to-face interviews to one every two weeks/month.
  - iv. For irrelevant, overly lengthy, disorganised or very frequent written correspondence the Council may also:

- d. require the customer to clearly identify how the information or supporting materials they have sent to the Council relates to the central issues that have been identified in their complaint.
- e. restrict the frequency with which customers can send emails or other written communications to the Council.
- f. restrict a customer to sending emails to a particular email account (eg., the Council's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

The Council may, in accordance with accepted Policies and Guidelines surrounding social media, remove inappropriate content posted on the Council's social media accounts.

For writing only restrictions, a customer may be restricted to written communications through:

- a. Australia Post only.
- b. email only to a specific staff email or our general office email account.
- c. hand delivery, where appropriate.

If a customer's contact is restricted to writing only, the General Manager, or their delegate will clearly identify the specific means that the customer can use to contact the Council (eg., Australia Post only). If it is not appropriate for a customer to enter the Council's premises to hand deliver their written communication this must be communicated to them as well.

Any communications received by the Council in a manner that contravenes a *writing only* restriction will be read and filed without acknowledgement.

#### 4.7.5 *Limiting Face-to-Face Interviews*

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to the Council's premises, the Council may consider restricting its face-to-face contact with them.

These restrictions may include:

- a. restricting access to particular secured premises or areas of the office such as the reception area or a secured room or facility.
- b. restricting their ability to attend the Council's premises to specified times of the day or days of the week only – for example, when security is available or to times or days that are less busy.
- c. allowing them to attend the office on an *appointment only* basis and only with specified staff (for these meetings, staff should enlist the support and assistance of a colleague for added safety and security.)
- d. banning the customer from attending the Council's premises altogether and allowing some other form of contact, eg. *writing only* or *telephone only* contact.

#### 4.7.6 *Terminating a Customer's Direct Access to the Council's Services*

In rare cases, and as a last resort when all other strategies have been considered, the General Manager may decide that it is necessary for the Council to restrict a customer's direct contact or access to its services. In these situations, an intermediary body, such as an independent mediator, should be nominated by the General Manager.

A decision for the Council to terminate direct contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct or their conduct poses a significant risk for staff or other parties because it involves one or more of the following:

- a. acts of aggression, verbal or physical abuse, threats of harm, harassment, intimidation, stalking or assault.
- b. damage to property while on the Council's premises.
- c. physically preventing a staff member from moving around freely either within their office or during an off-site visit – eg. entrapping them in their home.

In these cases, the customer will be sent a letter notifying them that their access has been restricted as outlined in 4.9.3 below.

A customer's access to the Council's services and premises may also be restricted (directly or indirectly) using legal mechanisms like trespass laws and other legislation or legal orders to protect members of staff from personal violence, intimidation or stalking by a customer.

#### 4.7.7 *Managing Disruptive Behaviour in Council Meetings*

The *Local Government Act 1993* (the Act) promotes participation of the community in council meetings through public question time and observation of the decision-making process which should be conducted in an open and transparent way. It is, however, at this time in the Meeting where it is most likely issues with unreasonable and disruptive conduct will arise.

Sometimes, members of public fail to show respect or consideration for the chairperson, elected members, the Council's staff and other members of the public. Such unreasonable conduct makes the running of Council's business more difficult and stressful, reducing the efficiency and effectiveness of Council Meetings.

Unreasonable and disruptive conduct can also deny other members of the public the opportunity to participate in and observe Council proceedings.

The *Tasmanian Local Government (Meeting Procedures) Regulations 2015* states that if a member of the public:

- a. hinders or disrupts a meeting; or
- b. tries to hinder or disrupt a meeting; or
- c. fails or refuses to leave a closed meeting –

then the chairperson may take reasonable steps to remove the person from the Meeting or Closed Meeting, including requesting the assistance of a police officer in removing the person.

The Chairperson and General Manager should familiarise themselves with *Guidelines - Disruptive behaviour by the public at council meetings*, prior to taking any decisive action regarding behaviour of customers in Council Meetings.

#### **4.8 Alternative Dispute Resolution**

##### **4.8.1 Using Alternative Dispute Resolution Strategies to Manage Conflicts with Customers**

If the General Manager determines that the Council cannot terminate its services to a customer in a particular case or that the Council or the Council's staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies (ADRs) such as mediation and conciliation to resolve the conflict with the customer and attempt to rebuild our relationship with them. If an ADR is considered to be an appropriate option in a particular case, it will be conducted by an independent third party to ensure transparency and impartiality.

However, it is recognised that in UCC situations an ADR may not be an appropriate or effective strategy – particularly if the customer is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

#### **4.9 Procedure to be Followed When Changing or Restricting a Customer's Access to the Council's Services**

##### **4.9.1 Consulting With Relevant Staff**

When the General Manager, or their delegate receives a UCC incident form from a staff member, they will contact the staff member to discuss the incident.

They will discuss:

- a. the circumstances that gave rise to the UCC incident, including the customer's situation, personal and cultural background and perspective.
- b. the impact of the customer's conduct on the Council, relevant staff, time, resources, etc.
- c. the customer's response to the staff member's warnings or requests to stop the unreasonable behaviour.
- d. what the staff member has done to manage the customer's conduct (if applicable).
- e. any suggestions made by relevant staff on ways that the situation could be managed.

#### 4.9.2 *Criteria to be Considered*

Following a consultation with relevant staff the General Manager, or their delegate will search the Council's Customer Relationship Management system for information about the customer's prior conduct and history with the Council. The General Manager, or their delegate will also consider the following criteria:

- a. whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- b. the likelihood that the customer will modify their unreasonable conduct if they are given a formal warning about their conduct.
- c. whether changing or restricting access to our services will be effective in managing the customer's behaviour.
- d. whether changing or restricting access to the Council's services will affect the customer's ability to meet their obligations, such as reporting obligations.
- e. whether changing or restricting access to our services will have an undue impact on the customer's welfare, livelihood or dependents, etc.
- f. whether the customer's personal circumstances have contributed to the behaviour – for example, the customer's cultural background may mean their communication patterns differ from those of the Council's staff or the Council's standards, or the customer is a vulnerable person who is under significant stress as a result of one or more of the following:
  - i. homelessness;
  - ii. physical disability;
  - iii. low literacy or other language or communication barrier;
  - iv. mental or other illness; or
  - v. personal crises.
- g. whether the customer's response or conduct was moderately disproportionate, grossly disproportionate or not at all disproportionate in the circumstances.
- h. whether there are any statutory provisions that would limit the types of limitations that can be applied to the customer's contact with, or access to the Council's services.

Once the General Manager, or their delegate has considered these criteria, they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the customer's conduct which may include one or more of the strategies provided in the manual and this Policy (see Appendix B – Sample checklist for General Manager, or their delegate to consider when deciding to modify or restrict a customer's access).

#### 4.9.3 *Providing a Warning Letter*

Unless a customer's conduct poses a substantial risk to the health and safety of staff or other third parties, the General Manager, or their delegate will provide them with a written warning about their conduct in the first instance. If the customer is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary.

The warning letter will:

- a. specify the date, time and location of the UCC incident(s).
- b. explain why the customer's conduct/UCC incident is problematic.
- c. list the types of access changes and/or restrictions that may be imposed if the behaviour continues (*note: not every possible restriction should be listed but only those that are most relevant*).
- d. provide clear and full reasons for the warning being given.
- e. briefly state the standard of behaviour that is expected of the customer.
- f. provide the name and contact details of the staff member who they can contact about the letter.
- g. be signed by the General Manager (see Appendix C – sample warning letter).

#### 4.9.4 *Providing a Notification Letter*

If a customer's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct, the General Manager, or their delegate has the discretion to send a notification letter immediately restricting the customer's access to the Council's our services (without prior or further written warning). If the customer is unable to read the letter (due to literacy issues, non-English speaking, etc.) the letter will be followed or accompanied by a telephone call, using an interpreter if necessary. The customer should, at this point, also be provided with an opportunity to give a written response to any restrictions.

This notification letter will:

- a. specify the date, time and location of the UCC incident(s).
- b. explain why the customer's conduct is problematic.
- c. identify the change and/or restriction that will be imposed and what it means for the customer.
- d. provide clear and full reasons for this restriction.
- e. specify the duration of the change or restriction imposed, which will not exceed 12 months.
- f. indicate a time period for review.
- g. provide the name and contact details of the Senior Officer who they can contact about the letter and/or request a review of the decision.
- h. be signed by the General Manager, or their delegate (see Appendix D – Sample letter notifying customers of a decision to change or restrict their access to our services after a warning).

#### 4.9.5 *Notifying Relevant Staff About Access Changes/Restrictions*

The General Manager, or their delegate will notify relevant staff about any decisions to change or restrict a customer's access to our services, in particular reception and security staff in cases where a customer is prohibited from entering our premises. This process includes notification to current elected members of the situation.

#### 4.9.6 Continued Monitoring/Oversight Responsibilities

Once a customer has been issued with a warning letter or notification letter the General Manager will review the customer's record/restriction every three months, on request by a staff member, or following any further incidents of UCC that involve the particular customer to ensure that they are complying with the restrictions/the arrangement is working.

If the General Manager determines that the restrictions have been ineffective in managing the customer's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions or terminate the customer's access to the Council's services altogether.

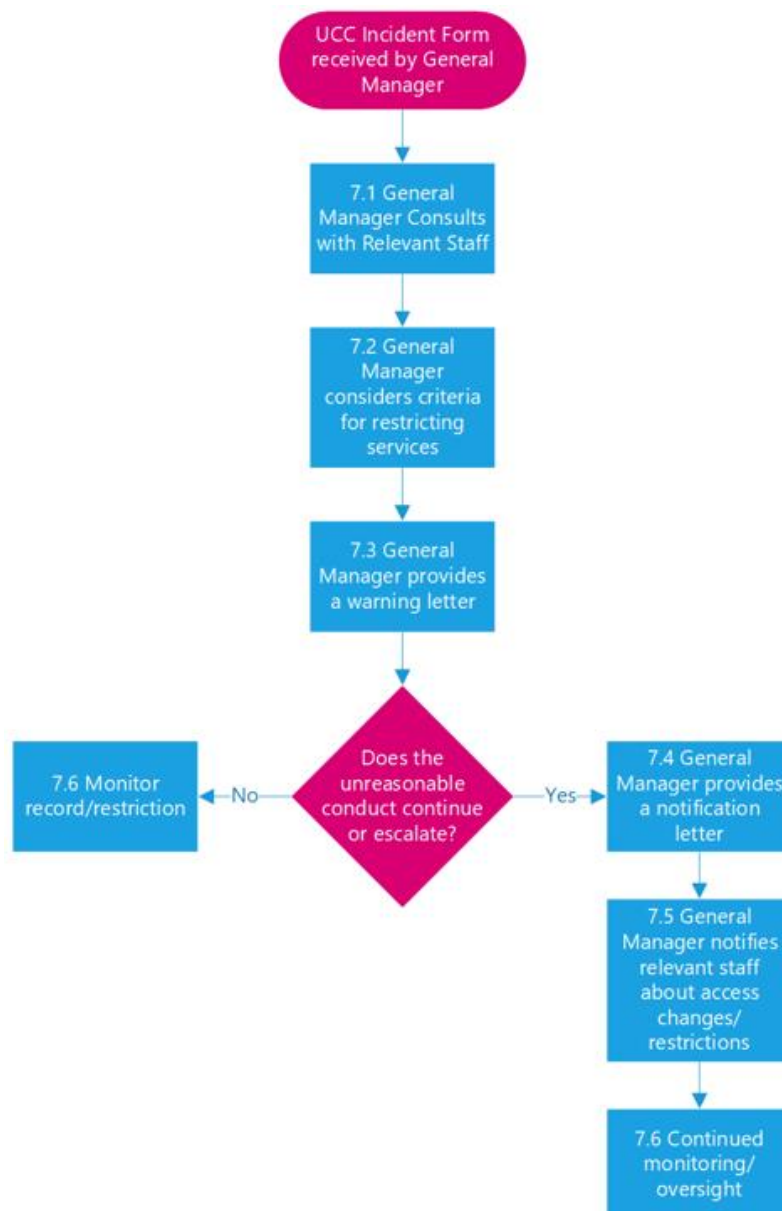


Figure 1: Modifying/Restricting Access of Customers to the Council's Services

#### **4.10 *Appealing a Decision to Change or Restrict Access to the Council's Services***

##### **4.10.1 *Right of Appeal***

Customers who have their access changed or restricted are entitled to one appeal of a decision to change or restrict their access to the Council's services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the customer's access. This staff member will consider the customer's arguments and personal circumstances, including cultural background, along with all relevant records regarding the customer's past conduct. They will advise the customer of the outcome of their appeal by letter, which must be signed off by the General Manager, or their delegate. The staff member will then refer any materials or records relating to the appeal to the General Manager, or their delegate to be kept in the appropriate file.

If a customer is still dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that the Council has acted fairly, reasonably and consistently and has observed the principles of good administrative practice, including procedural fairness.

#### **4.11 *Non-Compliance With a Change or Restriction on Access to the Council's Services***

##### **4.11.1 *Recording and Reporting Incidents of Non-Compliance***

All staff members are responsible for recording and reporting incidents of non-compliance by customers. This should be recorded in a file note in the Council's Customer Relationship Management system and a copy forwarded to the General Manager, or their delegate who will decide whether any action needs to be taken to modify or further restrict the customer's access to our services.

#### **4.12 *Periodic Review of all Cases Where This Policy is Applied***

##### **4.12.1 *Period for Review***

All cases where this Policy is used will be reviewed every three months or six months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or upheld.

##### **4.12.2 *Notifying the Customer of an Upcoming Review***

The General Manager will ask customers if they would like to participate in the review process unless they determine that this invitation will provoke a negative response from the customer (ie., further UCC). The invitation will be given, and the review will be conducted in accordance with the customer's access restrictions (see Appendix E – sample letter notifying a customer of an upcoming review).

#### 4.12.3 *Criteria to be Considered During a Review*

When conducting a review, the General Manager will consider:

- whether the customer has had any contact with the Council during the restriction period.
- the customer's conduct during the restriction period.
- any information put forward by the customer for review.

The General Manager may also consult any staff members who have had contact with the customer during the restriction period.

Sometimes a customer may not have a reason to contact the Council's offices during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted the Council during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations (see Appendix F – Sample checklist for reviewing an access change or restriction).

#### 4.12.4 *Notifying a Customer of the Outcome of a Review*

The General Manager will advise the customer the outcome of their review using an appropriate method of communication, as well as a written letter explaining the outcome. The review letter will:

- a. briefly explain the review process.
- b. identify the factors that have been considered during the review.
- c. explain the decision or outcome of the review and the reasons for it.
- d. explain the appeals option for the customer, notably contact with the Ombudsman.

If the outcome of the review is to maintain or modify the restriction, the review letter will also:

- e. indicate the nature of the new or continued restriction.
- f. state the duration of the new restriction period.
- g. provide the name and contact details of the General Manager or relevant Officer who the customer can contact to discuss the letter.
- h. be signed by the General Manager (see Appendix G – Sample letter advising the customer of the outcome of a review).

#### 4.12.5 *Recording the Outcome of a Review and Notifying Relevant Staff*

The General Manager, is responsible for keeping a record of the outcome of the review, updating the Council's Customer Relationship Management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn. This process includes notification to current elected members of the situation.

### **4.13 Managing Staff Stress**

#### *4.13.1 Staff Reactions to Stressful Situations*

Dealing with demanding, abusive, aggressive or violent customers can be stressful, distressing and even frightening for the Council's staff. It is perfectly normal to get upset or stressed when dealing with difficult situations.

As a Council, there is a responsibility to support staff members who experience stress as a result of situations arising at work and the Council will do its best to provide staff with appropriate debriefing and counselling opportunities, when needed. However, to do this the Council also needs the help of all staff to identify stressful incidents and situations.

All staff have a responsibility to tell relevant supervisors and senior managers about UCC incidents and any other stressful incidents that they believe require management to be involved.

#### *4.13.2 Debriefing*

Debriefing means talking things through following a difficult or stressful incident. It is an important way of dealing with stress. Many staff do this naturally with colleagues after a difficult telephone call, but staff can also debrief with a supervisor or senior manager (or as a team) following a significant incident. Staff are encouraged to engage in an appropriate level of debriefing, when necessary. Staff may also access an external professional service if required including the EAP service.

### **4.14 Training and Awareness**

The Council is committed to ensuring that all its staff are aware of and know how to use this Policy. All staff who deal with customers in the course of their work will also receive appropriate training and information on using this Policy and on managing UCC on a regular basis and on induction. This should include training to support culturally appropriate communication.

## **5. Legislation and Related Standards**

This Policy is compliant with and supported by the following documents:

Customer Service Charter

Work Health and Safety Policy

*Local Government Act 1993*

*Work, Health and Safety Act 2012*

*Work Health and Safety Regulations 2022*

*Anti-Discrimination Act 1998*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 11: Public Open Space Contributions

## POLICY MANUAL

### Policy No. 11

### Public Open Space Contributions

#### Purpose

The purpose of this Policy is to outline the requirements and calculation methodology relating to contributions towards public open space for subdivisions.

#### Department

Development and Regulatory Services

#### Author

Krista Palfreyman, Director

#### Council Meeting Date

11 May 2021

#### Minute Reference

89/2021

#### Next Review Date

June 2025

## POLICY

### 1. Definitions

Nil.

### 2. Objective

To ensure that developers make an appropriate contribution towards public open space to account for population growth facilitated by increasing the density of residential development when carrying out subdivisions.

### 3. Scope

The Policy shall apply to all subdivision applications received by the Council.

### 4. Policy

The Council, in accordance with the provision of section 117 of the *Local Government (Building and Miscellaneous Provisions Act) 1993* (the Act) requires a contribution equivalent to 5% of the land value of the lots as a cash in lieu contribution towards Public Open Space for all subdivisions.

The cash contribution will be calculated in accordance with provisions of section 117(2) of the Act.

The Council may consider accepting a land area contribution of no more than 5% of the total are shown on the plan, instead of cash in lieu contributions in the following circumstances:

- where the land is identified in a strategic land use planning document adopted by the Council; or
- the land has high visibility and provides a link with existing roads, paths and trails.

The Council will not require Public Open Space contributions:

- for a boundary adjustment where no new lot is created; or
- where the new lot is not capable of residential development.

## **5. Legislation and Related Standards**

*Local Government (Building and Miscellaneous Provisions) Act 1993*

## **6. Responsibility**

Responsibility for the operation of the Policy rests with the Director Development and Regulatory Services.

# Policy No. 14: Fencing - Council Owned Land

## POLICY MANUAL

<b>Policy No. 14</b>	<b>Fencing Council Owned Land</b>
<b>Purpose</b>	The purpose of this Policy is to outline the circumstances in which the Council will share the cost of boundary fences with other property owners.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Acting Director, Matthew Millwood
<b>Council Meeting Date</b>	13 February 2024
<b>Minute Reference</b>	020/2024
<b>Next Review Date</b>	<b>February 2028</b>

## POLICY

### **1. Definitions**

Nil.

### **2. Objective**

To ensure that the sharing of costs of boundary fencing between land owned by the Council and adjoining private land is in accordance with legislation.

### **3. Scope**

This Policy applies to the Council and any land owner adjacent to land owned by the Council.

### **4. Policy**

The Council will share the cost of fencing boundaries between private land and land owned by the Council in accordance with the *Boundary Fences Act 1908* (the Act). The Act exempts the Council from making a contribution where land owned by the Council is a roadway (which includes a public highway, street, whether it be by vehicle access, horse-way or foot-way), a reserve or public place.

Situations where the Council is not exempt and is required to share in the cost of a boundary fence include, where a property adjoins land owned by the Council that is not public land, including:

- a house or building where these are the dominant uses on the title; and
- commercial or security area (eg. Council depot).

Where the Council's management of land requires a particular quality of fence (including off lead dog exercise areas), the Council is to negotiate with the owners of adjoining properties and pay for the difference in the quality of fence required or otherwise in accordance with the Act.

## **5. Legislation and Related Standards**

*Boundary Fences Act 1908*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 15: Vehicle Crossings

## POLICY MANUAL

<b>Policy No. 15</b>	<b>Vehicle Crossings</b>
<b>Purpose</b>	The purpose of this Policy is to ensure that formal application is made to the Council in any instances where a vehicle crossing needs to be constructed or altered.
<b>Department</b>	Infrastructure Services
<b>Author</b>	David Murray, Director
<b>Council Meeting Date</b>	21 January 2025
<b>Minute Reference</b>	016/2025
<b>Next Review Date</b>	<b>January 2029</b>

### POLICY

#### **1. Definitions**

<i>Vehicle Crossing</i>	Is the connection of an accessway/driveway from the edge of the property to the road, often crossing over a footpath, nature strip, kerb or open drain.  A vehicle crossing allows vehicles to move between the property and the road. Vehicle crossings are pathways constructed within the road reserve to enable access to and from a property onto the roadway.
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#### **2. Objective**

The objective of this Policy is to ensure that vehicle crossings are constructed to an appropriate standard and to the satisfaction of the Director, Infrastructure Services.

#### **3. Scope**

This Policy applies to the Council, private and public authority landowners, developers and anyone constructing or altering a vehicle crossing located within the Council's road reserve.

#### **4. Policy**

- a. The Council will require an application to be made where a new vehicle crossing is to be constructed or an alteration to an existing crossing is required.
- b. For all new vehicle crossings or alterations, construction shall be undertaken by a suitably qualified contractor with appropriate insurance coverage.
- c. Vehicle crossings are categorised as rural or urban, based on the formation of the adjacent road. All vehicle crossings must be constructed in accordance with appropriate standards and to the satisfaction of the Director, Infrastructure Services.
- d. Poorly constructed vehicle crossings that have been constructed without a permit from the Council may be required to be removed.
- e. Guidelines for Policy No. 15: *Vehicle Crossings* should be read in conjunction with this Policy.

#### **5. Legislation and Related Standards**

*Local Government Highways Act 1982*

Tasmanian Standard Drawings

#### **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director, Infrastructure Services.

# Policy No. 20: Infrastructure Contributions

## POLICY MANUAL

<b>Policy No. 20</b>	<b>Infrastructure Contributions</b>
<b>Purpose</b>	The purpose of this Policy is to provide fair and equitable contributions by the Council towards third party development of infrastructure.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Dino De Paoli, Director
<b>Council Meeting Date</b>	8 June 2021
<b>Minute Reference</b>	109/2021
<b>Next Review Date</b>	<b>June 2025</b>

### POLICY

#### **1. Definitions**

<i>Infrastructure</i>	Includes roads, kerb and channel, surfacing, drainage, footpaths, open space, buildings, signage, utilities and other services.
<i>Upgrade</i>	Improvements undertaken to existing infrastructure, or replacement of existing infrastructure, to provide a higher level of service.

#### **2. Objective**

To provide guidelines for the Council to consider contributions to developers towards the cost to upgrade infrastructure adjacent to subdivisions and other development where there is an interest in and/or the infrastructure is maintained by the Council.

#### **3. Scope**

This Policy applies to any infrastructure upgrade for the benefit of the community.

#### **4. Policy**

The Council's Officers will use the following guidelines when determining the level of contribution to infrastructure upgrades:

- Contributions may use a technical basis for assessment that include:
  - land area;
  - traffic volume or use;
  - street frontage; and/or
  - per lot.
- Consideration for the required standard of infrastructure based on:
  - Tasmanian Standard Drawings;
  - asset hierarchy;
  - the Council's strategic documents;
  - capacity requirements, eg. storm water drains; and/or
  - current and future requirements including maintenance.
- Consideration for the remaining life of infrastructure including the depreciation and write off when replacing or demolishing existing infrastructure.
- Consideration for the possible staging of works where possible to defer the need for upfront infrastructure investment.
- Consideration of the existing level of service and standard of construction of the infrastructure prior to the proposed upgrade.

The Council's contributions are subject to approval within the Council's budget process.

#### **5. Legislation and Related Standards**

Not Applicable.

#### **6. Responsibility**

Responsibility for the application of this Policy rests with the Director Infrastructure Services.



- to report to Council and the General Manager any relevant activities or issues being considered by the organisation that are relevant to the Council's operations or activities;
- to seek direction or advice on any issues from the Council or General Manager as appropriate and report back to the organisation.

Procedures and expectations for each of these points are outlined below:

### **Meeting Attendance**

Appointed representatives are expected to:

- make all reasonable efforts to ensure attendance at each scheduled meeting and ensure that the convener of the meeting is promptly made aware of attendance, apologies and any proxy attendances as appropriate.
- correspond with the convener of the meeting (or via the Office of the General Manager where appropriate) to ensure that all Agendas, Minutes and other relevant materials are received with adequate time for review and preparation.
- ensure that any proxy attendee is offered reasonable notice of any request to attend and is adequately briefed on the nature of business expected to be discussed at the meeting.

### **Representing the Views of the Council at any Meeting**

The purpose of the appointment of a representative on an external organisation is to act as a conduit between the Council and the external organisation and to promote the Council's objectives.

Councillors, acting as representatives, must understand and communicate the Council's view on an issue, notwithstanding that they may hold contrary personal views.

The Council's Officers, acting as representatives, are required to act and express professional views impartially. Where a Council Officer is obliged to express a professional view not currently supported by a decision or policy set down by the Council, the Officer must ensure that the meeting is aware of this fact. The Council's Officers, including executive staff, must refrain from expressing personal views in such instances.

### **Reporting to Council**

For Councillors, the provision of regular verbal or written reports on the relevant activities and issues of the organisation will assist Council to improve its understanding and support of the activities of the organisations on which Council is represented and enable responsiveness and lines of communication between agencies.

For staff, a brief written report should be submitted to the relevant Director who will refer any relevant information to the General Manager and Councillors, as required or appropriate.

Reports should be succinct, with enough information to enable the reader to gain an appreciation of the activity or issue.

### **Seeking Direction or Advice on Issues Requiring Council Consideration**

Individual Councillors are not able to make any commitments on behalf of the Council. There will often be matters raised by an organisation that will require either a decision or direction by the Council or the General Manager. Where such a matter is raised it is expected that the representative will discuss this with the General Manager to determine if the matter needs to be considered by Council or whether an operational response is more appropriate. The Council's Officers, within the limits of their authority and delegation, may make commitments that are consistent with the Council's policy and due process.

The representative is responsible for ensuring prompt and effective liaison and communication with the organisation when such matters arise.

### **Directorships**

To limit the risk of exposure of both individual elected members and the Council to potential claims against them, a representative is not to accept appointment as a Director or Officer Bearer of an external organisation, other than where specifically approved by Council or where such appointment is a requirement of being a representative.

This does not preclude a Councillor or employee being appointed as an individual, noting the requirement to manage any real or perceived conflict of interest.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

## **6. Responsibility**

The responsibility for the operation of the Policy rests jointly with the Mayor and General Manager.

# Policy No. 24: Councillor Expense Entitlements, Attendance at Conferences and Training

## POLICY MANUAL

**Policy No. 24**

**Councillor Expense Entitlements, Attendance at Conferences and Training**

**Purpose**

The purpose of this Policy is to provide guidelines for the reimbursement of Councillors expenses incurred in carrying out their duties.

**Department**

Governance

**Author**

John Jordan, General Manager

**Council Meeting Date**

18 April 2023

**Resolution Number**

079/2023

**Next Review Date**

**April 2027**

### POLICY

#### **1. Definitions**

*Councillors*

All elected members of the Meander Valley Council including the Mayor and Deputy Mayor.

#### **2. Objective**

To ensure Councillors are adequately reimbursed on a consistent basis for expenses incurred in carrying out their duties including professional development and training.

#### **3. Scope**

This Policy applies to all Councillors.

#### **4. Policy**

##### **Allowances**

The allowances for the Mayor, Deputy Mayor and Councillors are as outlined in the *Local Government (General) Regulations 2015* and section 340A of the *Local Government Act 1993*. Allowances are paid monthly by direct deposit into the Councillors' nominated bank account.

If the Deputy Mayor is appointed to act in the role of Mayor for a period of four consecutive weeks or more, the Deputy Mayor is entitled to receive, for that period, the allowance payable to the Mayor.

### **Travelling and Carer Expenses**

Councillors are entitled to reimbursement of travelling expenses and care of any child or dependent while carrying out the duties of office in the following situations:

- to attend Council Meetings, Council Workshops, meetings of any committee of the Council and any other meeting where the Councillor has been delegated or authorised by Council to attend.
- upon inspections or business within the Council area, provided such inspections or business is undertaken in compliance with a Council decision or Council Meeting Agenda Item.
- to attend to business of the Council, outside the Council area, in compliance with a Council decision or Council Meeting Agenda Item.
- attendance at the Annual Conference of the Local Government Association of Tasmania or any meeting of a regional organisation or committee to which Council sends a delegate.
- attend any conference, seminars and training in compliance with the relevant section of this Policy.
- travel must be taken in the shortest route practical.
- the travelling allowance for Councillors shall be paid in accordance with the Australian Taxation Office cents per kilometre rate set for each financial year.
- reimbursement for Councillors, other than the Mayor, will be paid on a monthly or quarterly basis.
- the Council is to make a fully maintained Mayoral vehicle available to the Mayor, when representing Council at meetings, functions and other activities. The Mayoral vehicle will be managed in accordance with the Council's vehicle policy as approved by the General Manager, with the classification being a private user. The allocated vehicle is for use by the Mayor when attending the Council's related activities and may also be used by the Mayor for private purposes.
- carer expense claims need to provide sufficient evidence of the cost, net of any reimbursements received or due.

### **Telephones**

The Council will reimburse Councillors for the cost of telephone (including rentals, data, and calls) up to a maximum \$500 per 12 months. Claims need to include evidence of the costs incurred and sufficient information to show that it relates to the carrying out of the duties of office.

### **Communication Equipment**

For each term of office, the Council will provide each Councillor with:

- capital reimbursement up to maximum of \$3,000 for purchase of a mobile telephone, tablet, a fax/printer/scanner, a computer (loaded with an appropriate operating system and office suite) and a filing cabinet to assist them in performing their duties.
- the capital reimbursement will be paid upon evidence of the purchase of the equipment.

- the Council will reimburse Councillors for the cost of home internet up to a maximum \$500 per 12 months. Claims need to provide evidence of the costs incurred and sufficient information to show that it relates to the carrying out of the duties of office.

Should a Councillor resign or the term of office be terminated prior to the normal four year term, then all communication equipment will be returned to the Council or a pro-rata refund of all communication equipment purchase costs will be payable by that Councillor (this shall be in the form of a cash refund or an equivalent deduction from any allowance payable to the Councillor as outlined in the *Local Government (General) Regulations 2015*).

### **Secretarial Assistance**

The Council will provide a reasonable level of word processing assistance to enable elected members to carry out their official duties. The General Manager will have discretion in determining the extent of assistance which can be provided.

### **Stationery**

The Council, shall upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements. Stationery may include, but not necessarily limited to paper, business cards, writing implements, diaries, writing pads, facsimile paper, envelopes and the like.

Requests for stationery will be by the way of the completion of a requisition presented to the General Manager.

### **Conferences, Seminars and Training**

The Council recognises the obligation on Councillors to be properly informed on matters relating to governance and Council decisions. The following guidelines apply to conference, seminars, and training:

- The Council will provide an annual budget for conference, seminars and training expenses for Councillors.
- The Council and General Manager are to ensure that there is equity between Councillors in relation to attendance at conferences, seminars and training courses.
- The Council is to ensure that conferences, seminars and training courses are relevant to the current activities of the Council and the training and professional development needs of Councillors.
- Councillors attending a conference must submit a written report to the General Manager within four weeks of returning from the conference. This report should outline the conference program and benefits gained.
- Councillors attending a training course or seminar shall provide any course notes or handouts to the General Manager for distribution to other Councillors.
- Councillors who wish to attend a conference, seminar or training program must lodge a Training Registration Form with the General Manager. Details of the conference, seminar or training program must be attached to the Training Registration Form.
- Attendance, accommodation, airfares and reasonable meal expenses will be arranged by the Council or paid by reimbursement to the Councillors.

Where the total cost of registration, travel and expenses is likely to exceed \$2,500, the General Manager will refer the application to Council for consideration and approval.

Where the total cost of registration, travel and expenses is less than \$2,500, then the General Manager will have delegated authority to consider and approve the application.

If the General Manager refuses an application, a Councillor may submit an application in writing for consideration at a Meeting of Council.

The Mayor and Deputy Mayor are Council's designated delegates to the Local Government Association of Tasmania Annual Conference. Other Councillors may attend by using the Councillor Training Registration Form.

### **Other Expenditure**

Any expenditure not specified above as expenditure for which a Councillor is entitled to be reimbursed or paid by the Council shall be the responsibility of the Councillor, except where Council resolves otherwise.

### **General Provisions**

The following general provisions apply to this policy wherever appropriate to determine the amount of out-of-pocket expenses that will be reimbursed to Councillors:

- Councillors will not be reimbursed for time spent representing the community; this is taken into account in legislated Councillor Allowances.
- Councillors will be provided with name badges.
- where travel is by flight the standard form of travel will be economy class.
- travelling expenses, carer expenses and out of pocket expenses will, unless there are exceptional circumstances, be paid in arrears.
- the Council will not reimburse claims later than 12 months after the claim has been incurred by the Councillor.
- given that the Councillor Allowance is expected to be treated by the Australian Taxation Office as assessable income in the individual's hands, Councillors are encouraged to consider whether expenditure is deductible for taxation purposes as an expense necessarily and solely incurred in the carrying out of their Council duties. Prevailing taxation laws and substantiation requirements should be recognised and considered when maintaining records for deduction purposes.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

*Local Government (General) Regulations 2015*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 34: Real Estate Advertising Signs

## POLICY MANUAL

<b>Policy No. 34</b>	<b>Real Estate Advertising Signs</b>
<b>Purpose</b>	The purpose of this Policy is to outline the Council's position on the erection of real estate advertising signs on the Council's property.
<b>Department</b>	Development and Regulatory Services
<b>Author</b>	Krista Palfreyman, Director
<b>Council Meeting Date</b>	13 September 2022
<b>Minute Reference</b>	180/2022
<b>Next Review Date</b>	<b>July 2026</b>

### POLICY

#### **1. Definitions**

*Real Estate Advertising Sign* A sign erected for the purpose of advertising, or otherwise promoting, a parcel of land or building for sale, lease or let.

*Council Land* Any land owned or controlled under lease or other means by the Meander Valley Council. This includes, but is not limited to, road reserves, parks and reserves, and nature strips.

#### **2. Objective**

The objective of this Policy is to control the erection of real estate advertising signs on the Council's land, ensuring visual amenity is maintained and to mitigate any risk of injury to persons as a result of the erection of such signage the Council's land.

#### **3. Scope**

This Policy applies to all the Council's land.

#### **4. Policy**

Unless otherwise approved by the General Manager for the purpose of selling, leasing or letting of the Council's owned or controlled land, the Council:

- will not permit real estate advertising signs to be erected on the Council's land such as nature strips, reserves, etc.
- authorises the Council's Officers to remove any signs illegally erected or placed on the Council's land.

#### **5. Legislation and Related Standards**

*Land Use Planning and Approval Act 1993*

Tasmanian Planning Scheme – Meander Valley

#### **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

# Policy No. 36: Private Timber Reserves

## POLICY MANUAL

### Policy No. 36

### Private Timber Reserves

#### Purpose

The purpose of this Policy is to establish the assessment framework for referrals of Private Timber Reserve applications.

#### Department

Development and Regulatory Services

#### Author

Krista Palfreyman, Director

#### Council Meeting Date

11 May 2021

#### Minute Number

90/2021

#### Next Review Date

June 2025

## POLICY

### 1. Definitions

#### *Private Timber Reserve*

Means a private timber reserve established under the *Forest Practices Act 1985*.

#### *Forest Practices Authority*

Means the body corporate that oversees the administration of private timber reserves by Private Forests Tasmania.

#### *Planning Scheme*

Means the Tasmanian Planning Scheme – Meander Valley.

### 2. Objective

To establish a process for determining if the Council objects to an application for a Private Timber Reserve referred to it by the Forest Practices Authority.

### 3. Scope

This Policy is to apply to the Council and its employees in assessing and considering applications for Private Timber Reserves under the *Forest Practices Act 1985*.

### 4. Policy

It is policy that:

The Delegated Assessment Group will undertake a preliminary assessment of the application for a Private Timber Reserve referred to Council by the Forest Practices Authority.

In undertaking the assessment, the Delegated Assessment Group will consider:

- the location of the proposal relative to:
  - Karst High Sensitivity areas;
  - water catchment areas;
  - sensitive agricultural activities; and/or
  - priority and threatened species habitat.
- the relevant provisions of the Tasmanian Planning Scheme – Meander Valley.
- the following provisions of the *Forest Practices Act 1985* whereby an application for a declaration of land as a private timber reserve shall be refused if the Authority is satisfied that:
  - section 8(2)b, ie. the land is not suitable for declaration as a private timber reserve; or
  - section 8(2)d, ie. by virtue of the operation of any Act, the owner of the land is prohibited from establishing forests, or growing or harvesting timber, on the land; or
  - section 8(2)e, ie. it would not be in the public interest to grant the application
- Community submissions received.
- The Delegated Assessment Group will determine if an objection against the proposal should be lodged.
- If it is determined that an objection should be lodged, the Delegated Assessment Group will:
  1. lodge an objection with the Forest Practices Authority if a formal decision of Council cannot be made within the statutory notification period.
  2. prepare a report for formal consideration by Council. Council will decide if it will proceed with the objection.

## **5. Legislation and Related Standards**

*The Forest Practices Act 1985*

*Tasmanian Planning Scheme – Meander Valley*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

# Policy No. 37: Vegetation Management

## POLICY MANUAL

**Policy No. 37**

**Vegetation Management**

**Purpose**

The purpose of this Policy is to provide direction for the management of vegetation on property and managed land owned by the Council.

**Department  
Author**

Infrastructure Services  
Matthew Millwood, Acting Director

**Council Meeting Date  
Minute Reference**

13 February 2024  
021/2024

**Next Review Date**

**February 2028**

### POLICY

#### **1. Definitions**

*Vegetation*

Trees, shrubs, grasses, sedges and herbs – generally all plant life in a location.

*Native Vegetation*

A plant which is indigenous to Tasmania.

*Remnant Vegetation*

Native vegetation that retains the characteristics of the vegetation which existed on that site prior to settlement. It may be in good or degraded condition.

*Urban Areas*

Areas that have been developed for a wide range of community and civic purposes within a town, suburb or city.

*Urban Forest*

Vegetation within urban areas: primary component of urban ecosystems.

*Biodiversity*

The variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part.

## **2. Objective**

The objectives of this Policy are to:

- sustain the character and biodiversity values of rural locations through the management of vegetation.
- manage vegetation in urban areas in a manner that improves the amenity and environmental performance of our townships, parks, reserves and roadsides.
- manage vegetation and undertake tree audits in a manner that ensures the safety of the community.

## **3. Scope**

This Policy applies to vegetation on the Council's property and the land managed by the Council.

## **4. Policy**

Vegetation, including remnant vegetation and plantings of native and exotic species, are important features of the Meander Valley's scenic landscapes and contribute to the unique character of rural areas, townships and many urban areas.

Native vegetation plays an important role as a source of genetic diversity, enhancing open space and in improving the health of waterways.

Vegetation provides an array of social, health and well-being, economic and environmental benefits to the community.

The Council will develop a strategy for managing vegetation that:

- provides guidance for the planning, maintenance and improvement of parks, reserves and roadsides;
- assesses site suitability and use to ensure appropriate species and densities are planted and maintained;
- recognises ancillary benefits for the health and well-being of the community provided by urban forests;
- includes consideration of public safety in our parks and on our roadsides and allows for a comprehensive third-party audit on the condition of our trees;
- promotes positive environmental outcomes;
- recognises the importance of maintaining and enhancing biodiversity;
- recognises the cultural values of vegetation and protects high value vegetation; vegetation communities and remnant vegetation;
- recognises the role of riparian vegetation in enhancing water quality within streams and wetlands;
- encourages the appropriate vegetation of waterways;
- recognises the role remnant vegetation has in defining the character of a place;
- recognises the important role that vegetation can play in managing landslip and salinity risks; and
- outlines the positive outcomes working with adjoining landowners.

## **5. Legislation and Related Standards**

*Threatened Species Act 1995*

*Environment Protection and Biodiversity Conservation Act 1999*

*Historical Cultural Heritage Act 1995*

*Nature Conservation Act 2002*

*Weed Management Act 1999*

*Local Government (Highways) Act 1982*

*Neighborhood Disputes About Plants Act 2017*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 43: Dog Management

## POLICY MANUAL

**Policy No. 43**

**Dog Management**

**Purpose**

The purpose of this Policy is to establish a Dog Management Policy for the Municipal Area that complies with the *Dog Control Act 2000*.

**Department  
Author**

Development and Regulatory Services  
Katie Procter

**Council Meeting Date  
Minute Reference**

11 October 2022  
210/2022

**Next Review Date**

**October 2027**

### POLICY

#### **1. Definitions**

As per the *Dog Control Act 2000*.

*Assistance Dog*

A dog which is an assistance animal as defined in section 9 of the *Disability Discrimination Act 1992* (Cwth).

#### **2. Objective**

The objective of this Policy is to ensure that the Council consistently and effectively fulfills its responsibilities under the *Dog Control Act 2000* (the Act), by:

- ensuring that owners of dogs comply with their obligations under the Act;
- preventing the danger caused by dogs to the public and to other dogs and animals;
- minimising the distress and nuisance caused by dogs to the public;
- actively promoting the responsible ownership of dogs; and
- providing for the reasonable exercise and recreational needs of dogs, including the identification of on-lead and off-lead exercise areas.

#### **3. Scope**

Applies to an owner or a person who has control of a dog/s, either residing within or visiting the Meander Valley Council local government area.

#### **4. Principles**

This Policy will apply in accordance with the following principles:

1. recognition of the contribution that dog ownership can provide to community health and wellbeing;
2. balance the need for a balanced approach to achieve a compatible relationship between dogs, dog owners, neighbours and the general public; and
3. compliance the legislative requirement for both the Council to enforce and for dog owners to comply with, the provisions of the Act.

#### **5. Policy**

##### **1. Code for Responsible Ownership of Dogs**

The Council is committed to promoting responsible dog ownership through the following Code for Responsible Ownership of Dogs:

*It is expected that dog owners or persons in control of a dog will comply with all requirements of the Dog Control Act 2000, and be responsible for:*

- *ensuring that their dog is registered and microchipped once it is six months of age (and older);*
- *ensuring that their dog is appropriately housed and contained within a secure yard;*
- *ensuring that their dog wears its Council identification tag;*
- *ensuring that their dog receives necessary care and attention in accordance with good veterinary practice, and is supplied with adequate food and water;*
- *ensuring that their dog receives adequate exercise;*
- *taking all reasonable steps to ensure that their dog does not cause a nuisance to others;*
- *ensuring that their dog is under effective control when in a public place; and*
- *cleaning up after their dog.*

##### **2. Education**

The Council recognises the importance of providing information and education regarding responsible dog ownership and management to all members of the community.

Education promoting responsible and compliant ownership and control is viewed as the best tool to combat common issues associated with dogs in the community.

Mechanisms that may be used to provide education include:

- signage at declared areas (ie. dog exercise areas);
- day-to-day interactions with the Council's Officers;

- pamphlets outlining the requirements of the Act, the Code for Responsible Ownership of Dogs and the services available to assist community members to be responsible dog owners;
- regular articles in the Council's newsletters (eg. Valley News) and updates via the Council's social media channels, community radio and website; and
- visits to schools to make presentations to students on dog ownership issues and responsibilities (upon request).

### **3. *Complaints, Nuisance and Community Safety***

#### Nuisance Barking

Barking dogs can be a difficult issue to deal with as every situation is different. The Act specifies a barking nuisance as a noise that consistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

#### *Management of Barking Complaints*

1. In the first instance, residents should contact the owner of the dog directly to resolve the problem, as this is proven to be the most effective approach. This also assists maintenance of neighbourhood harmony.
2. If unable to resolve the issue of a barking dog directly with the owner, then the Council should be notified. The Council may elect to contact the dog owner to discuss their dog's behaviour and make suggestions as to how owners can remedy any problems.
3. A person may make a formal complaint to the Council; this must be lodged on the Council's official complaint form and the appropriate fee must be paid. Any fee paid will be refunded in the event that a complaint is substantiated.
4. In response to a formal complaint, the Council may require the person making the complaint to keep a record of instances for a period of not less than 14 days (or otherwise determined by the Council). In considering this action, the Council will have regard to any other collaborating evidence. The Council will then determine the appropriate response.

#### *Managing Other Nuisance Complaints About Dogs*

Other activities of dogs can cause annoyance and discomfort to members of the community, most commonly via dogs roaming and not being contained to their property, owners failing to pick up dog faeces or dogs causing distress to others by behaving in a manner that may cause injury or pose a safety concern to a person or another animal. In such situations people may make a complaint to the Council.

In the first instance people should attempt to resolve the problem directly with the owner.

The Council will consider every complaint received relating to an alleged nuisance caused by a dog, however, may not act upon anonymous or unsubstantiated complaints. Issues raised by complainants will be investigated in a manner which ensures that all facts are considered to avoid vexatious and/or false complaints being supported. A Council Officer may make enquiries as to the validity of a complaint by speaking to the dog owner, the complainant and surrounding neighbours and/or witnesses.

Where necessary, the Council will institute proceedings against a dog owner for an offence relating to a nuisance or when dogs attack, threaten people or animals, or compromise community safety and health.

Enforcement actions the Council may take include:

- issuing a warning, an abatement or infringement notice;
- impounding roaming dogs; and/or
- prosecuting when an offence or the impact of an offence is significant.

#### *Managing Dangerous Dogs*

A small portion of dogs may pose a threat to the community through aggressive behaviour. Dog behaviour that is threatening or results in an attack on people or animals causing injury, damage, distress or death is not acceptable and will be managed.

It is important that where dogs are perceived (through their behaviour) as dangerous, that the Council or Police are informed to enable a thorough investigation to take place and any necessary action to be taken to ensure public safety.

The Council may declare a dog as dangerous if the dog has caused serious injury to a person or another animal, or there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal.

When managing a potential or declared dangerous dog/s, the Council may take one or more of the following actions:

- issue a warning or an infringement notice;
- initiate prosecution action where there is evidence of a contravention of the Act;
- declare an offending dog to be dangerous;
- seize and detain a dog suspected or known to have attacked a person or animal to ensure safety and to enable an investigation to occur;
- enforce compliance with requirements of the Act relating to a dangerous dog; and/or
- euthanise the offending dog.

#### **4. Municipal Pound**

The Council will operate a municipal pound in accordance with the requirements of the *Dog Control Act 2000* and the *Local Government Act 1993*.

Dog owners will be encouraged to contact the Council in the event of losing their dog to expedite the reuniting of impounded dogs with owners.

Where a dog is impounded and not claimed, the Council will make reasonable efforts to secure an alternative home for the dog through a rescue organisation.

If a dog has been impounded by the Council and is identifiable, a Council Officer will make contact with the owner as soon as practicable.

A dog owner will be required to pay any fees and charges relating to the impoundment and daily maintenance of a dog. Any veterinarian fees incurred during impoundment are the responsibility of the owner.

## **5. *After-Hours Service***

The Council will operate a limited after-hours service for emergency situations, eg. dog attacks.

After-hours attendance by a Council Officer or contractor will be at the Council Officer's discretion considering the risk and circumstance.

The Council will not attend after-hours for barking complaints. Residents experiencing barking nuisance should contact the Council the next business day.

Dog(s) at large will only be collected if they are appropriately restrained. Collected dogs will be taken to the municipal pound. If a collected dog is identifiable, a Council Officer will make contact with the owner on the next business day.

## **6. *Sick or Injured Animals***

The Council does not manage sick or injured dogs. Enquiries regarding sick or injured dogs should be directed to the RSPCA in the first instance. Alternatively the animal should be taken to a veterinarian.

## **7. *Registration and Fees***

Dog registration and other fees are set for each financial year as part of the Council's budget.

The fees will be advertised and standard registration renewal notices will be provided to all those who have registered a dog previously.

Dog owners are encouraged to register their dogs early in the financial year – a discount in registration fees is applicable if paid prior to the 31 July each year.

Registration fees and concession discounts will be set by the Council considering the following:

- a discount will be provided for de-sexed dogs;
- pensioners will receive a discount on one dog: other dogs will be charged at the applicable rate;
- owners who keep guide dogs, assistance dogs or hearing dogs are not charged;
- owners of dogs kept for breeding purposes which are registered with Dogs Tasmania (Tasmanian Canine Association (TCA)) will be levied a fee that recognises the purpose for which they are kept. The fee will, however, be discounted from that which would normally apply to an entire animal;
- greyhounds registered with the Office of Racing Integrity will be charged a discounted rate; and
- dogs considered *working dogs* on farms or elsewhere will be charged at a discounted rate where the dog's status is demonstrated to the Council.

Owners seeking concessional (discounted) registration may be required to produce written evidence of eligibility as prescribed in the Act, eg. breeders must produce a current Stud Prefix issued by the TCA.

Registration and subsequent renewals for declared dangerous dogs are subject to satisfactory review of enclosure and adherence to requirements of the declaration notice.

## **6. Legislation and Related Standards**

*Dog Control Act 2000.*

*Disability Discrimination Act 1992 (Cwth)*

## **7. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

# Policy No. 45: Information Management

## POLICY MANUAL

**Policy No. 45**

**Information Management**

**Purpose**

The purpose of this Policy is to outline the objectives, responsibilities and principles for managing corporate information in accordance with agreed standards and as required by law.

**Department**

Corporate Services

**Author**

Jonathan Harmey, Director

**Council Meeting Date**

9 August 2022

**Minute Reference**

160/2022

**Next Review Date**

**August 2026**

### POLICY

#### **1. Definitions**

*Corporate Information*

Is information that is required for business use by the Council and/or information which affects the business of the Council.

Examples include:

- Agendas and Minutes
- information prepared on behalf of the Council
- formal communication and media releases
- complaint correspondence
- contracts and agreements
- final versions of reports
- policies and guidelines
- personnel documentation
- any material that reflects the substantive business of the Council

Examples do not include:

- advertising material
- junk email
- rough notes and working papers

## **2. Objective**

To be proactive in the management of corporate information and to ensure that the collection, storage, usage, disposal and disclosure of information will comply with the Council's legislative, statutory obligations, reporting obligations and meet the needs of stakeholders.

## **3. Scope**

This Policy applies to all employees or consultants who:

- create Corporate Information;
- have access to Corporate Information;
- have any responsibilities for corporate information, for example, storage or maintenance responsibilities;
- have management responsibilities for officers who carry out any of these tasks; and/or
- manage or have input into Information Technology Infrastructure design or software selection.

## **4. Policy**

The collection, storage, usage and disclosure of information will comply with the Council's statutory obligations and reporting obligations. It is the responsibility of all officers employed at the Council to identify any information that forms part of the corporate memory and to manage that information with the Council's electronic systems and/or physical storage areas. After corporate information is registered in the electronic records management system, only the registered version of the document will be used and referred to as the primary source document. Information management procedures and systems used will ensure that information resources are kept in an accessible, authentic, accurate, complete, meaningful and secure manner.

### ***Responsibilities***

The Council will:

- provide the support and basis in which the Information Management Policy can be implemented including the provision of a contemporary and well-maintained electronic records management software;
- provide adequate budgetary provision for the maintenance of this Policy;
- ensure any confidential records received in performing their role are treated in a confidential manner and are secure from public view (ie. files are not left on building sites and the public cannot inadvertently view a file which may contain personal information); and
- ensure that Minutes of Council decisions are complete and accurate.

The General Manager will:

- recognise, actively encourage and adopt information management as a key function of the organisation; and
- ensure all information is managed in accordance with the Australian Standard AS ISO 15489, legislation and the Council's policy.

Managers and Supervisors will:

- maintain overall responsibility for the effective management of the Council's corporate information.

Employees will:

- ensure they are familiar with the Council's Information Management Policy, principles and procedures;
- adhere to the procedures regarding information management including capturing documents in a timely manner;
- ensure any confidential records taken from the records management software are treated in a confidential manner and are secure from public view (ie. files are not left on building sites and the public cannot inadvertently view a file which may contain personal information); and
- not make improper use of any information they acquire as an employee. Improper use includes gaining directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for themselves, a member of their family or close associate or to cause any loss or damage to the Council or any other person. Employees using computers are issued with user IDs and asked to generate passwords. Employees recognise it is essential that these remain confidential, as employees are responsible for the work performed and communications made under the personal identification code.

Principles

The Council's organisational values apply to all activities. In particular, the following principles will apply to the disclosure of information:

- public access to the Council's corporate information is based on the principles of the *Right to Information Act 2009* and the *Personal Information Protection Act 2004*;
- corporate information that relates to the public business and is not restricted by the *Local Government Act 1993*, the *Right to Information Act 2009*, the *Personal Information Protection Act 2004* or the *Commonwealth Privacy Act 1988*, is accessible to the public;
- access to corporate information by elected members is in accordance with the above disclosure principles and established the Council's policies; and
- corporate information will be registered in accordance with this policy and guidance will be provided to employees to ensure effective administration.

## **5. Legislation and Related Standards**

AS ISO15489 Records Management

*Archives Act 1983*

*Commonwealth Privacy Act 1988*

*Crimes Act 1914*

*Environmental Management Pollution Control Act 1994*

*Evidence Act 2001*

*Land use Planning and Approvals Act 1993*

*Limitation Act 1974*

*Local Government Act 1993*

*Personal Information Protection Act 2004*

*Right to Information Act 2009*

Meander Valley Council Policy No. 67: Personal Information Protection

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Corporate Services.

# Policy No. 49: Media Communications

## POLICY MANUAL

### Policy No. 49

### Media Communications

#### Purpose

The purpose of this Policy is to provide a clear direction to assist the Mayor, Councillors and Officers in dealing effectively with the media.

#### Department

Governance

#### Author

Jonathan Harmey, General Manager

#### Council Meeting Date

14 September 2021

#### Minute Reference

165/2016

#### Next Review Date

**August 2024**

## POLICY

### 1. Definitions

#### *Media*

Includes television, print, radio, online and social media, as well as the Council's-branded or sub-brand social media, mastheads, magazines and media releases.

#### *Social Media*

Includes technology and internet based social networking sites, wikis, blogs, video and audio sharing sites.

### 2. Objective

To provide the Mayor, Councillors and the Council's Officers with a framework for dealing with media and social media communications.

### 3. Scope

This Policy applies to the Mayor, Councillors, the Council's Officers and committee members who provide official responses or have interactions with mainstream and social media. This Policy also applies to:

1. official use of the Meander Valley Council's social media accounts; and
2. personal social media where the individual is identifiable as a Meander Valley Councillor or as a Council employee.

This Policy acknowledges the roles and responsibilities of the Mayor, Councillors and the General Manager as outlined in the *Local Government Act 1993* (the Act).

#### **4. Policy**

Councillors and employees are to:

1. responsibly use media and social media communications to share news and information through publication in traditional and new media channels inclusive of, but not limited to, third-party media, social media and owned media.
2. not use media or social media in a way that would bring the Council into disrepute, imply the Council's endorsement of personal views, businesses or products, engage in online arguments or debates, or disclose private or confidential information.

#### **5. Nominated Spokesperson**

- The Mayor is the primary spokesperson on all matters for Council in accordance with section 27 of the Act.
- The Mayor may delegate the role of spokesperson to the Deputy Mayor, a Councillor or the General Manager.
- In circumstances where the Mayor is not available, then the Deputy Mayor (or General Manager, if the Deputy Mayor is also not available), may nominate a spokesperson on behalf of the Mayor.
- The General Manager is responsible for management of any media relating to the day-to-day operations of Council. Where required, the Mayor and General Manager may consult to determine the most appropriate spokesperson for a particular operational matter. For clarity, the Mayor will retain the discretion to be the spokesperson.
- In consultation with the Mayor, the General Manager may nominate a Council Officer as a spokesperson where professional or technical expertise is needed.

#### **6. A Spokesperson Must Represent the Views of Council**

Regardless of personal views, the Mayor, or any nominated spokesperson for Council, must accurately and fairly represent the views and decisions of the Council body.

A spokesperson must refrain from expressing or implying personal, alternative or contrary views to that of the formal position of the Council body.

If the final view of Council conflicts with the private view of the spokesperson, then the spokesperson must refrain from expressing a private view that is contrary to the formal position of Council.

It is recognised that the Mayor or spokesperson may need to use their discretion in dealing with matters that may have not been fully resolved by Council.

Statements issued on behalf of Council must:

- be consistent with Meander Valley Council's current policy and position;
- maintain the reputation of the municipality, its Council, Councillors and staff;
- be respectful of the Mayor, Councillors, the General Manager and staff and all members of the public;

- not commit Council or its resources to a course of action without prior Council discussion and/or resolution;
- not be in breach of any laws (such as privacy, defamation, racial vilification, or equal opportunity), or the relevant Code of Conduct; and
- avoid any admission of legal liability.

## **7. Role of Councillors**

Councillors should refer media inquiries seeking information or comment on Council matters to the Mayor, General Manager or Senior Communications Officer who is the central point of liaison for media.

A Councillor has the right to make personal statements that reflect their own individual views provided such views are clearly identified as personal views and do not purport to represent the views of the Council and is considerate of Councillor responsibilities under the Code of Conduct.

This Policy does not limit or attempt to restrict relationships between Councillors and the media. Councillors have a role to facilitate communication between the community and Council (section 28 of the Act). Councillors must, however, represent accurately the policies and decisions of Council and respect the boundary in respect of operational matters.

If a Councillor chooses to provide comment to the media, statements must clearly be identified as that Councillor's personal opinion and not the position of Council.

## **8. Role of Council**

Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments. Unless specifically delegated or approved to do so, the Council's Officers should not engage with the media, or make public comment on Council business beyond their role.

Any request to comment on any matter of Council by the media or public relations firms, should be referred to the Council's Senior Communications Officer.

## **9. Role of and Referral to Communication Staff**

The Council's Senior Communications Officer is the:

- primary contact and point of coordination for media communications.
- point of referral for any media inquiries or engagement requests. Any person who is contacted by the media should not provide any comment and refer the enquiry to the Senior Communications Officer.
- under guidance of the Mayor and the General Manager, the Council's Senior Communications Officer will share news and information via publication in a combination of traditional and new media channels inclusive but not limited to third-party media, social media and owned media.

## **10. Information Security and Accuracy**

This Policy recognises that information:

- which has been made public through official channels, including committee papers and briefings, is open to media scrutiny and commentary.
- may be subject to disclosure controls and penalties under the Act, for example, matters dealt with in a Closed Meeting of Council, or subject to confidentiality undertakings, commercial and procurement practices, or other forms of control.

Where there is any doubt about the release of information that is not already in the public domain or is otherwise of a sensitive nature, permission to release or publish the information or provide comment is to be obtained from the Mayor or General Manager.

A person should not respond to a question that falls outside their area of expertise or knowledge. Advice from the appropriate area within the Council to develop a response should be sought via the Senior Communications Officer.

It is recognised that sometimes, it might be appropriate to share information based on personal and professional experience (eg. in seminars or training programs). In doing so a person should make sure that if they share their experiences, they do not breach the confidentiality of the Council's information or the privacy of other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use, including social media).

## **11. Legislation and Related Standards**

*Local Government Act 1993*

Meander Valley Council – Councillor Code of Conduct

## **12. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 56: Sport and Recreation Venues Pricing

## POLICY MANUAL

<b>Policy No. 56</b>	<b>Sport and Recreation Venues Pricing</b>
<b>Purpose</b>	The purpose of this Policy is to provide a consistent philosophy to pricing the use of sport and recreation grounds and facilities.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Patrick Bessell, Community Facilities Officer
<b>Council Meeting Date</b>	14 June 2022
<b>Minute Reference</b>	119/2022
<b>Next Review Date</b>	<b>June 2026</b>

### POLICY

#### **1. Definitions**

<i>Sport and Recreation Venues</i>	Includes sport and recreation facilities and grounds which are used for activities such as Australian football, badminton, basketball, cricket, dance, darts, drama, films, martial sport, netball, soccer, squash, table tennis, tennis and touch football.
<i>Recreation Grounds</i>	Includes parklands, sports fields, reserves, Council land provided by the Council for the purpose of recreation.
<i>Lease</i>	A contract under which an agreed fee is paid by a tenant (or lessee) granted exclusive use of ground and/or facility for an agreed period.
<i>Licence</i>	An agreement for permission to enter and use grounds and/or facilities for an agreed purpose for a stated period in exchange for an agreed fee. The licensee does not have exclusive use of the reserve or facility. The Council is able to allocate other user groups or allow the general public to use the reserves and/or facilities at other times.
<i>Regular Hire</i>	A group, individual or organisation that hires a recreation ground or facility on an ongoing basis for a specified minimum number of bookings.

<i>Casual Hire</i>	A group, individual or organisation that hires a recreation ground or facility for casual one-off or specific occasions.
<i>Community Organisation</i>	A not for profit group (eg. Club/Association) established for the benefit of the community.
<i>Commercial Entity</i>	An organisation or individual conducting activities for the purposes of deriving a financial return to the proprietors or shareholders.
<i>Special Committee of Council</i>	Comprises a Chairperson, Secretary and Treasurer and community/council members who are responsible, in conjunction with the Council, for the upkeep and maintenance of the facility/ground for which it has been appointed.
<i>Junior Participants</i>	Sport and recreation participants aged up to 18 years.
<i>Female Participants</i>	Sport and recreation female participants aged 18 years and older.
<i>Inclusion Participants</i>	Sport and recreation by participants with a disability aged 18 years and older and senior aged participants (65 years +).

## **2. Objective**

This Policy intends that users of recreation grounds and facilities have transparent information regarding how much they are required to pay and what they are paying for. The Council is committed to the following objectives:

1. to establish principles for the determination of fees and charges based on support levels for leased, licensed, regular and casual hire of council owned or managed recreation grounds and recreation facilities.
2. to ensure the accountability to the community through an equitable and transparent pricing structure.
3. to provide an efficient and joint management tool in the allocation, maintenance and operation of the Council's recreation grounds and recreation facilities.
4. to promote the level of responsibility of user groups so that recreation grounds and recreation facilities receive optimum use and ratepayers do not bear the whole cost.
5. to provide the incentive for more diverse and joint use of fewer grounds and facilities so that the Council's resources are effectively used.
6. to categorise recreation grounds and recreation facilities for casual/non-regular users and define them in terms of the benefits received by users and the rest of the community (refer to *Sports Grounds/Facilities for Casual Users Classifications* within the Recreation Pricing Policy Guidelines).

This Policy also provides the basis and principles from which the more detailed Meander Valley Council *Sport and Recreation Venues Pricing Policy Guidelines* (the Guidelines) have been developed. The specific detail about how fees for users will be determined and implemented is contained within the Guidelines.

### **3. Scope**

This Policy applies to all users, hirers and occupiers of the Council's sport and recreation grounds and facilities.

The Policy does not include the Council's aquatic facilities.

### **4. Policy**

#### ***Principles***

The Council will be guided by the following principles when determining hire charges and rents:

1. charges are for a specific use on a specific date.
2. user groups should contribute towards the cost of grounds/facilities provided by the Council so that ratepayers do not bear the full cost.
3. hire charges for grounds use by regular seasonal users will be based on a per team charge that is initially set for a period of four years to coincide with policy review and which is then adjusted for CPI or as determined by the Council and approved annually by Council.
4. hire charges for grounds use for casual users will be initially set for a period of four years to coincide with policy review and which is then adjusted for CPI or as determined by the Council and approved annually by Council.
5. hire charges/rents for facilities will be based on a fixed percentage rate of return (11%) for regular users for all facilities and taking account of the average of the previous five years operating, maintenance and depreciation costs. The charges will thus reflect the quality of the facilities, services provided, the nature and pattern of use and the ability of user groups to pay and the terms of any lease agreements with the Council. The charge/rent is initially set for a period of four years to coincide with policy review and is then annually adjusted for CPI or as determined by the Council and approved annually by Council.
6. user groups are encouraged and rewarded for sharing facilities, encouraging new more diverse user groups and new uses, introducing new recreation and sports and involvement in the management, operation, maintenance and clean up responsibilities.
7. responsibilities must be clearly developed in conjunction with user groups and communicated at appropriate times (eg. at Annual General Meetings to new office bearers).
8. if sport and recreation facilities are already provided to the public by the private sector at a reasonable and competitive price with professional, semi-professional or commercial interests in place, then the Council's hire charges at relevant locations shall compete on a commercial market basis and recover the highest level of operation and maintenance costs in a similar manner to that calculated by the competing service.

9. leased facilities will be administered according to the terms and conditions set out in the leases while supporting the community based not for profit organisations as per the pricing policy.

### **Facility Categories**

All outdoor sport and recreation grounds will be categorised according to their level of amenity for the purposes of managing usage by hirers. The charge will reflect the category of the facility/ground. The associated facilities at the outdoor recreation grounds are subject to any lease arrangements in place.

### **Concessions**

Based on the value the Council places on support to junior participation, non-traditional users and innovative scheduling the following concessions will be provided on the hire charges for ground usage only:

10. junior only sports and recreations supported by parental/volunteer administration – 50%.
11. female and inclusion the provision of non-traditional or new recreational opportunities – 50%.
12. off peak use (to be defined by facility manager or management committee, but normally between 9am and 3pm weekdays) which encourages increased use of facilities by enabling better programming of activities – 25%.
13. the participation concessions can be cumulative up to a maximum of 75%.

Based on the value the Council places on self-reliance the following concession will be provided by the Council's Officers on the hire/rent charges for facility usage only:

14. the value of any maintenance by the user group expressed as a percentage within the total Operations and Maintenance costs – up to 25%.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 60: Asset Management

## POLICY MANUAL

<b>Policy No. 60</b>	<b>Asset Management</b>
<b>Purpose</b>	The purpose of this Policy is to set guidelines for implementing consistent asset management processes throughout the organisation.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Rob Little, Asset Management Coordinator
<b>Council Meeting Date</b>	12 March 2024
<b>Minute Reference</b>	034/2024
<b>Next Review Date</b>	<b>February 2028</b>

### POLICY

#### 1. Definitions

<i>Infrastructure Assets</i>	Physical assets that provide services to our community and contribute to meeting the needs of organisations or the need for access to major economic and social facilities and services. Typically fixed in place, large, interconnected networks or portfolios of composite assets with long lives.
<i>Maintenance</i>	All actions necessary for retaining an asset as near as practicable to its original service condition, excluding rehabilitation or renewal to ensure the asset reaches its expected useful life.
<i>Renewal</i>	Is work to restore or replace an existing asset to its original service potential and capacity.
<i>Asset Upgrade</i>	Improvements undertaken to an existing asset, or replacement of an existing asset, to provide a higher level of service.
<i>New Asset</i>	Assets that re created to meet additional service level requirements.

<i>Whole of Life</i>	Includes all costs associated with the ownership of an asset that allows it to continue to function and meet service needs over its life including planning/creation, operations, maintenance, depreciation, renewal and disposal. If asset planning is limited to a single phase such as creation, decisions may not take into account long-term issues. Whole of life is also referred to as Life Cycle Cost.
<i>Service Levels</i>	A core part of the Council's activities is providing services for our community. Assets assist with the delivery of many of these services. Service levels are to be agreed through consultation with our community. They can be considered in terms of utilisation, function, condition, safety, cost, capacity, reliability and availability.

## **2. Objective**

The objectives of this Policy are to:

To ensure the provision and management of the Council's infrastructure assets are undertaken in a financially sustainable manner, with the appropriate levels of service to customers and the environment consistent with the Council's Community Strategic Plan.

To support the development and implementation of the Council's:

- Asset Registers and Asset Management Plans;
- Long Term Strategic Asset Management Plans; and
- Long Term Strategic Financial Management Plan.

To promote and support sustainability, community resilience, climate change adaptation and mitigation as part of strategic planning, service delivery and asset provision.

## **3. Scope**

This Policy has application to all the Council's activities.

## **4. Policy**

The Council is committed to implementing a systematic asset management methodology in order to deliver the Community Strategic Plan objectives and appropriate and affordable services for our current community and future generations.

Sustainable service delivery ensures that services are provided in a socially, economically and environmentally responsible manner in such a way that does not compromise the ability of future generations to make their own decisions regarding future services and service levels.

Asset management practices impact directly on the core business of the Council and appropriate long term strategic asset and financial management is required to achieve the Council's strategic and sustainable service delivery objectives. This is achieved through integrating customer values, priorities and an informed understanding of the trade-offs between risk, cost and service performance.

### **Principles**

The Council's sustainable service delivery needs will be met by ensuring adequate provision is made for the long-term planning, financing, operation, maintenance, renewal, upgrade and disposal of capital assets by:

1. ensuring that the Council's infrastructure assets are provided in a manner that respects financial, cultural, economic and environmental sustainability;
2. compliance with all applicable legislative and regulatory requirements;
3. demonstrating transparent and responsible asset management processes that align with industry best practices;
4. implementing outcomes from the Council's Long Term Strategic Asset Management Plan and Asset Management Strategy and providing sufficient financial resources to accomplish them through the following actions:
  - a. Asset Management Plans completed for all major service areas;
  - b. expenditure projections from Asset Management Plans incorporated into the Council's Long-Term Financial Plan;
  - c. regular and systematic reviews applied to all asset plans and supporting asset register data to ensure assets are managed, valued and depreciated in accordance with appropriate best practice;
  - d. regular inspections used as part of the asset management process to ensure agreed service levels are maintained and to identify asset renewal priorities;
  - e. asset renewals required to meet agreed service levels and identified in adopted Asset Management Plans and the Long Term Financial Plan, will form the basis of annual budget estimates with the service and risk consequences of variations in defined asset renewals and budget resources documented;
  - f. future life cycle costs will be reported and considered in all decisions relating to new and upgraded services and assets and gifted assets;
  - g. future service levels with associated delivery costs determined in consultation with the community. Demand for new or improved services should consider the balance of community expectation and affordability;
  - h. ensuring necessary capacity and other operational capabilities are provided and asset management responsibilities are effectively allocated;
  - i. creating a corporate culture where all employees play a part in the overall delivery and operation of the Council's assets by providing necessary awareness, training and professional development;
  - j. providing for our current customers and for future generations services they are willing and able to pay for;
  - k. considering risk management principles in relation to asset management and impacts to service delivery;
  - l. promoting sustainability and community resilience;
  - m. planning for climate change adaptation and mitigation.

## **Roles**

Councillors determine outcomes of the Council to meet strategic objectives based on the Council's vision and values to meet our community's needs. Councillors are responsible for the adoption of the Asset Management Policy and for ensuring that resources are appropriately allocated to ensure sustainable service delivery.

The General Manager is responsible for ensuring the delivery of the organisation's Asset Management Strategy and Plans and for maintaining systems to ensure that the Council's resources are appropriately utilised to address the organisation's strategic objectives.

The Director Infrastructure Services is responsible for the delivery of asset management by the implementation of the Asset Management Policy, Strategic Asset Management Plan and Asset Management Plans, reporting on the status and effectiveness of asset management within the Council.

The Director Works is responsible for the delivery of agreed service levels to the community through delivery of capital works and through routine operation of the Council's assets.

## **5. Legislation and Related Standards**

*Local Government Act 1993 (section 70C)*

*Ministerial Orders – Local Government (Content of Plans and Strategies) Orders 2014*

Meander Valley Council Policy No. 1: Risk Management

Meander Valley Council Policy No. 78 – New and Gifted Assets

Meander Valley Council Policy No. 91 – Climate Change Mitigation and Adaptation

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 62: Adhesion Orders

## POLICY MANUAL

<b>Policy No. 62</b>	<b>Adhesion Orders</b>
<b>Purpose</b>	The purpose of this Policy is to clarify the Council's position with respect to requests for adhesion orders.
<b>Department</b>	Development Services
<b>Author</b>	Krista Palfreyman, Acting Director
<b>Council Meeting Date</b>	10 September 2024
<b>Minute Reference</b>	124/2024
<b>Next Review Date</b>	<b>September 2028</b>

### POLICY

#### **1. Definitions**

*Adhesion Order* Is an order of the Council that the parcels comprised in the block subject to the order are not to be dealt with so that they come into the possession of different persons for an estate of freehold at law or in equity or for a term at law or in equity of three years or more.

#### **2. Objective**

To outline the basis on which the Council may or may not issue adhesion orders.

#### **3. Scope**

This Policy applies to all requests for adhesion orders.

#### **4. Policy**

##### *Approval of Application for Adhesion Order*

The Council may grant an adhesion order where the requirements of section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) are met.

This would occur where two more adjoining lots are involved and held in common ownership and at least one lot is of a sub-minimal size according to the minimum lot size requirements of the zone under the Tasmanian Planning Scheme – Meander Valley. *Note: section 110(2) of the Act also outlines circumstances where approval could not be given.*

### ***Removal of Adhesion Orders***

The Council will only approve the removal of an adhesion order if such application to the Council is accompanied by a development application for subdivision in accordance with the Planning Scheme.

### ***Refusal of Application for Adhesion Orders***

Where the requirements of section 110 of the Act cannot be met, the application for an adhesion order will be refused. In these circumstances and where a Part 5 agreement is not appropriate, the Council will require the applicant to make an application for subdivision in accordance with *the Land Use Planning and Approvals Act 1993*.

## **5. Legislation and Related Standards**

*Local Government (Building and Miscellaneous Provisions) Act 1993*

*Land Use Planning and Approvals Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

# Policy No. 66: Security for Incomplete Works in Subdivisions

## POLICY MANUAL

<b>Policy No. 66</b>	<b>Security for Incomplete Works in Subdivisions</b>
<b>Purpose</b>	The purpose of this Policy is to outline the application of security in relation to incomplete works in subdivisions.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Dino De Paoli, Director
<b>Council Meeting Date</b>	9 May 2023
<b>Minute Reference</b>	116/2023
<b>Next Review Date</b>	<b>May 2027</b>

### POLICY

#### **1. Definitions**

<i>Security</i>	Bond and cash, or bond and bank guarantee.
<i>Incomplete Works</i>	All subdivision works associated with roads, stormwater drainage, footpaths, driveways, public lighting and earthworks, that have commenced but are yet to be completed, or are not constructed to the Council's standard.

#### **2. Objective**

The objective of this Policy is to ensure infrastructure and associated works are completed in subdivisions at an appropriate point in time.

#### **3. Scope**

The Policy shall apply to all approved subdivision applications.

#### **4. Policy**

1. No security will be accepted in lieu of the works being completed unless extenuating circumstances or engineering justifications are accepted by the Director Infrastructure Services.

2. Where security is accepted by the Council, the developer will be required to lodge security before the final plan is sealed by the Council. In addition, the following conditions will apply:
  - a. the developer will be allowed six months to complete the works or at an approved point in time as set by the Director Infrastructure Services. If the outstanding works are not completed to the satisfaction of the Council's Director Infrastructure Services within the required timeframe, the security may be called in to allow the Council to complete the outstanding works, subject to site specific circumstances.
  - b. the value of the security will be an amount equivalent to the estimated cost of outstanding works plus 50% to cover costs related to indexation of works, the Council's management costs and other unforeseen costs.
  - c. the estimated cost will be as approved by the Council and determined using the tendered rates for the project, the Rawlinson's Construction Cost Guide or another method for costing of civil infrastructure works.
  - d. sealing of the subdivision plan will be subject to the consent of all other relevant authorities.
  - e. payment of an application and processing fee to the Council for approval of bonds for incomplete subdivision work.

## **5. Legislation and Related Standards**

*Land Use Planning and Approvals Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

*Local Government (Highways) Act 1982*

*Urban Drainage Act 2013*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 67: Personal Information Protection

## POLICY MANUAL

<b>Policy No. 67</b>	<b>Personal Information Protection</b>
<b>Purpose</b>	The purpose of this Policy is to set out the Council's approach to managing, handling and protecting the personal information of customers.
<b>Department</b>	Governance
<b>Author</b>	Jacqui Parker, Coordinator Governance
<b>Council Meeting Date</b>	12 July 2022
<b>Minute Reference</b>	162/2022
<b>Next Review Date</b>	<b>June 2025</b>

### POLICY

#### **1. Definitions**

<i>Personal Information</i>	Has the meaning given in section 3 of the <i>Personal Information Protection 2004</i> , as amended from time to time.
<i>Sensitive Information</i>	Has the meaning given in section 3 of the <i>Personal Information Protection 2004</i> , as amended from time to time.

#### **2. Objective**

The objective of this Policy is to set out the Council's position on management of any personal information collected by the Council and to briefly explain how the Council incorporates the Schedule 1 principles of the *Personal Information Protection Act 2004* (the Act).

#### **3. Scope**

This Policy applies to all employees, elected members and contractors of the Council.

This Policy covers personal information that is collected, retained, stored and used by the Council where it is necessary for one or more of the Council's functions or activities.

This Policy relates to any information collected, retained, stored or used by the Council which falls under the definition of personal information, including sensitive information.

## **4. Policy**

### ***Intent***

The Council will only collect, use and disclose of personal information as required to perform its functions and activities, and as permitted or required by law. All the Council's staff, elected members and contractors handling such information collected by the Council will be trained in their responsibilities in this regard.

### ***Collection of Information***

The Council carries out a number of functions and activities within the community. These are established either by Council policy and decision-making, principles of good governance, or determined by the *Local Government Act 1993* and other legislation. The Council is also able to enact its own by-laws from time to time.

Personal information is only collected by the Council where it is necessary and appropriate for the execution of the Council's legitimate functions.

The type of personal information generally collected by the Council includes names, addresses and telephone numbers of its customers.

Where necessary, additional personal information may also be requested or required to, support the Council's commitment to providing an effective service to its customer and stakeholders, or to deliver a specific type of service. Examples could include:

- a customer providing extra information to the Council about a disability, to assist with an enquiry about accessibility.
- a Council requirement for copies of specific documents (eg., Health Care Card) to support an application for a concession.
- a request to answer signposted health questions for workplace health and safety reasons.
- a legal requirement for proof of identity or other personal information or documents, where required under legislation or as a matter of good governance.

The Council is committed to respecting the privacy of all individuals who provide personal information to the Council. It is important that personal information held by the Council is accurate, complete and up-to-date to the extent that is practicable.

The Council will not collect sensitive information only with the person's express consent, unless the collection of that information is required by law.

### ***Anonymity***

If a person is making an enquiry of the Council, there is no requirement to identify themselves. However, identification may be a factor determining the level of service or amount of information that can be provided to the customer.

The Council will, for example, require identification from customers in circumstances such as the following:

- a specific rather than general enquiry made of the Council;
- updating or changing a customer's personal information or property records;
- a request to use a Council facility or other service; and
- any dealings related to an application submitted to the Council.

### ***Access to and Correction of Information Collected***

The Act provides that a person can access personal information about them that is held by the Council. A person who considers the personal information incorrect, incomplete, out-of-date or misleading can request it be amended. Depending upon the nature and volume of work involved with the request, a fee may be charged for this service.

### ***Use and Disclosure of Personal Information***

The Council:

- will only use personal information for the purposes for which it was collected unless with the consent of the person or if required or authorised by law.
- will not reveal personal information to third parties outside the Council for their independent use unless authorised to do so, or the disclosure is required by a Court or Tribunal or otherwise allowed by law.
- will not sell, trade or make available personal information to others for any commercial or other reason not permitted by law.
- will only disclose *basic personal information* (that is, name, address, date of birth and gender) to other public sector bodies in accordance with the *Personal Information Protection Act 2004*, where necessary for the efficient storage and use of information, and where this would not constitute an unreasonable or inappropriate disclosure of information.
- where appropriate, will provide personal information for research, statistical analysis, state or national reporting purposes, awareness programs, public statements or training. Such information will be de-identified prior to its release.
- may disclose personal information taken from written submissions received on a policy matter, or in a matter of public consultation that may result in the release of a public report. Where a submission contributor has specifically requested that the Council keeps their personal information confidential, the Council will respond by confirming whether that submission can be accepted wholly or partly and if so, what information must be included for it to be considered as part of the policy matter or consultation process. A contributor may elect to withdraw their submission if an agreement cannot be reached on an appropriate level of disclosure.
- may keep a public archival record of the name and the suburb or town of residence for each attendee at a public meeting, including an Ordinary or Special Council Meeting, unless otherwise requested and agreed upon by the General Manager.

### ***Security of Personal Information***

The Council uses a number of procedural, physical and technical safeguards, including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

The Council's Officers and elected representatives are only provided with access to the information that is necessary for them to carry out their functions within the Council. Formal training and an appropriate level of supervision and oversight is provided to all employees and elected representatives, including routine reminders about workplace conduct expectations and governance structures that apply to officers and Councillor when handling personal or sensitive information of any kind.

Generally, information is destroyed or permanently de-identified when no longer required. Some information is retained for specified periods or permanently under provisions of the *Archives Act 1983*.

### ***Concerns and Complaints***

The Council is committed to working to resolve any concerns or complaints regarding its collection, handling and management of personal information effectively.

Any person wishing to raise concern or a complaint about the collection, handling or management of their personal information. The Council's Customer Service Charter is published on the Council's website and available for inspection at the Council offices.

Complaints can also be lodged externally with the Tasmanian Ombudsman.

A complaint about a specific Councillor's use or handling of personal information may be captured by the Meander Valley Code of Conduct for Councillors. Further information about the Code, including forms and information about how to lodge a complaint, is available on the Department of Premier and Cabinet website.

## **5. Legislation and Related Standards**

*Personal Information Protection Act 2004*  
*Right to Information Act 2009*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 68: Writing Off Debts

## POLICY MANUAL

### Policy No. 68

### Writing Off Debts

#### Purpose

The purpose of this Policy is to meet the requirements of section 22(2)(ba) of the *Local Government Act 1993* by describing the circumstances and procedure for writing off bad debts.

#### Department

Corporate Services

#### Author

Jonathan Harmey, Director

#### Council Meeting Date

9 August 2022

#### Minute Reference

159/2022

#### Next Review Date

August 2026

### POLICY

#### 1. Definitions

##### *Property Debts*

Are debts charged against a property.

##### *Sundry Debts*

Are debts that are not charged against a property.

##### *Bad Debt*

Are a debt that is no longer considered recoverable and the debtor will not be pursued further.

#### 2. Objective

To improve administrative efficiency by enabling the General Manager or their delegated officer to write off bad debts.

#### 3. Scope

This Policy applies to the General Manager or their delegated officer.

#### 4. Policy

A bad debt, whether property or sundry, may be written off by the General Manager or their delegated officer where:

- (a) the debt is equal to or less than \$2,000; and
- (b) a reasonable effort has been made to recover the debt; (with the exception of clause 4(c)(iv); and

- (c) the cost of attempting to recover the debt would exceed the debt owed to the Council and there is little likelihood of recovering the debt because:
  - i. the debtor cannot be located; or
  - ii. the debtor is not in a financial position to be able to garnishee their income; or
  - iii. the debtor has no assets that may be recovered in lieu of the debt; or iv. Interest has been accrued on a Property Debt through an administrative error by the Tasmanian Government, property conveyancer or a Council Officer.

A briefing report for the information of Council shall be provided every three months by the General Manager detailing each write off of a bad debt under delegation indicating:

- (a) the value of the debt;
- (b) the type of debt;
- (c) how long it has been outstanding;
- (d) the actions that have been taken to attempt to recover the debt; and
- (e) the reasons for writing off the debt.

Any bad debts of over \$2,000 will be referred to Council for decision.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Corporate Services.

# Policy No. 71: Investment of Surplus Council Funds

## POLICY MANUAL

<b>Policy No. 71</b>	<b>Investment of Surplus Council Funds</b>
<b>Purpose</b>	The purpose of this Policy is to provide guidelines for the investment of surplus funds of the Council.
<b>Department Author</b>	Corporate Services Craig Davies, Director
<b>Council Meeting Date Minute Reference</b>	13 February 2024 019/2024
<b>Next Review Date</b>	<b>February 2028</b>

### POLICY

#### **1. Definitions**

<i>Surplus Council Funds</i>	Funds that are not required to be expended in the course of normal operations of the Council.
<i>Working Capital</i>	The amount of funds available to meet the Council's financial obligations when they fall due.
<i>Authorised Deposit Taking Institution</i>	A body corporate in relation to which an authority under subsection 9(3) of the <i>Banking Act 1959</i> (No. 6 of 1959 as amended) is in force.
<i>Investment Arrangement</i>	An arrangement that relates to acquiring, consolidating, dealing with, or disposing of certificates of deposit, bonds or notes issued or proposed to be issued.

#### **2. Objective**

The objective of this Policy is to ensure that the best possible rate of return is achieved from the investment of surplus funds of the Council whilst, at the same time, ensuring the security of those funds and maintaining sufficient working capital to support the operations and capital program requirements of the Council.

#### **3. Scope**

This Policy applies to all investments of surplus funds of the Council.

#### **4. Policy**

1. The level of the Council's funds available for investment is to be reviewed at least weekly. During the review process likely cash inflows and outflows for the immediate future will be assessed to establish either the availability of surplus funds or the need to redeem existing investments.
2. The Council will target a cash buffer to the equivalent of three – six months, based on the cash expenses cover ratio in line with the Tasmanian Audit Office benchmark for adequate cash cover. These funds will be kept between cash at bank, at call funds and term deposit investments. Sufficient funding will be available in cash at bank and at call fund to allow the Council to undertake its operations and meet its obligations. The maturity timing of term deposit investments will match predicted cash flow requirements.
3. Funds may be deposited with any Commonwealth, State or Authorised Deposit Taking Institution. To control the overall credit quality of the deposits, the following maximum holding limits will apply:

<b>S&amp;P Long Term Credit Rating *</b>	<b>Maximum % holding</b>
AAA to AA-	100%
A+ to A-	70%
BBB+ to BBB-	70%
Not Rated	30%

\* or equivalent

4. Where surplus funds are available the following procedures will apply:  
Not less than two quotations shall be obtained from authorised deposit-taking institutions whenever an investment arrangement is proposed. The best quote of the day will be successful after allowing for credit rating, timing of investment return, administrative and banking costs.

An *Investment of Surplus Funds Form* is to be completed which will include the following information:

- amount of cash to be invested;
- the duration of the investment;
- details of products, including security (ie. S&P rating, State or Commonwealth) and interest rates offered by the institutions approached;
- name of the institution and product selected; and
- endorsement of the selection by any two of the following the Council's Officers - the Team Leader Finance, the Director Corporate Services and the General Manager.

5. An investment register will be maintained with all movements, which will include:
  - a list of all investments in the Council's investment portfolio
  - current rate of return on individual investments
  - credit rating of institution
  - percentage of total portfolio allocation with each institution
  - maturity dates

Reporting on cash and investments will be tabled at Council Meetings on a quarterly basis.

## **5. Legislation and Related Standards**

*Local Government Act 1993 (sections 64 and 75)*

*Banking Act 1959*

Meander Valley Council Financial Management Strategy

Meander Valley Council Annual Plan and Budget Estimates

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Corporate Services.

# Policy No. 72: Approval to Occupy Road Reserves

## POLICY MANUAL

**Policy No. 72**

**Approval to Occupy Road Reserves**

**Purpose**

The purpose of this Policy is to establish a basis for the approval and controlled management of occupation of the Council's road reserves for street dining, sale of goods, minor structures, skip bins or business signs within townships.

**Department**

Infrastructure Services

**Author**

David Murray, Director

**Council Meeting Date**

10 September 2024

**Resolution Number**

127/2024

**Next Review Date**

**September 2028**

### POLICY

#### **1. Definitions**

*Occupation Licence*

A licence issued by the Council to occupy a portion of the road reserve.

#### **2. Objective**

To support business development and growth through the controlled occupancy of the Council's road reserves and provide a basis for the assessment of licence applications.

#### **3. Scope**

This Policy applies to all road reserves within the municipality for which the Council is responsible.

#### **4. Policy**

- a. The Council will support street dining, sale of certain goods, operation of mobile food vans, skip bins and minor non-permanent structures in areas of the road reserve subject to assessment of associated risks.
- b. The assessment of applications for road occupancy will be undertaken in line with legislative requirements, sound risk management processes and prioritise public safety.

- c. Generally, licenses will be issued by the Council for a 12 month or 24 month period depending on the nature of the occupancy.
- d. The Council may terminate or amend a licence should:
  - i. a safety incident occur or is likely to occur, or
  - ii. a significant nuisance is caused, or
  - iii. the licensee fails to comply with occupancy guidelines.
- e. Licence holders must hold public liability and products liability insurance cover in accordance with the guidelines for the duration of the licence period.
- f. Guidelines for Policy No. 72 should be read in conjunction with this Policy.

## **5. Legislation and Related Standards**

*Local Government (Highways) Act 1982*

*Traffic Act 1925*

*Vehicle and Traffic Act 1999*

*Road Rules 2019*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.



## *Infrastructure*

For the purposes of this Policy, infrastructure includes the following:

- roads;
- stormwater including water sensitive urban design;
- water and sewerage;
- pedestrian and cycle networks;
- power; and/or
- telecommunications.

## **2. Objective**

The objectives of this Policy are to provide:

- parameters for the Council to apply when considering investing in new infrastructure required to augment an industrial development.
- the Council with the flexibility to consider the merits of each proposal and is, therefore, not intended to be definitively prescriptive.
- appropriate risk management mechanisms and controls required to manage the Council's financial exposure and risk to such developments.

## **3. Scope**

The Policy is applicable only to industrial land development.

## **4. Policy**

Where it is in the public interest and it is financially sound to do so, the Meander Valley Council may finance the provision of shared infrastructure for the purposes of enabling industrial land development where contributions from more than one landowner is required.

In determining the need for the Council to enter into an agreement to facilitate industrial land development, the Council will consider the supply and demand circumstance within the area concerned and must be satisfied there is demand for industrial land that underwrites the Council's expected ability to recoup any investment.

Any recommendation to Council for financing under this Policy must be informed by due diligence in respect of the land tenure, substantiation from utility providers, financial advice of landowners and developers, cost of capital and confirmation of proposed landowner Contributions payment terms to the Council.

## **5. Explanations and Relevant Considerations**

In instances where there is more than one landowner/developer involved in an industrial land development, the Council may be required to provide shared infrastructure supported by arrangements that achieve an agreed equitable contribution from developers to the cost of infrastructure.

In determining whether or not to support the development of industrial land under this policy, the Council should consider:

a. *Risk*

In committing to the provision of shared infrastructure, the Council may be taking on substantial financial risk and will apply appropriate due diligence to ensure this financial risk is acceptable to the Council and that there is a demonstrated public benefit.

The risk of a particular development is the cost of providing Infrastructure and the length of time it will take for the Council to recoup Landowner Contributions from the development, hence an assessment of immediate and medium-term demand for industrial land in the subject area is essential.

b. *Basis for Investment*

As a guide, the Council should only consider providing head works infrastructure where there is more than one landowner. Where there is only one landowner and the developer is reluctant to put in the required head works infrastructure, then the Council should carefully consider the risk of default of landowner contribution payments.

c. *Total Investment Costs*

The Council's total cost of investment includes all Infrastructure costs, cost of capital and management of Infrastructure contracts.

d. *Cap on Investment*

The Council's investment in any required infrastructure is capped at the lesser of the annual borrowing limit approved by State Treasury for the current financial year or 100 percent of the annual general rate in the current year less any outstanding debt under this Policy and Policy No. 87: Hadspen Urban Growth Area Development.

e. *Recoupment of Investment*

The Council will recoup 100 percent of its investment in the development through landowner contributions to the Council.

The timing of the contributions back to the Council will be determined at the discretion of the Council based upon projected revenues from the development and the extent to which the Council needs to provide a stimulus to the development.

- i. the developer contributions can either be recouped 100 percent from the initial developer or spread between the original developer and subsequent developers;
- ii. notwithstanding the above, a minimum of 50 percent of the Council's investment will be recouped from the initial developer(s); and
- iii. the time frame to recoup the Council's investment will not exceed 15 years.

Having determined the timing of the contributions, the Council will recoup its investment by the following mechanisms:

- iv. a *Part 5 Agreement* under section 71 of the *Land Use Planning and Approvals Act 1993* with payment of the Landowner Contributions being payable proportionately on the sealing of the final plan; and/or
  - v. conditions on a planning permit with payment of the per lot developer contribution being payable on the issuing of the *Certificate of Occupancy* signifying commencement of the use.
- f. *Calculation of Landowner Contribution*  
The contribution will be apportioned on a per square metre basis of the saleable land and applied to each lot in the proposed subdivision proportionately.
- g. *General Rates Incentive*  
To continue to encourage industrial development, the initial landowner will be provided with the following rate subsidy:
- i. a grant will be paid by the Council representing the differential between the rates (on a per hectare basis) on the land prior to the development and the subsequent rates per the revaluation as a result of subdivision. This grant will be available to the initial developer only and be available for a period of three years from the date of the sealing of the plan for the creation of the new lot(s).
  - ii. the Council, at its sole discretion, may extend the grant beyond the three year period at its discretion and only in circumstances where the economic climate indicates the need for further incentive or rate relief and where a representation is made in writing by a developer and a case for extension is presented.
  - iii. this subsidy will only apply where land has been rezoned to industrial use and is subsequently subdivided into multiple lots.

## **5. Legislation and Related Standards**

*Land Use Planning and Approvals Act 1993*

*Local Government Act 1993*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 77: Rates and Charges

## POLICY MANUAL

### Policy No. 77

### Rates and Charges

#### Purpose

The purpose of this Policy is to outline the principles that the Council intends to apply in exercising its powers, or performing its functions, under Part 9 – Rates and Charges, of the *Local Government Act 1993*.

#### Department

Corporate Services

#### Author

Craig Davies, Director

#### Council Meeting Date

13 August 2024

#### Minute Reference

111/2024

#### Next Review Date

**August 2028 or otherwise in accordance with section 86B(4) of the *Local Government Act 1993***

## POLICY

### 1. Definitions

As detailed in the *Local Government Act 1993* Part 9 Rates and Charges

#### *Rates*

Constitute taxation for the purposes of local government rather than a *fee for service* are based on the value of rateable land (property) and/or a fixed charge levied on land on an equal or proportional basis to recover the cost of services provided or made available to that land.

### 2. Objective

- To inform the Meander Valley Council ratepayers and the general community of the principles that the Council intends to apply when setting the annual rates and charges under the *Local Government Act 1993* (the Act), Part 9 – Rates and Charges.
- To maintain a sustainable rates system that provides revenue stability and supports a balanced budget to avoid placing the burden of current expenditure on future generations.
- To ensure that all Councillors and staff work together and have a consistent understanding of the Council's long term revenue goals.

### **3. Scope**

This Policy applies to all Councillors and staff involved in making decisions concerning the making of rates and charges.

### **4. Policy**

#### **1. Principles**

The Council will raise revenue sufficient for the purpose of governance and administration of its municipal area and to provide for appropriate infrastructure and services for the community. Rates are the major source of the Council's revenue providing approximately 50% of annual income.

Examples of the infrastructure and services provided are listed below. They are typically those that would not be provided by the private sector:

- local roads, bridges, footpaths and drainage;
- street lighting and cleaning;
- urban stormwater disposal services;
- waste and recycling collection and disposal;
- provision of waste management facilities
- public halls and community centres;
- maintenance of parks, playgrounds, sportsgrounds and swimming pools;
- youth services;
- community development and events;
- regulatory and compliance activities for public and environmental health, animal control, statutory planning, building and plumbing control; and
- emergency services.

Rates (including service rates) constitute taxation for the purpose of local government rather than a fee for service. All ratepayers receive benefits from paying rates but those benefits are consumed in different quantities and types over the lives of the ratepayer. As rates are a method of taxation, the total amount of rates paid may not directly relate to the services, infrastructure or facilities used by each ratepayer. The General Rate is a *progressive* tax, applied to the Land, Capital or Assessed Annual (rental) Value of property. While a service charge is fixed it may differ between properties and in various parts of the municipal area depending on the type and level of service provided or made available and the circumstances in a particular area.

When making rating decisions, the Council will give consideration to the following principles that apply to the imposition of taxes on communities:

- capacity to pay – the ability of the taxpayer to pay the tax is taken into account. The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.
- benefit – all taxpayers receive some benefit. The Council balances capacity to pay with the benefit principle, acknowledging that there are some services that benefit the community as a whole, so everyone should contribute.

- simplicity – relates to how easily the tax is understood, the certainty of application and its ease of collection. Council rates should, where possible be levied on a consistent basis and minimise variation in application across different Land Use Classes sustainability – the tax system should grow in line with the needs of changing expenditure, taking into account changes in economic growth and demographic changes. The Council will raise sufficient rates to meet current and future spending needs, to provide revenue stability and to support a balanced budget to avoid placing the burden of current expenditure on future generations.
- economic efficiency – relates to the effect of the tax on the behaviour of the taxpayers. Rates are considered to be generally efficient because they have a limited effect on a decision to buy a property. The efficiency of rates as a tax, however, can be distorted by an abnormal rise or fall in property values affecting the valuation base. The Council will consider varying the General Rate to manage these circumstances, if and when they arise.

The Council's practices and decisions in setting rates and charges are underpinned by:

- the statutory obligations as outlined in the Act;
- the objectives outlined in the Council's Strategic Plan;
- the needs and expectations of the community;
- the expected change in prices for goods and services;
- the financial management strategy and long term financial plan; and
- the long term asset management plans.

## 2. Valuation Method Used for Rating

The Council currently has the choice of three valuation bases:

- Land value – value of the property excluding all visible improvements (eg. building structures);
- Capital value – total value of the property including land value;
- Assessed Annual Value (AAV) – gross annual rental value, less GST, council rates and land tax. Legislation stipulates the AAV must not be less than 4% of the capital value.

The *Valuation of Land Act 2001* determines rating authorities are to be provided with a market-based fresh valuation (general revaluation) every six years. Adjustment factors are applied every two years to property valuations when rating authorities are not subject to a revaluation cycle. The adjustment factors help minimise large fluctuations to valuations that can occur between the revaluation cycles.

The Council utilises the AAV basis, which remains the most common method of assessment across Tasmanian Councils. The Council is satisfied with the AAV method and considers it to be the most appropriate most proxy for a ratepayer's capacity to pay. A shift to either land value or capital value would result in pronounced shifts in the apportionment of rates across the municipal area which in turn would lead to pressure for further manipulation of rates through variation or other adjustments to compensate for a valuation base change.

A potential change in rating method to Capital Value or Land Value will be reviewed at each fresh valuation in order to establish the consequential impacts on property owners, the benefits and costs of any change. This will include a review of the implementation of capping for rates increases as a result of a potential change in rating method.

### **3. Levying of Rates**

Rates shall be issued each financial year in accordance with the Act.

#### **3.1. Minimum Amount**

Pursuant to section 90(4) of the Act, the Council sets a minimum amount payable in respect of the General Rate. The primary reason for imposing a minimum amount is to ensure that all rateable properties make a base contribution to the cost of administering the Council's activities and maintaining the services and physical infrastructure that supports each property.

#### **3.2. General Rate Variation**

Pursuant to section 107 of the Act, the Council will consider the variation of the General Rate between different land use classes of properties within the municipal area to compensate for a significant valuation base change occurring from a fresh valuation or biennial adjustment factors. If a council varies a rate, the General Manager must notify the ratepayer in a rates' notice of the rate as varied, of the variation factor used and of the date it takes effect. A ratepayer may only object to a variation in a rate on the basis that the use of the ratepayer's land is not the use of land on which the variation is based.

#### **3.3. Service Rates and Charges**

The Council has waste management service charges to assist to recover the cost of the service from the user through annual charges. The current service charge for Waste Management is based on all properties paying a fixed charge for the cost of providing tips and transfer stations plus an additional variable charge for those properties receiving a kerbside collection. The additional charge for the standard 80 litre mobile garbage bin and one mobile recycle bin, including alternate weekly garbage and green waste collection where provided, is increased where ratepayers opt for larger 140 or 240 litre size mobile garbage bin. Additional service charges are applied where supplementary bins of various sizes are provided.

### **4. Exemptions and Remissions**

#### **4.1. Commonwealth and Crown Land**

Pursuant to section 87(1) of the Act, land that is owned and occupied exclusively by the Commonwealth, certain Crown Land as specified and land owned by the Hydro Electric Corporation is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land.

#### **4.2. Charitable Organisations and Aboriginal Land**

Pursuant to section 87(1)(d) and (da) of the Act, land that is owned and occupied exclusively for charitable purposes and land that is Aboriginal land, within the meaning of the *Aboriginal Lands Act 1995* is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land, however, properties that satisfy the requirements for exemption from rates under section 87(1)(d) and 87(1)(da) will be provided with an exemption from the Fire Service Contribution in accordance with section 81C(1) of the *Fire Services Act 1979*.

#### **4.3. Pensioner and Health Care Card Holder Remissions**

The Council will not provide a remission above the annual grant or subsidy on rates and charges provided by the State Government. To be entitled to apply, the *Local Government (Rates and Charges Remissions) Act 1991* requires that a ratepayer must be an eligible person and must occupy the property as his or her principal dwelling on or prior to 1 July of the rating year (Council will update the Policy to reflect any State Government change this legislative requirement). Under certain circumstances eligible pensioners may be able to claim for the preceding financial year.

#### **4.4. Remissions - section 129(4)**

Pursuant to section 129(4) of the *Local Government Act 1993*, Council, by absolute majority, may grant a remission of any rates payable by a ratepayer or a class of ratepayers.

Council provides a delegation to the General Manager under section 22 of the Act, for the Remission of Rates (and interest) by request of a ratepayer under section 129 of the Act, limited to \$2,000.

### **5. Supplementary Rates**

Pursuant to section 92 of the Act, if during the year a supplementary valuation is made of any land, the Council may adjust the amount payable in respect of any rate or charge for that land for that financial year and will issue a supplementary rates notice resulting from the adjustment. Adjustments will not be made for supplementary valuations received close to year end where it is not practicable to do so except for the purposes of a refund due or rectifying an error.

### **6. Payment of Rates**

Pursuant to section 124 of the Act, the Council permits all ratepayers to pay all rates by four approximately equal instalments instead of by one payment. The Council has opted not to provide a discount for encouraging early payment of rates in full. Instalment due dates are the last business day in August, October, January and March.

An extensive range of payment methods is provided, for example through internet, telephone, mail, direct debit and in person at Australia Post, Service Tasmania or Council's office at Westbury.

## **7. Overdue Rates**

Pursuant to section 128 of the Act, if rates, or any one rates instalment, are not paid on or before they fall due, the Council may impose a penalty not exceeding 10% of the amount owing, and/or charge a daily interest rate determined by the Council in accordance with the formula specified in the Act. The Council has opted not to apply a fixed penalty but to only apply a daily interest charge, which is reviewed each year, at the rate specified in the Act.

The Council supports Meander Valley Council Policy No. 92 - Financial Hardship Assistance, to provide assistance and relief to community members who are suffering financial hardship.

If a ratepayer does not pay the rates on their property, the Council may commence legal action against the ratepayer to recover the outstanding amount. If the Council takes such legal action the ratepayer will also be liable for the Council's legal costs associated with any court action.

Pursuant to section 137 of the Act, if rates are not paid for a period exceeding three years, the Council may sell a property or part of a property to recover the unpaid rates. The Council can sell it by public auction or by direct sale. Decisions to sell a property for recovery of rates will be made on a case by case basis.

If the owner of a property cannot be found, the Council may apply to the Minister to have that property transferred to the Council.

## **8. Objection Rights**

Pursuant to section 123 of the Act, a person may object to a rates notice on the grounds that:

- a. the land specified in the rates notice is exempt from the payment of those rates; or
- b. the amount of those rates is not correctly calculated having regard to the relevant factors; or
- c. the basis on which those rates are calculated does not apply; or
- d. he or she is not liable for the payment of the rates specified in the rates notice; or
- e. he or she is not liable to pay those rates for the period specified in the rates notice.

An objection is to be made in writing within 28 days after receipt of the rates notice and lodged with the General Manager. The General Manager may amend the rates notice as the General Manager considers appropriate or may refuse to amend the notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager fails to amend the rates notice within 30 days after lodging the objection or refuses to amend the notice.

## **9. Policy Review and Legal Status**

Pursuant to section 86B(4) of the Act, the Council must review its rates and charges policy by the end of each successive four year period after 31 August 2012 or when the Council makes a significant change in how it applies rates and charges, whichever is earlier.

Pursuant to section 86B(6) of the Act a rate or charge is not invalid by reason only that it does not conform to the Council's rates and charges policy.

## **5. Legislation and Related Standards**

*Local Government Act 1993 (Part 9 – Rates and Charges)*

Meander Valley Council Policy No. 60: Asset Management

Meander Valley Council Policy No. 92: Financial Hardship Assistance

*Valuation of Land Act 2001*

*Aboriginal Lands Act 1995*

*Fire Services Act 1979*

*Local Government (Rates and Charges Remissions) Act 1991*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 78: New and Gifted Assets

## POLICY MANUAL

<b>Policy No. 78</b>	<b>New and Gifted Assets</b>
<b>Purpose</b>	The purpose of this Policy is to provide guidelines for the Council when considering new and gifted assets.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Rob Little, Asset Management Coordinator
<b>Council Meeting Date</b>	13 February 2024
<b>Minute Reference</b>	022/2024
<b>Next Review Date</b>	<b>February 2028</b>

### POLICY

#### **1. Definitions**

<i>Whole of Life</i>	Includes all costs associated with the ownership of an asset that allows it to continue to function and meet service needs over its life including planning, creation, operations, maintenance, depreciation, renewal and disposal. If asset planning is limited to a single phase such as creation, decisions may not take into account long-term issues.
<i>Forward Works Program</i>	The Council's future capital works and proposed projects which the annual Capital Works Program is developed from.
<i>Gifted Asset</i>	Assets not constructed or funded by the Council, however, all future responsibility and ongoing management is passed on to the Council.
<i>New Assets</i>	Assets that are created to meet additional service level requirements.

#### **2. Objective**

To be fair and equitable when consideration is given to new assets to be constructed by the Council or proposed gifted assets are to be taken-over by the Council to ensure decisions are made with full understanding of long term effects on the Council's financial sustainability, any inherent costs and risks. This information will assist in the consultation process with the community.

### **3. Scope**

This Policy applies to:

- all new assets over \$20,000;
- all assets with an annual operating expense of over \$2,500; and
- all gifted assets.

### **4. Policy**

The Council will undertake an asset and cost benefit analysis on projects to consider the Whole of Life costs associated with any proposed new or gifted asset. A summary of Whole of Life costs will be included in the Council's Forward Works Program to assist with project approval processes.

Formal reports to Council requesting funding approval for new and gifted assets, including any project receiving grant funding, are to include details outlining Whole of Life considerations and the future impact on the Council's Long Term Financial Plan and user fees and charges where appropriate.

This will allow the Council to understand and consider financial implications for ratepayers and facility users prior to agreeing to the construction of new assets or taking over gifted assets.

### **5. Legislation and Related Standards**

*Local Government Act 1993 (section 82)*

Meander Valley Council Policy No. 56: Recreation Facilities Pricing

Meander Valley Council Policy No. 60: Asset Management

### **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.



## **2. Objective**

The objectives of this Policy are to provide:

- (a) an appropriate cut-off date whereby building works constructed before 1993 are generally deemed to comply with section 12 of the *Building Act 2016* and the relevant Building regulations, where insufficient records exist; and
- (b) a clear process to establish the legal status of domestic buildings and structures.

## **3. Scope**

The Policy is applicable to existing Class 1a and 10 Domestic buildings and structures where insufficient records exist of building permits or other valid authorisations as prescribed in the *Building Act 2016*.

This Policy is not applicable to any work on any Class 1a and 10 – 9 Commercial buildings.

## **4. Policy**

It is policy that:

1. subject to inspection, any Class 1a building constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the date of construction and will not be pursued as illegal building works.
2. subject to inspection, any Class 10 domestic building works which were constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the estimated time of construction and will not be pursued as illegal building works.
3. inspection and or required reports for any building works subject to this Policy will be undertaken at the property owner's expense by an accredited building surveyor or other licensed authority deemed by the Council as appropriate.
4. inspection and or assessment is to assess the general compliance with relevant standards at the actual or estimated time of construction and that the works do not present any obvious safety issues and as applicable are suitable for occupation.
5. subject to inspection, Class 10 and Class 1a domestic building works will be considered to be fit for purpose, due to their performance over the last 20 (or more) years.
6. the Council's Permit Authority will determine if a building was built prior to 1993.
7. subject to ensuring the basic health and safety of any occupants of the building, the General Manager may, at the request of the property owner, issue a Building Certificate for a building constructed prior to 1993.

8. in determining a matter under this Policy, the Council may, at its discretion:
  - (a) request additional information in response to a provided report;
  - (b) request or prepare a report to determine the condition of the building works and/or identifying the building works are suitable for occupation, if applicable;
  - (c) determine the year of construction (where possible); and
  - (d) require the property owner to carry out any works required to make the building safe.

## **5. Legislation and Related Standards**

*Building Act 2016*

*Building Regulations 2016*

Meander Valley Council Customer Service Charter

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

# Policy No. 80: Management of Public Art

## POLICY MANUAL

<b>Policy No. 80</b>	<b>Management of Public Art</b>
<b>Purpose</b>	The purpose of this Policy is to guide the Council's management of public art within its authority.
<b>Department Author</b>	Governance and Community Wellbeing Nate Austen, Manager Community Wellbeing
<b>Council Meeting Date Minute Reference</b>	9 July 2024 087/2024
<b>Next Review Date</b>	<b>June 2028</b>

## POLICY

### 1. Definitions

*Public Art* Public art consists of artistic productions and constructions that may be permanent or temporary, functional or aesthetic in any medium, planned and executed outside a gallery context and intended specifically for exhibition within public space. Works of public art can include, but are not restricted to, paintings, murals, photography, sculpture, earthworks, signage, performance, water features, sound works, audio, text and multimedia.

Monuments and memorials are not included for the purposes of this policy.

### 2. Objective

The purpose of this Policy is:

- to establish a clear and effective process for developing and managing public art within Meander Valley Local Government Area (LGA).
- to facilitate the provision of public art in street-scaping, master-planning and town design projects for Meander Valley's communities.
- to further enhance Meander Valley's reputation as a respected exponent of public art in Tasmania.

### **3. Scope**

This Policy applies to the Council's employees, contractors and volunteers in the management of public art through the Council's activities, the Council's facilities or property managed by the Council within Meander Valley.

### **4. Policy**

Public art in the Meander Valley area arises from many sources with mixed funding models. The Council commissions some public art and contributes to projects developed by other parties. The Council is often required to be responsible for the ongoing maintenance and safety of public art. This involves working in partnership with communities, artists, voluntary organisations, businesses and agencies of State and Federal Governments.

In the development and management of public art within Meander Valley LGA the Council will:

- a. be guided by the background paper *Public Art in Meander Valley* (Mary Gill 2011);
- b. engage with local and regional arts organisations to ensure local and regional public art development and management in Meander Valley maintains best practice frameworks;
- c. involve and consult with local communities and local art organisations in regard to existing and proposed public art works;
- d. take a strategic approach to the development of public art within the LGA;
- e. consider public art opportunities in new or renewal capital projects in public spaces;
- f. appropriately contract and attribute creators of public art;
- g. apply effective processes for the commissioning and decommissioning of public art;
- h. ensure that access, risk management and public liability responsibilities are met;
- i. ensure that all relevant permissions and statutory approvals are identified and obtained;
- j. appropriately register and maintain existing works;
- k. respond to public art works proposed to be gifted to the Meander Valley community in accordance with its Gifted Assets and Asset Management Policies;
- l. apply best practice standards of asset management including a commitment to consult with the artist(s) regarding any repairs or modifications to their work or its immediate surrounds;
- m. consultation fee processes should be outlined in contract documents for any new works; and
- n. provide funds in its annual operational budget for ongoing maintenance of public art.

### **5. Legislation and Related Standards**

*Copyright Act 1968*

*Copyright Amendment (Moral Rights) Act 2000*

Meander Valley Council Policy No. 60: Asset Management

Meander Valley Council Policy No. 78: New and Gifted Assets

State and Commonwealth legislation addressing the protection of cultural heritage

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Manager, Community Wellbeing.

# Policy No. 81: Online Communication

## POLICY MANUAL

### Policy No. 81

### Online Communication

#### Purpose

The purpose of this Policy is to provide direction to assist the Mayor, Councillors and employees in the appropriate and productive use of the Council's social media.

#### Department

Governance

#### Author

Jonathan Harmey, General Manager

#### Council Meeting Date

12 December 2023

#### Minute Reference

289/2023

#### Next Review Date

**December 2027**

## POLICY

### 1. Definitions

#### *Social Media*

A collection of on-line technologies that enable users to engage and communicate by creating and sharing content. It can take on many forms including, but not limited to:

- (i) social networking sites; and
- (ii) video and photo-sharing sites.

#### *Council Social Media Users*

Those employees authorised to administer the Council's managed social media platforms.

#### *Council Managed Social Media Platforms*

Those social media platforms created and managed by the Council, such as the Meander Valley Council FaceBook page or a Meander Valley YouTube channel.

### 2. Objective

This Policy outlines the Meander Valley Council's approach to official social media use by employees and public participation in our social media channels with the aim of:

- a. enhancing community engagement through effective use of social media to build trust and confidence in the Council's information and services;
- b. ensuring appropriate and productive use of social media; and
- c. minimising risks associated with the Council's use of social media.

### **3. Scope**

This Policy applies to all elected members and employees of the Council.

### **4. Policy**

- a. All the Council's social media users must:
  - i. be authorised by the General Manger, and
  - ii. act in accordance with the Council's Values.
- b. If the Council's employees or Councillors comment publicly through the Council's social media channels or using a personal account, the user must make it clear that their comments represent their opinion as a private individual or as a member of an external organisation and not their opinion as a Council employee or a Council representative.
- c. Social media communication, activity and content are considered a public record and must be documented and captured in a corporate system in line with the Council's Social Media procedure.
- d. The Council may turn off public comments or not respond to comments due to workloads and volumes of traffic.
- e. The Council encourages open conversation and debate, but expect participants to behave in a respectful manner. We reserve the right to delete comments that are:
  - i. knowingly false or mischievous complaints or statements about individuals, companies or the government;
  - ii. misleading, obscene, off-topic, sexist, racist or spam;
  - iii. promotional or commercial in nature;
  - iv. unlawful or incite others to break the law;
  - v. defamatory or harassing of our employees, volunteers of the participants in our channels;
  - vi. information that may compromise the safety or security of the public;
  - vii. repetitive posts copied and pasted or duplicated by single or multiple users; and
  - viii. any other inappropriate content or comments as determined by the Meander Valley Council.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

*Archives Act 1983*

*Copyright Act 1968*

*Right to Information Act 2009*

*Tasmanian Defamation Act 2005*

*Tasmania Anti-Discrimination Act 1998*

*Commonwealth Privacy Act 1988*

Meander Valley Council Policy No. 1: Risk Management

Meander Valley Council Policy No. 45: Information Management

Meander Valley Council Policy No. 49: Media Communications

Customer Service Charter

Human Resources Policies

Customer Service Standards

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.



<i>Community Organisation Establishment Grant</i>	Support for the development of newly formed <i>not for profit</i> community organisations within the Meander Valley local government area.
<i>Sponsorship Donation for Individuals and Organisations</i>	Support to individual Meander Valley residents representing the district at State or National competition, sponsoring of awards that recognise local achievement, encourages events or activities to be delivered by organisations within the Meander Valley local government area. Sponsorships can be made to charitable organisations, schools and sport clubs and individuals.
<i>Council Reimbursement Grant</i>	Support for the ongoing operation and sustainability of not for profit community organisations through a refund of the regulatory fees charged by the Council for <i>one-off</i> community projects they intend to complete. Eligible fees are typically for building, permit authority, planning, plumbing, place of assembly permit, food licence fees and tip fees.
<i>Townscape Incentive Grant</i>	Assistance to property owners in the Meander Valley LGA consistent with Guidelines to improve the external appearance of their buildings and gardens in keeping with heritage principles. Encouragement of traditional heritage restoration of historic buildings and landscapes by property owners through a one-off payment to support restoration projects affecting the external appearance of historic homes and gardens. This may include period renovations, authentic colour schemes and sympathetic landscaping in keeping with traditional characteristics and that can demonstrate heritage value.

## **2. Objective**

The objectives of this Policy are to ensure to:

- establish the purpose and operating parameters for the Community Grants and Sponsorship Fund. The Community Grants and Sponsorship Fund specifically includes the Community Grant, Establishment Grant, Sponsorship Donations for Individuals and Organisations, Community Organisations Regulatory Fees Reimbursement Grant and the Townscape Incentive Grant.
- maintain the value and relativity of the annual budget allocation for the Community Grants and Sponsorship Fund.

## **3. Scope**

This Policy applies to Councillors, staff and community representatives involved in the management of the Community Grants and Sponsorship Fund.

#### **4. Policy**

The Council will:

- a. allocate an annual amount to provide for all grants and sponsorship under the Community Grants and Sponsorship Fund that will be not less than the previous year expenditure from the Community Grants and Sponsorship Fund. The Council may, at its discretion and within the limit of the annual budget allocations, vary the amount available to each grant or sponsorship type based on demand.
- b. assess and allocate all Community Grants and Sponsorship Funds in accordance with the Meander Valley Council Community Grants and Sponsorship Policy Guidelines.

#### **5. Legislation and Related Standards**

*Local Government Act 1993* (section 77 – Grants and Benefits)

Meander Valley Council Policy No. 1: Risk Management

Meander Valley Council Policy No. 45: Information Management

Meander Valley Council Policy No. 67: Personal Information Protection

Community Development Framework 2013

#### **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Community and Development Services.

# Policy No. 83: Fraud and Corruption Control

## POLICY MANUAL

<b>Policy No. 83</b>	<b>Fraud and Corruption Control</b>
<b>Purpose</b>	The purpose of this Policy is to establish guidelines, procedures and responsibilities regarding appropriate actions that must be followed to prevent, deter and detect incidents of fraud and corruption.
<b>Department</b>	Governance
<b>Author</b>	Jonathan Harmey, General Manager
<b>Council Meeting Date</b>	12 October 2021
<b>Minute Reference</b>	191/2021
<b>Next Review Date</b>	<b>October 2025</b>

### POLICY

#### **1. Definitions**

<i>Fraud</i>	Inducing a course of action by deceit or other dishonest conduct, involving acts or omissions or the making of false statements, orally or in writing, with the object of obtaining money or other benefits from, or evading a liability to, the Council.
<i>Corruption</i>	Dishonest action in which a person acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal benefit for themselves, or provide an advantage/disadvantage for another person or entity.
<i>Whistle-Blower</i>	A person who has or professes to have knowledge of fraudulent or corrupt conduct and who chooses to report it to the appropriate authority.

#### **2. Objective**

- Promote a sound ethical culture within the Council.
- Ensure that Councillors and staff are aware of the responsibilities in relation to ethical conduct.
- Protect the Council's funds and other public assets and reputation.
- Ensure senior management's commitment to identifying risk exposures to fraud.

### **3. Scope**

This Policy applies to:

- all Councillors, Committee members, employees, contractors and consultants of the Meander Valley Council as they are responsible for the identification and management of all risks associated with the performance of the Council's functions and the delivery of the Council's services;
- situations where fraudulent or suspicious behaviour is suspected and/or has been identified.

### **4. Policy**

- Ensure internal controls are developed to deter, detect and prevent fraud or corruption;
- Provide a sound ethical environment in which fraud or corruption is difficult and honest behaviour is encouraged;
- Comply with legislation and relevant policies, procedures and controls;
- Proactively manage any allegation or incidences of fraud or corruption in accordance with approved procedure including reporting of allegations to law enforcement agencies;
- Provide sufficient resources to facilitate the implementation of this policy within the Council;
- Protect disclosures, including anonymous reporting, in accordance with the *Public Interest Disclosure Act 2002*, the Fraud Control Plan and the procedures contained within it;
- Protect whistleblowers in accordance with section 19 of the Fraud Control Plan;
- Ensure awareness of the Fraud and Corruption Control Policy and associated procedures through the provision of appropriate training and awareness raising strategies to employees.

### **5. Legislation and Related Standards**

*Local Government Act 1993*

*Criminal Code Act 1924*

*Integrity Commission Act 2009*

*Police Offences Act 1935*

*Privacy Act 1988 (Commonwealth)*

*Public Interest Disclosures Act 2002*

*Right to Information Act 2009*

Meander Valley Council Code of Conduct

Meander Valley Council Code of Tenders and Contract

Meander Valley Council Fraud Control Plan

### **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 84: Gifts and Benefits

## POLICY MANUAL

### Policy No. 84

### Gifts and Benefits

#### Purpose

The purpose of this Policy is to establish guidelines for the acceptance of gifts, hospitality or benefits by Councillors and Staff, Contractors, Committee Members and Volunteers.

#### Department

Governance

#### Author

Wezley Frankcombe Manager Governance and Legal

#### Council Meeting Date

12 November 2024

#### Minute Reference

154/2024

#### Next Review Date

**November 2028**

## POLICY

### 1. Definitions

#### *Benefit*

A non-tangible item which is believed to be of value to the receiver (ie. preferential treatment such as queue jumping, access to confidential information, a decision to act or not act in a particular matter that provide an advantage or and hospitality).

#### *Bribe*

A bribe is an offer of money or other inducement made to influence a person in the performance of their duties. Bribery or attempted bribery of a public official is a criminal offence.

#### *Cash*

Money, gift or debit cards or vouchers which are readily convertible.

#### *Cumulative Gift*

A series of gifts of nominal value from the same person or organisation over a specified period which may have an aggregate value that is significant.

#### *Conflict of Interest*

A conflict of interest is a conflict between a person's public duty to act in the best interests of the Council and municipality and their private interests, whether it is financial or non-financial.

A conflict exists whether it is a:

- Real conflict of interest – it currently exists;
- Potential conflict of interest – it may arise, given the circumstances; or
- Perceived conflict of interest – members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the person's performance of their duty to the Council and municipality, now or in the future.

A gift offer that involves a conflict of interest, whether real, potential or perceived can:

- Introduce a personal interest that did not previously exist.
- Encourage a person to prioritise a personal gain over their requirement to act in the public interest.
- Create an intimidation threat from the possibility of a gift offer being made public.

The existence and significance of a conflict will depend on the nature, value, and intent of the gift offer.

*Council Officials*

Mayor, Councillors, Council staff (including labour hire or otherwise engaged persons) staff engaged through an employment agency), Council Committee members, volunteers and contractors.

*Gift*

Usually, a tangible item provided at no charge. Gifts may include, but are not limited to items such as cash, property (real or otherwise), goods and services made available at heavily discounted prices, alcohol, products, invitations to social functions and tickets to sporting, theatrical or music events.

*Gift of Influence*

A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment or benefit in the future.

*Gift of Gratitude*

A gift offered to an individual or department in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to an elected representative or staff member who speaks at an official function may be considered an example of this type of gift of gratitude.

*Hospitality*

Provision of accommodation, meals, refreshments, event tickets, or some other forms of entertainment.

<i>Nominal Value</i>	The monetary limit of the value of gifts or benefits that may be accepted (ie. total value of gift or benefit received). A gift or benefit is of nominal value when it has no significant or lasting value.
<i>Non-Token</i>	Items that are of a more individual nature, with a value above the nominal value limit. Items may include, free or discounted travel; use of holiday homes; corporate hospitality at major sporting events; free training excursions; tickets to major events and access to confidential information.
<i>Public Interest Disclosure</i>	A disclosure under the <i>Public Interest Disclosures Act 2002</i> , including the provisions in the Meander Valley Council Public Interest Disclosure Procedure.
<i>Significant Value</i>	A gift or benefit that has a value above the nominal value limit.
<i>Token</i>	Often mass produced (ie. pens, calendars, ties or items with a company logo on them), offered in business situations to individuals. Usually have a value under the nominal value limit.

## **2. Objective**

The objective of this Policy is to minimise gift, hospitality or benefit offers made or accepted by officials of the Council. This helps to protect and promote public confidence in the integrity of the Council.

## **3. Scope**

This Policy applies to all gifts, hospitality, or benefits offered to, or received by, all officials of the Council.

Internal gifts received by Councillors or staff from the Council are not covered by this Policy and do not need to be declared; for example, service recognition gifts.

## **4. Policy**

The Council is committed to being open and transparent in its endeavours to achieve the best outcomes for its local community. The acceptance of gifts, hospitality and benefits can create perceptions that the Council's integrity has been compromised.

The Council's Officials must:

### *4.1 Acceptance and Declaration*

- Not accept gifts or benefits unless in accordance with this Policy.
- Declare all offers to the General Manager using the approved form, regardless of acceptance.
- Reject anonymous gifts where the giver's identity and address are unknown.
- Refuse any gifts, benefits or hospitality where a real, potential or perceived conflict of interest exists.

### *4.2 Ethical Conduct*

- Act ethically, fairly and honestly in all official duties.
- Consult the Council as required.
- Be accountable for actions and ensure decision-making processes are transparent and withstand public scrutiny.
- Do not solicit or use the Council position for personal gain.
- Avoid placing individuals or organisations in a position where they feel compelled to offer gifts to secure or retain business.
- Ensure no higher level of service is provided in exchange for gifts or benefits.

### *4.3 Bribery*

Report any instances of bribery or cash offers to the General Manager and comply with relevant legislation.

### *4.4 Disclosure Threshold*

When deciding whether to accept or decline a gift or benefit, consideration is to be given to both the value of the gift or benefit and also the intent of the gift or benefit being offered.

Part 3A of the *Local Government (General) Regulations 2015* (the Regulations), sets out the requirements for declaration of gifts and donations for Councillors.

Follow the *Local Government (General) Regulations 2015* guidelines for gift and donation declarations, applying these thresholds to all the Council's Officials:

- single gifts or benefits valued at \$50 or more.
- multiple gifts from one source with an aggregate value of \$50 or more.
- disclose any nominal gifts if more than three are received from the same source within six months.

### *4.5 Prohibited Gift Offers*

Record all prohibited gift offers to monitor frequency and nature, using the Gifts and Benefits Declaration Form.

#### 4.6 *Conflict of Interest*

The Council's Officials are prohibited from accepting a gift that creates a conflict of interest (real, potential or perceived).

#### 4.7 *Actual or Perceived Effect of the Gift or Benefit*

Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or benefit is prohibited (ie. a gift of influence).

Where it is suspected that a gift or benefit has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or benefit must be declined and the matter should be reported immediately to the relevant supervisor, General Manager or Mayor.

#### 4.8 *Token and Inconsequential Gifts*

Token and inconsequential gifts may be accepted within limits.

As a single item, gifts or benefits of a token nature that would not create the perception or circumstance of a conflict of interest and include:

- items with a company logo on them, ties, scarves, coasters, diaries, chocolates or flowers;
- books given to individuals at functions, public occasions or in recognition of exceptional work done;
- gifts of single bottles of reasonably priced alcohol given to individuals at functions, public occasions or in recognition of exceptional work done;
- free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for or in connection with the discussion of official business;
- free meals of a modest nature and or beverages provided to officials of the Council who formally represent the Council at work-related events such as training, education sessions and workshops;
- invitations to approved social functions organised by groups such as Council Committees and community organisations where attendance is reasonably associated or in the course of the Council's business; and
- door prizes and raffle prizes at functions or conferences are not considered a gift.

If a Council Official has any doubt if a gift or benefit is token or of nominal value, they should discuss it with a supervisor or in the case of a Councillor, with the General Manager or Mayor.

#### 4.9 *Acceptance for Reasons of Culture or Protocol*

If a gift or benefit of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action, for example, may cause cultural offence or breach an established protocol), the gift may be accepted.

The offer and receipt of the gift or benefit must be declared on a Gifts and Benefits Declaration and recorded on the Council's Gift Register. The General Manager may use discretion to determine the treatment of the gift.

#### 4.10 *Non-Acceptable Gifts (Non-Token) and Benefits*

Gifts or benefits of a non-token nature include, but are not limited to:

- free or discounted travel;
- use of holiday homes;
- tickets to major sporting events;
- corporate hospitality at a corporate facility or sporting venue;
- free training excursions;
- access to confidential information;
- discounted products for personal use; and
- goods and services provided via a determination in a will or other legal deed.

At times a gift of a non-token nature may be given from an authority (organisation) to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual. In such instances the gift is the property of the Council and it to be surrendered to the General Manager who is to determine how it should be treated.

If a Council Official refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive special treatment, then such an instance is to be reported to the supervisor and the General Manager in the case of staff. Councillors should report any instance to the General Manager and Mayor.

#### 4.11 *Money or Equivalent*

Officials of the Council are prohibited from accepting money, this includes gift cards (eg. gift vouchers) or those easily converted into money (eg. shares).

#### 4.12 *Regulatory Processes*

Where a Council regulatory process is underway (eg. a Planning Application or an Infringement Notice appeal), a Council Official is prohibited from accepting any gifts from any individual or group that may be involved with the regulatory activity.

#### 4.13 *Bequests/Wills*

A Council Official is prohibited from accepting any bequests resulting from their position with the Council.

#### 4.14 *Procurement and Tender Process*

A Council Official is prohibited from accepting any gifts, benefits and hospitality from a current or prospective supplier or any offer that is made during a procurement or tender process by a person or organisation involved in the process.

Where gifts are received from suppliers or potential suppliers, the Council Official must notify the General Manager and lodge Gifts and Benefits Declaration Form or Register, so their refusal/action can be properly recorded.

#### 4.15 *Hospitality*

A Council Official, in the normal course of their duties, will from time to time receive invitations of hospitality to attend various functions and events.

Hospitality is considered a gift unless the hospitality was reasonable (see reasonable test below) and you were attending the function or event in an official capacity of the Council (see test below).

Hospitality does not constitute a gift if it is paid for by the Council, or by the person receiving the hospitality.

Where such hospitality is reasonable or modest in nature and provides an opportunity to undertake business of a common purpose, it may be appropriate to accept such invitations. Where practical, approval should be obtained prior to the attendance.

Examples:

- a business meeting to discuss matters of the Council at which a meal or refreshments are served; or
- attendance as a Councillor or delegated Committee member on official Council business.

If, however, acceptance of the hospitality is likely to create the impression of compromised impartiality of the Council Official, or could be perceived as a conflict of interest, the offer of hospitality should be politely declined.

Where appropriate, the Council may elect to treat the cost of a meal or other hospitality for a Council Official or their partner as a business cost. This may constitute a fringe benefit. With prior approval from the General Manager, the Council Official may use a Council credit card, or seek reimbursement from the Council for the cost.

#### 4.16 *Reasonableness Test*

The hospitality must be of a standard and type that an independent observer would consider appropriate and not excessive or perceived to be persuasive.

#### 4.17 *Official Capacity Test*

Any hospitality accepted must be clearly aligned with the duty of a Council Official to attend the relevant function or event.

The following offers are likely to be considered excessive, ie. in excess of common courtesy:

- a fine dining and wines working lunch at another organisation's premises.
- an offer to pay for a working lunch at a café.
- an offer of a free spot at an industry golf day.

The following offers are not considered excessive beyond common courtesy:

- a cup of coffee at another organisation's premises.
- a modest working lunch, such as sandwiches and pastries, at another organisation's premises.

#### 4.18 *Family Members*

Officials of the Council must take all reasonable steps to ensure that immediate family members and other closely related parties do not receive gifts or benefits as a result of the Council Official's position. This includes gifts or benefits of a non-token nature or gifts or those above the nominal value.

Immediate family members include parents, spouses, de facto relationship, children and siblings.

Closely related parties includes, for example, business partners and close business connections, extended family with a close relationship to the Council Official, and parties with trust-related or other types of fiduciary relationships with the Council Official.

#### 4.19 *Bribes*

Officials of the Council must not offer or seek a bribe. Receiving a bribe is an offence under both the common law and State and Federal legislation.

A Council Official who receives a gift offer that they believe is an attempted bribe must refuse the offer. They must also:

- immediately notify the General Manager;
- ensure that a Gifts and Benefits Declaration Form is lodged, with their refusal properly recorded;
- report the matter as a public interest disclosure in accordance with the Council's Public Interest Disclosure Procedure.

A Council Official who believes another person within the Council may have solicited or been offered a bribe which they have not reported, must notify the General Manager or the Tasmanian Integrity Commission and/or report the matter in accordance with the Council's Public Interest Disclosure Procedure.

#### 4.20 *Records – Gifts and Benefits Registers*

A Gifts and Benefits Register will be maintained by the Governance Department and reported to the Audit and Risk Committee every six months.

This Register will be made publicly available on request and contains the following information:

For the purposes of section 56A (2)(b) of the *Local Government Act 1993*, the following details are prescribed:

- (a) the name of the donor of the gift or donation, if known;
- (b) the relationship to the donor, if known;
- (c) the suburb or locality where the donor resides, if known;
- (d) the date on which the gift or donation was received; and
- (e) the estimated monetary value of the gift or donation.

The content of the Register will be monitored by the General Manager on a regular basis.

#### 4.21 *Disposal of Gifts*

The General Manager or Mayor will determine whether a gift or benefit of a non-token nature should be subject to disposal.

Where a gift should not be retained by the individual, there are options for the disposal of gifts that have been accepted because they could not reasonably be refused. Examples of such circumstances where gifts or benefits may be received include:

- gifts accepted for protocol or other reasons, where returning it would be inappropriate;
- anonymous gifts (received through the mail or left without a return address);
- a gift received in a public forum where attempts to refuse or return it would cause significant embarrassment or cultural offence.

#### 4.22 *Breaches of Policy*

All Council Officials are obliged to comply with this Policy and sanctions may be applied if the Policy is breached.

Any person may report an alleged breach of this Policy by a Council Official to the General Manager or Mayor as appropriate. The General Manager may investigate any report and take such action as is considered necessary in line with legislation, Code of Conduct and other relevant policy and procedure.

### **5. Legislation and Related Standards**

*Local Government Act 1993*

*Local Government (General) Regulations 2015*

Code of Conduct for Meander Valley Councillors

Fraud Control Policy and Plan

Public Interest Disclosure Procedure

### **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 85: Open Space

## POLICY MANUAL

<b>Policy No. 85</b>	<b>Open Space</b>
<b>Purpose</b>	The purpose of this Policy is to guide the Council's strategic provision of open space.
<b>Department</b>	Infrastructure Services
<b>Author</b>	Natasha Szczylowska, Project Manager Infrastructure
<b>Council Meeting Date</b>	12 June 2018
<b>Minute Reference</b>	110/2018
<b>Next Review Date</b>	<b>April 2022</b>

### POLICY

#### **1. Definitions**

*Open Space* Publicly owned land that is set aside for leisure and recreation.

#### **2. Objective**

To strategically develop and manage the Council's open space network in consultation with the community, so as to provide a variety of high quality recreational experiences that will:

- a. encourage visitor engagement; and
- b. add to the attractiveness of Meander Valley as a place to live and work in.

#### **3. Scope**

This Policy applies to all existing and proposed open space within the local government area.

All employees of the Council, Councillors, Committee members and developers.

#### **4. Policy**

In furthering the objectives for open space, the Council will apply the following principles in determining when, where and how open space is provided:

### **Liveability**

- provide a variety of open space areas that are suitable for a range of likely users through opportunities for passive and active recreation, eg. neighbourhood parks, destination and/or regional facilities;
- provide open space that is visually attractive;
- ensure open space is safe, implementing best practice design principles;
- improve the connectivity of open space through links for walking and cycling;
- support community health and well-being through quality design and facilities; and
- determine and deliver on the provision, acquisition and siting of open space.

### **Efficiency**

- consider maintenance and whole of life costs in the development and management of open space; and
- avoid unnecessary duplication and promote multi-functional sites.

### **Environmental Values**

- enhance natural values in conjunction with recreational experience where practicable;
- respect and promote cultural heritage and local character through design and interpretation;
- implement water-sensitive urban design in the management of stormwater where appropriate; and
- incorporate contemporary, sustainable design features where feasible.

## **5. Legislation and Related Standards**

*Disability Discrimination Act 1992*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

Meander Valley Interim Planning Scheme 2013

Meander Valley Council Policy No. 60: Asset Management

Meander Valley Council Policy No. 78: New and Gifted Assets

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 86: Industrial Development Incentive

## POLICY MANUAL

<b>Policy No. 86</b>	<b>Industrial Development Incentive</b>
<b>Purpose</b>	The purpose of this Policy is to establish guidelines for the provision of an incentive to support industrial development in key strategic locations.
<b>Department</b>	Governance
<b>Author</b>	Jonathan Harmey, General Manager
<b>Council Meeting Date</b>	12 December 2023
<b>Minute Reference</b>	290/2023
<b>Next Review Date</b>	<b>December 2027</b>

### POLICY

#### **1. Definitions**

<i>Industrial Precincts</i>	The industrial precincts at Valley Central Birralea Road, Westbury and East Goderich Street, Deloraine.
<i>Eligible Development</i>	Means: <ul style="list-style-type: none"><li>• new business development that establishes in the industrial precincts;</li><li>• or</li><li>• the relocation of an existing Meander Valley business to the industrial precincts; and</li><li>• employs three or more full time equivalent employees for the entire term of the industrial development incentive period.</li></ul>
<i>Eligible Recipient</i>	Means the owner of the property title.

#### **2. Objective**

The objective of this Policy is to provide the parameters for the Council to apply a financial incentive for the establishment of eligible development in the industrial precincts.

#### **3. Scope**

This Policy applies specifically to the establishment of new eligible development in the industrial precincts.

#### **4. Policy**

a. Background

The industrial precincts have been deemed as strategically important in accommodating industrial development as new development at these sites will avoid conflict with other uses and relocation of industry will assist in reducing conflict where there have been historical land use incompatibilities.

Whilst the industrial development incentive (IDI) will be unlikely to be the deciding factor for the location or relocation of an enterprise, it does, however, send a clear message to industry that the Meander Valley Council is open for business and is serious about supporting business growth and the creation of local employment opportunities.

b. IDI Period

The IDI period applies for three years from the date of the commencement of operation of the eligible development.

c. IDI Calculation

The IDI will be based on the general rate component of the annual rates and charges levied on an eligible development and will be applied in the following manner:

- an eligible recipient must apply annually and in writing to the Council.
- an eligible recipient will receive a grant equivalent to 100% the general rate for the first financial year of operation.
- an eligible recipient will receive a grant equivalent to 50% of the general rate for the second financial year of operation.
- an eligible recipient will receive a grant equivalent to 25% of the general rate for the third financial year of operation.
- grants may be calculated on a proportional basis where an operational year crosses over from one financial year to the next financial year.

#### **5. Legislation and Related Standards**

*Local Government Act 1993*

#### **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager or their delegate.



*Investment* The Council's costs of the construction of infrastructure, cost of capital and cost of managing infrastructure contracts in the Hadspen Urban Growth Area.

*Development* As defined by section 3 of the *Land Use Planning and Approvals Act 1993*.

## **2. Objective**

The objectives of this Policy are to provide:

- for the construction of infrastructure which will underpin the development of the Hadspen Urban Growth Area.
- a framework for financing the Council investment in the capital cost of the construction of infrastructure.
- a model for ensuring that the Council recovers its investment through landowner contributions.

## **3. Scope**

The Policy is applicable to the provision of infrastructure for the Hadspen Urban Growth Area.

## **4. Policy**

Where it is in the public interest and it is financially sound to do so, the Council may finance the provision of shared infrastructure related to the Hadspen Specific Area Plan MEA-S2.0 in the Tasmanian Planning Scheme – Meander Valley.

In determining the need for the Council to enter into an agreement to facilitate the land development outcomes, the Council will consider the supply and demand circumstance within the area concerned and must be satisfied there is demand for land that underwrites the capacity for the Council to recoup any investment.

Any recommendation to Council for financing or contributions to infrastructure under this policy must be informed by full due diligence in respect of the land tenure, relevant confirmation from utility providers, financial bona-fides of landowners and developers and appropriate arrangements to secure any due financial contributions to the Council.

## **5. Explanation and Principles**

There are multiple land owners in the Hadspen Urban Growth Area.

In order to coordinate and facilitate development, the Council may resolve to finance and construct infrastructure that will be shared by the future community. In doing so, the Council may take on a financial risk by borrowing funds to provide Infrastructure. The management of such financial risk is to address the following principles:

- a. the Council will apply appropriate mechanisms to ensure that the initial investment is recovered and the debt paid down as the area is developed.

- b. the Council will ensure that arrangements secure creditor rights and an ensured capability to recover its investment in any Infrastructure.
- c. the Council may finance the planning, design and construction of infrastructure where there is a clear public interest and a long-term benefit to the community.
- d. the Council will limit the amount of its investment to:
  - i. expenses associated with planning, design and construction of the infrastructure; and
  - ii. the Cost of Capital required to provide finance.
- e. the Council will cap its investment to the lesser of the annual borrowing limit approved by State Treasury for the current financial year or 100 percent of the annual general rate in the current year less any outstanding debt under this Policy and Policy No. 76 – *Enabling Industrial Land Development*.
- f. the Council will recover 100 percent of its investment in the development from landowner contributions in accordance with the following procedures:

## **6. Mechanism**

Having determined the timing of the contributions, the Council will recover its investment by a Part 5 agreement as provided for under section 71 of the *Land Use Planning and Approvals Act 1993* with payment of the specified landowner contributions being payable on the sealing of a final plan in each subdivision:

- a. landowner contributions will be apportioned on a per square metre basis of the saleable land and applied to each lot in the proposed subdivision accordingly.
- b. the Council will accept additional voluntary contribution payments. If the Council agrees and voluntary contribution payments are received the remaining contribution amount will be proportionally reduced over the remaining square metres.

## **7. Timing of Developer Contributions to Council**

The timing of any developer contributions back to the Council will be determined at the discretion of the Council based upon projected revenues from the development and the extent to which the Council needs to provide a stimulus to the development:

- a. should a landowner sell all or any part of the land during the life of the Part 5 Agreement, the landowner contributions can either be recovered 100 percent from the initial landowner or spread between the original landowner and subsequent landowners; and
- b. the time frame to recover the Council's investment will not exceed 15 years.

## **8. Legislation and Related Standards**

*Local Government Act 1993*

*Land Use Planning and Approvals Act 1993*

Meander Valley Council Policy No. 76: Enabling Industrial Land Development

## **9. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 88: Related Party Disclosures

## POLICY MANUAL

### Policy No. 88

### Related Party Disclosures

#### Purpose

The purpose of this Policy is to outline the expectations of elected members and employees of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures*.

#### Department

Corporate Services

#### Author

Jonathan Harmey, Director

#### Council Meeting Date

12 October 2021

#### Minute Reference

192/2021

#### Next Review Date

**October 2025**

## POLICY

### 1. Definitions

#### *Arm's Length Terms*

Terms between parties that are reasonable in the circumstances of the transaction that would result from:

- neither party bearing the other any special duty or obligation, and
- the parties being unrelated and uninfluenced by the other, and
- each party having acted in its own interests.

#### *Key Management Personnel (KMP)*

Persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. In the council context this includes the Mayor, Councillors, the General Manager and Directors.

#### *Close Family Member*

Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.

<i>Control of an Entity</i>	<p>You control an entity if you have:</p> <ol style="list-style-type: none"> <li>power over the entity;</li> <li>exposure, or rights, to variable returns from involvement with the entity; and</li> <li>the ability to use your power over the entity to affect the amount of your returns.</li> </ol>
<i>Declaration by KMP</i>	<p>An annual declaration of close family members and entities that the KMP or their close family members control or jointly control, as per Appendix 1, updated during the year as necessary.</p>
<i>Entities Controlled by KMP</i>	<p>Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.</p>
<i>Entities Related to the Council</i>	<p>Entities controlled by the Council, jointly controlled by the Council or over which Council has significant influence are related parties of the Council.</p>
<i>Joint Control of an Entity</i>	<p>To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p>
<i>KMP Compensation</i>	<p>All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:</p> <ol style="list-style-type: none"> <li>short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave, paid sick leave and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;</li> <li>other long-term employee benefits, including long-service leave or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period and deferred compensation; and</li> <li>termination benefits.</li> </ol>
<i>Materiality</i>	<p>Information is material when, if omitted or misstated, could influence decisions that users make on the basis of financial information about a specific reporting entity.</p>

Omissions or misstatements of information are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the information or a combination of both, could be the determining factor.

*Ordinary Citizen Transactions* Transactions that an ordinary citizen would undertake with the Council are usually not material to related party disclosure requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.

*Related Parth of the Council* People and entities, such as companies, trusts and associations, can be related parties of the Council. Most commonly these will be entities related to Council, KMP of the Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.

*Related Party Transactions* A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

## **2. Objective**

The objective of the Standard is to ensure that the Council's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

## **3. Scope**

This Policy outlines what is expected of elected members and staff of the Council in relation to Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124). Specifically, the policy outlines the disclosure requirements under AASB 124 of Key Management Personnel (KMP), which includes elected members. It also outlines the procedures the Council will follow to collect, store, manage and report on related party relationships, transactions and commitments. Under the *Local Government Act 1993* and the *Audit Act 2008*, all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards.

#### **4. Policy**

1. Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with the Council (Appendix 1).
2. For the purpose of this Policy, Close Family Members includes, but is not limited to:
  - that person's children and spouse or domestic partner;
  - children of that person's spouse or domestic partner; and
  - dependents of that person or of that person's spouse or domestic partner.

The Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc., who may be expected to influence, or be influenced by, that person in their dealings with the Council or an entity of the Council.

3. It is the responsibility of the Director Corporate Services to seek a declaration upon a change of KMP.
4. All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.
5. It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.
6. The Council will not capture Ordinary Citizen Transactions (OCTs) with related parties; examples of OCTs are using a public swimming pool after paying the normal fee, paying property rates and dog registrations. If OCTs were to occur on terms and conditions that are different to those offered to the general public, the volume of transactions or other qualitative factors of the transactions may cause the OCTs to be assessed as being material in nature.
7. The Council will not disclose non-material transactions. The Director Corporate Services and General Manager will jointly assess the materiality of the related party transactions that have been captured prior to disclosure. In determining materiality, the size and nature of the transaction individually and collectively will be considered.
8. Register of Related Party Transactions
  - Maintain a Register  
The Director Corporate Services is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

- Contents of Register  
The contents of the register of related party transactions must detail for each related party transaction:
  - the description of the related party transaction;
  - the name of the related party;
  - the nature of the related party's relationship with Council;
  - whether the notified related party transaction is existing or potential; and/or
  - a description of the transactional documents.

The Director Corporate Services is responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124.

9. The Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.
10. Updates will be provided to KMP and the Council's staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.
11. In making disclosures in the annual financial statements, the Council will include:
  - total KMP compensation;
  - employee expenses for close family members of KMP;
  - transactions with close family members of KMP including the purchase of materials and services, assets and liabilities such as leases and loans;
  - any other separate disclosure for each category of related party transactions;
  - relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them; and
  - where related party transactions have occurred, the nature of the related party relationship, information about the transactions, outstanding balances and commitments, including terms and conditions, and whether the transaction were carried out on non-arm's length terms.
12. For the purpose of this Policy:
 

*Examples of OCTs*

Using a council's public swimming pool after paying the normal fee;  
 Attending council functions that are open to the public; and  
 Paying rates and charges in accordance with normal terms and conditions.  
 Paying dog registrations in accordance with normal terms and conditions.

*Examples of Transactions that are not OCTs:*

Purchases or sales of land;  
 Leases;  
 Loans and settlement of liabilities; and  
 Employee expenses of Close Family Members.

## **5. Legislation and Related Standards**

Australian Accounting Standard AASB 124 (Related Party Disclosures)

*Local Government Act 1993* (section 28(e) – Functions of Councillors)

*Audit Act 2008*

*Privacy Act 1988*

*Personal Information Protection Act 2004*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Corporate Services.



**Appendix 1 – Declaration of Related Party Transactions and Consent Form**

**Private and Confidential**

**Related Party Declaration by Key Management Personnel**

For the period \_\_\_\_\_ to \_\_\_\_\_

Name of Key Management Person: \_\_\_\_\_

Position of Key Management Person: \_\_\_\_\_

Signature of KMP: \_\_\_\_\_

There have been no related party transactions during the period.

I am reporting the following related party transactions that occurred during the period, as follows:

Close Family Member Name	Relationship with KMP	Entities over which the close family member has sole or joint control	Nature of likely transactions with Council or Council entities

Name of Entity over which the KMP has control	Relationship with KMP	Nature of likely transactions with Council or Council entities

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council's Related Party Disclosures Policy.

Declared at \_\_\_\_\_ on the \_\_\_\_\_



**Appendix 1 – Declaration of Related Party Transactions and Consent Form**

**Private and Confidential**

**Related Party Declaration by Key Management Personnel**

For the period \_\_\_\_\_ to \_\_\_\_\_

Name of Key Management Person: \_\_\_\_\_

Position of Key Management Person: \_\_\_\_\_

Signature of KMP: \_\_\_\_\_

There have been no related party transactions during the period.

I am reporting the following related party transactions that occurred during the period, as follows:

Close Family Member Name	Relationship with KMP	Entities over which the close family member has sole or joint control	Nature of likely transactions with Council or Council entities

Name of Entity over which the KMP has control	Relationship with KMP	Nature of likely transactions with Council or Council entities

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council's Related Party Disclosures Policy.

Declared at \_\_\_\_\_ on the \_\_\_\_\_  
\_\_\_\_\_

# Policy No. 89: Camping on Council Reserves

## POLICY MANUAL

<b>Policy No. 89</b>	<b>Camping on Council Reserves</b>
<b>Purpose</b>	The purpose of this Policy is to to provide guidance about the use of the Council's reserves for camping.
<b>Department</b>	Development and Regulatory Services
<b>Author</b>	Krista Palfreyman, Director
<b>Council Meeting Date</b>	16 January 2024
<b>Minute Reference</b>	002/2024
<b>Next Review Date</b>	<b>January 2028</b>

### POLICY

#### **1. Definitions**

<i>Council Reserves</i>	Includes parklands, sports fields, reserves, council land provided or managed by the Council for the purpose of recreation.
<i>Management Committee</i>	Special Committee of Council or community group approved by Council.
<i>Overflow Events</i>	Agfest, Tasmanian Craft Fair and other significant events.

#### **2. Objective**

The objective of this Policy is to ensure that camping on the Council reserves is managed in accordance with principles of the National Competition Policy.

#### **3. Scope**

This Policy applies to land owned or managed by the Council.

#### **4. Policy**

- a. Free camping is not permitted on the Council's reserves.
- b. During Overflow Events, the Council may allow temporary camping areas on the Council reserves to manage overflow demand from local commercial operators. A fee may be charged to cover the costs of administration and maintenance.

- c. Camping on the Council's reserves will be considered in the following circumstances:
  - i. a management committee will manage the site;
  - ii. an appropriate level and type of public liability insurance is in place;
  - iii. a planning permit has been issued for the use, or there are established existing use rights;
  - iv. the reserve has the appropriate facilities to cater for campers, recreational vehicles or caravans; and
  - v. no longer than four consecutive nights camping is permitted.

## **5. Legislation and Related Standards**

*Land Use Planning and Approvals Act 1993*

*Local Government Act 1993*

Tasmanian Planning Scheme – Meander Valley

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

# Policy No. 90: Mobile Food Vehicles

## POLICY MANUAL

<b>Policy No. 90</b>	<b>Mobile Food Vehicles</b>
<b>Purpose</b>	The purpose of this Policy is to provide direction for the granting of permits for mobile food vehicles to operate from a public street or the Council's owned or managed property.
<b>Department</b>	Development and Regulatory Services
<b>Author</b>	Madeline McKinnell, Team Leader Environmental Health
<b>Council Meeting Date</b>	12 December 2023
<b>Minute Reference</b>	283/2023
<b>Next Review Date</b>	<b>March 2027</b>

### POLICY

#### **1. Definitions**

<i>Mobile Food Vehicle</i>	Is a food business that operates from a mobile structure under the <i>Food Act 2003</i> . A mobile structure includes a vehicle or trailer that is not permanently fixed to the whole, or part, of a building, structure or land, in, at or from which food is, or is intended to be, handled or sold.
<i>Public Street</i>	Means any street, road, lane, thoroughfare, footpath, bridge or place open to the public, or to which the public have or are permitted to have access, whether on payment of a fee or otherwise as defined in the <i>Traffic Act 1925</i> .
<i>Council Owned or Managed Property</i>	Includes the Council's managed parks, reserves, sports grounds, car parks and road reserves.

#### **2. Objective**

The objective of this Policy is to establish the conditions under which the Council may grant permits for mobile food vehicles to operate from a public street or the Council's owned or managed property.

#### **3. Scope**

The Policy shall apply to anyone wanting to operate a mobile food vehicle within the municipality from a public street or the Council's owned or managed property.

#### **4. Policy**

The Council supports the operation of mobile food vehicles within the Meander Valley.

The Council will consider applications for permits for mobile food vehicles on any public street within the municipality and on the Council's owned or managed property.

##### **1. Assessment Considerations**

When assessing permit applications, the Council will take into account the following matters:

- advice from Tasmania Police as to the traffic and safety conditions and any other impact of the operation;
- advice from Department of State Growth if the proposed location is suitable;
- advice from key users (eg. sports clubs) of the Council owned or managed property;
- whether the operation is an appropriate distance from established permanently fixed food premises;
- proximity of sensitive uses (eg. school, hospital); and
- proposed time of day and period of operation.

Guidelines for operating a Mobile Food Vehicle from a public street of the Council's owned or managed property are available with this Policy.

#### **5. Legislation and Related Standards**

*Vehicle and Traffic Act 1999*

*Food Act 2003*

*Traffic Act 1925*

Tasmanian Planning Scheme – Meander Valley

#### **6. Responsibility**

Determination of compliance with the *Food Act 2023* and the Tasmanian Planning Scheme – Meander Valley rests with the Director Development and Regulatory Services.

Determination of compliance with the *Vehicle Traffic Act 1999* and the *Traffic Act 1925* and operation of this Policy rests with the Director Infrastructure Services.

## Guidelines for operating a Mobile Food Vehicle from a public street or Council owned or managed property

### Introduction

In accordance with Policy Number 90, these guidelines outline the process for assessing applications for the operation of mobile food vehicles from a public street or Council owned or managed property. Section 56C of the *Vehicle and Traffic Act 1999* contains provisions for the General Manager of a Council to issue a permit for vehicles to operate from a public street. In assessing whether to grant a permit, the Act requires the General Manager to take into account traffic and pedestrian safety, public convenience and any other relevant issues. The permit will be known as the Vendors Permit.

### Definitions

**Specific Site Vendors Permit** is a permit issued to allow a mobile food vehicle to operate from any one of the specific sites listed on the permit.

**Variable Site Vendors Permit** is a permit issued to allow a mobile food vehicle to operate from any public street where the mobile food vehicle is stationary for less than fifteen (15) minutes.

### Eligibility

Only road-registered vehicles where trade is wholly from inside the vehicle can obtain a permit.

### Application

An application form must be completed and submitted to Council together with the Vendor Permit fee and copies of the following documents:

- current Certificate of Registration of a Statewide Mobile Food Business
- current Public Liability and Product Liability Insurance with cover of \$20 million (minimum)
- current road vehicle registration

The particular days, times and locations from which a mobile food vehicle proposes to operate must be specified on the application form. Council will assess the suitability of each nominated site taking into consideration activities in the surrounding area, proximity to sensitive uses and road safety.

## Meander Valley Council – Guidelines for operating a Mobile Food Vehicles from a public street of Council owned or managed property

The provisions of the Planning Scheme will also be considered by Council on receipt of an application for a permit. A Planning Permit may be required depending on the proposed location(s) for mobile food vending.

### Duration of Permit

Permits will be issued for a period of up to twelve (12) months only, based on the period 1 July – 30 June.

Permits are not automatically renewed.

### Permit Fees

Permit fees will be determined by Council and included in the annual fees and charges.

Payment of the fee must accompany the application for a permit.

Permits issued throughout the year will be charged a fee equal in units of a quarter with the current quarter applying in full.

### Trading Times and Duration

#### Specific Site Vendors Permit

- Mobile food vehicles can operate for four (4) hours maximum at any one site, on any given day.
- Mobile food vehicles are not permitted to operate within two hundred (200) metres of an established permanently fixed food premises unless the proprietor of the established permanently fixed food premises has clearly expressed in writing a tolerance for mobile food vehicles operating within that distance.
- Mobile food vehicles are not permitted to operate within one hundred (100) metres of a residential dwelling between the hours of 9:00PM and 7:00AM.

#### Variable Site Vendors Permit

- Mobile food vehicles are not permitted to operate within one hundred (100) metres of a residential dwelling between the hours of 9:00PM and 7:00AM.

### General Operating Requirements

- Permits granted are only for the business identified in the permit and are not transferable.
- Permits must be displayed within the mobile food vehicle at all times.
- Permits granted are for one vehicle only; a business must obtain a separate permit to sell from additional vehicles.
- A non-motorised van/trailer coupled with a vehicle solely used to tow will be defined as one vehicle.
- Mobile food vehicles must not be left unattended whilst operating on a public street or on Council owned or managed property.
- Mobile food vehicles must be fully self-contained and not require access to an external mains power source to operate.

**Meander Valley Council – Guidelines for operating a Mobile Food Vehicles from a public street of Council owned or managed property**

- Food or beverage preparation, cooking or serving equipment or structures are not to be installed or erected outside the vehicle to display, prepare or serve food.
- Power sources that generate low to no noise and/or air pollution are to be used where possible. Amplified music or public address systems are not to be used by operators vending under a Site Specific Vendors Permit.
- All conditions of the permit must be complied with at all times of operation.
- Mobile food vehicle trading locations may be limited by Council.
- The number of mobile food vehicles in any location may be limited by Council.

**Community Access and Safety**

Mobile food vehicles must be operated to ensure that:

- Customers are served from the footpath side of the vehicle only and do not queue across footpaths, onto roadways, driveways or other pedestrian or trafficked accesses.
- Access to parking and bus zones as well as footpaths, roads, driveways and wheelchair access ramps is maintained at all times.
- Access to all street furniture such as public seats and rubbish bins is not impeded as a result of permitted trade.
- Trees and/or street furniture are not modified as a result of permitted trade.
- The installation, maintenance and operation of gas and/or electrical appliances within the vehicle comply with the relevant Australian Standards.
- Safety of people is not compromised in any way by the location or operation of the mobile food vehicle.

**Waste Bins (Specific Site Vendors only)**

Whilst trading to the public, a mobile food vehicle must place out for use, at least one bin to accept wastes and one bin for recyclable materials. The bins must be at least fifty (50) litres and are to be removed by the operator and contents disposed of responsibly.

**Permit Cancellation**

A permit may be cancelled if the General Manager of the Council is satisfied that the permit holder has committed serious or repeated breaches of the permit conditions.

**Review**

These Guidelines are to be reviewed when Policy Number 90 is reviewed.

# Policy No. 91: Climate Change Mitigation and Adaptation

## POLICY MANUAL

<b>Policy No. 91</b>	<b>Climate Change Mitigation and Adaption</b>
<b>Purpose</b>	The purpose of this Policy is to provide a basis for acting to mitigate and adapt to the effects of climate change.
<b>Department Author</b>	Governance Jonathan Harmey, General Manager
<b>Council Meeting Date Minute Reference</b>	9 April 2024 051/2024
<b>Next Review Date</b>	<b>April 2026</b>

## POLICY

### 1. Definitions

<i>Adaptation</i>	The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate harm or exploit beneficial opportunities. In natural systems, human intervention may facilitate adjustment to expected climate and its effects ( <i>adapted from IPCC – Assessment Report 5</i> ).
<i>Climate Change</i>	A change in the state of the climate that can be identified (eg. using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer ( <i>IPCC – Assessment Report 5</i> ).
<i>Mitigation</i>	A human intervention to reduce the sources or enhance the sinks of greenhouse gases (GHGs) ( <i>adapted from IPCC – Assessment Report 5</i> ).
<i>Greenhouse Gas Audit</i>	An assessment which seeks to quantify a list of an organisation’s greenhouse gas emissions and emission sources. A strategic tool for understanding, managing and communicating emissions from an organisation’s activities.

### *Heated and Cooled Spaces*

A communal space for members of the community to attend to seek shelter from extreme weather conditions which would otherwise affect the health and well-being of community members.

## **2. Objective**

To acknowledge climate change as a factor to be managed and the Meander Valley Council's commitment to work with other levels of government, industry and the community to responsibly mitigate and adapt to the local effects of climate change.

## **3. Scope**

This Policy applies to all the Meander Valley Council's operations, practices, services and community facilities; including the management of natural areas.

Responses and specific actions to mitigate and adapt to the effects of climate change will be progressed in line with this Policy through normal planning and risk management systems.

## **4. Policy**

1. The Meander Valley Council acknowledges the world's climate is changing due to increasing concentrations of greenhouse emissions in the atmosphere caused by human activity.
2. All levels of government, industry and the community need to minimise greenhouse gas emissions. Coordinated and integrated action is needed to mitigate and adapt to climate change and the Meander Valley Council supports the Australian and State Governments acting to contribute to global climate change mitigation in a way that responsibly achieves environmental, economic and social sustainability.
3. The Meander Valley Council recognises that while all local impacts of climate change may not be immediately known, it is necessary to minimise pollution, greenhouse gas emissions and related environmental impacts, plan and adapt to emerging and future risks arising from climate change.
4. The Meander Valley Council commits to working with all levels of government, other local government municipalities, industry and the community to minimise pollution, greenhouse gas emissions and related environmental impacts and manage the economic, social and environmental risks that climate change pose.
5. The Meander Valley Council will seek to promote energy efficiency within the community, to assist the community in reducing individual greenhouse gas emissions and promote safety surrounding the emerging impacts of climate change.

6. The Meander Valley Council commits to providing ongoing professional development and education to staff and Councillors surrounding climate change and how it will affect the region.
7. The Meander Valley Council commits to conducting a Greenhouse Gas Audit on Council operations within 12 months of this Policy review. This will ensure a baseline understanding of the sources of the Council's greenhouse gas emissions, costs of maintaining greenhouse gas emitting assets and address where mitigation strategies should be targeted, including those actions which could provide cost saving to the Council. Once received, the Greenhouse Gas Audit will be assessed and proposed actions developed to reduce emissions.
8. In the event of a prolonged weather event in the Meander Valley local government area, the Council will implement measures (including use of Heated and Cooled Spaces) to support vulnerable members of the community, including those over the age of 65-years and the very young. These measures will include the use of Heated and Cooled Spaces and the Council will identify facilities that would be suitable for this purpose.
9. Meander Valley Council will continue to identify opportunities to innovate in, and in the way we live to build a sustainable and resilient community against climate change.

## **5. Legislation and Related Standards**

*Climate Change (State Action) Act 2008*

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 92: Financial Hardship Assistance

## POLICY MANUAL

**Policy No. 92**

**Financial Hardship Assistance**

**Purpose**

The purpose of this Policy is to enable the Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

**Department**

Corporate Services

**Author**

Craig Davies, Director

**Council Meeting Date**

13 August 2024

**Minute Reference**

110/2024

**Next Review Date**

**August 2028**

### POLICY

#### **1. Definitions**

Nil.

#### **2. Objective**

This Policy was originally developed and implemented during the COVID-19 pandemic. The Council was determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship policy.

This Policy remains relevant in a post-COVID environment and is designed to support members of the community through serious financial hardship.

#### **3. Scope**

This Policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to the Council. It is not intended to be used to maintain financial positions for those who are not genuinely impacted by serious financial hardship.

This Policy applies only to the Council's rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This Policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions, collected pursuant to section 79B of the *Fire Service Act 1973*.

## **4. Principles**

This Policy will be applied in accordance with the following principles:

- 4.1 consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- 4.2 maintaining the Council's ability to provide essential services to our community through appropriately applied rating.
- 4.3 assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- 4.4 ensuring that those able to contribute to local services, continue to do so.
- 4.5 minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- 4.6 maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

## **5. Policy**

- 5.1 According to the Australian Taxation Office (ATO), individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:
  - a. food;
  - b. accommodation;
  - c. clothing;
  - d. medical treatment;
  - e. education; and
  - f. other basic necessities.
- 5.2 Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business' primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.
- 5.3 Applicants will need to provide evidence of their circumstances of financial hardship to justify the Council's special consideration of their case. The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:
  - a. assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
  - b. a statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (eg. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
  - c. pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
  - d. notice of impending legal action;

- e. letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- f. bank notice for example, overdraft call or mortgaged property repossession;
- g. employer notice of redundancy or termination of employment;
- h. overdue medical bills;
- i. letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- j. final notice from school regarding payment of mandatory fees;
- k. funeral expenses; and
- l. repossession notice of essential items, like a car or motorcycle (primary transport).

### ***How Can The Council Help***

- 5.4 The *Local Government Act 1993* provides the Council with three methods of rate relief:
- a. postponing rate payments (sections 125-127)
  - b. remission of late payment penalties or interest (section 128)
  - c. remission of rates (section 129)

### ***Postponing Rates Payments – Deferral Arrangements***

- 5.5 In confirmed cases of financial hardship, the Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions the Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by three months. However, rate deferral arrangements can only defer individual payments up to a maximum of two years and only in the most serious circumstances.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that the Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

### **Remitting Late Payment Interest**

- 5.6 For typical circumstances that are not of financial hardship, rates must be paid by the due date and the Council may charge interest calculated daily for late payments. However, for confirmed cases of financial hardship, the Council may waive the applicable interest accumulated, for a specified period that relates to the period of financial hardship.

### **Remitting Rates**

- 5.7 Remission of any rates, or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases.

The application must demonstrate:

- a. financial hardship;
- b. exceptional and serious circumstances;
- c. how the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 5.6 unfeasible and unreasonable to fulfil; and
- d. how enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependants.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- e. deferral arrangements are preferable to rates remission and may be recommended in advance of any decision to approve an application for rates remission;
- f. amounts or proportions of rates to be remitted are to be minimised, for example, below \$1,000 or 50%; the remainder subject to payment arrangements;
- g. instances of rates remission are to be minimised to no more than one rates remission per applicant.

### **Applying for Financial Hardship Assistance**

- 5.8 To seek financial hardship assistance from the Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:
- emailed to: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au) or
  - mailed to: General Manager, Meander Valley Council, PO Box 102, Westbury, Tasmania, 7303.
  - delivered in person to: General Manager, Meander Valley Council, 26 Lyall Street, Westbury, Tasmania, 7303.

Applications must:

- demonstrate and provide evidence for financial hardship and circumstances (see section 5.3 – Evidence of Financial Hardship);
- describe the type of assistance sought, being:
  - postponing rate payments (a deferral arrangement);
  - postponing or waiving late payment interest;
  - remitting rates, interest, in part or in full;
- address all requirements set out in this Policy.

### ***Assessing Applications***

5.9 Applications for deferral arrangements may be decided by the General Manager for amounts less than \$2,000.

5.10 Council has the authority to approve rates or interest charge remissions, by absolute majority, this power has also been delegated to the General Manager in accordance with Section 22 of the *Local Government Act 1993* for amounts not exceeding \$2,000.

## **6. Legislation and Related Standards**

*Local Government Act 1993*, particularly:

Sections 125-127 – Postponement of Payment

Section 128 – Late Payments

Section 129 – Remission of Rates

Meander Valley Council Policy No. 77: Rates and Charges

## **7. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 94: Facility Sponsorship and Advertising

## POLICY MANUAL

<b>Policy No. 94</b>	Facility Sponsorship and Advertising
<b>Purpose</b>	The purpose of this Policy is to define factors to be considered when determining a request from sporting, recreational and community groups for the Council's consent to enter into a naming rights sponsorship agreement for the Council's owned facilities.
<b>Department Author</b>	Infrastructure Services Karl Boss-Walker, Team Leader Community Facilities and Recreation
<b>Council Meeting Date Minute Reference</b>	11 February 2025 025/2025
<b>Next Review Date</b>	<b>February 2029</b>

### POLICY

#### **1. Definitions**

<i>Community Group</i>	Any group that is a user of a Council owned facility under the terms and conditions of an ongoing hire agreement or lease.
<i>Community Facility</i>	Any building, playing field, associated infrastructure or any specified part of a facility owned by the Meander Valley Council.
<i>Naming Rights</i>	The exclusive right for a Sponsor to name or brand a Council Facility or part of a Council Facility with signage for a specified period.
<i>Sponsor</i>	Any form of private organisation seeking a Sponsorship arrangement.
<i>Sponsorship</i>	The exchange of money, goods, services or <i>in-kind</i> support from a Sponsor to a Community Group where there are specific obligations on the Community Group for a return to the Sponsor.

## **2. Objective**

The objective of this Policy is to define factors to be considered when determining a request from sporting, recreational and community groups for the Council's consent to enter into a Naming Rights Sponsorship agreement for the Council's owned facilities.

## **3. Scope**

This Policy applies to a proposal to assign Naming Rights to a Council Facility or part of a Council Facility.

## **4. Policy**

1. The Council acknowledges that sponsorship can provide significant benefits to community groups, sponsors and the wider community. In considering an application to approve a sponsorship agreement, including naming and related advertising rights, the Council will consider the following:
  - 1.1. Facility Naming Rights may be permitted on the Council's owned sports grounds, pavilions or public buildings or a specific area within a sporting precinct or reserve.
  - 1.2. a Sponsorship proposal must be made by a Community Group operating under the terms and conditions of an ongoing hire agreement or lease arrangement unless the Sponsorship request relates to a facility directly controlled and managed by the Council.
  - 1.3. a written sponsorship agreement must be executed between the Community Group and Sponsor. Any such agreement must be consistent with the Council's policy and the terms of any hire or lease agreement.
  - 1.4. where use of a Council facility is shared, then other users of the facility must be consulted by the applying Community Group. Any identified issues and proposed solutions must be raised in the proposal.
  - 1.5. a Sponsorship and/or Naming Rights proposal must be consistent with community and the Council's values and be cognisant of history relating to the facility and its location. Without limiting its discretion, the Council is to consider the reputation and brand of a proposed sponsor, the nature of the business of the sponsor, restrictions on the general amenity or operation of the facility and risks to the reputation of the Council or the community.
  - 1.6. sponsorship proposals that promote tobacco, alcohol, gambling, adult services, any activity prohibited by law, or otherwise deemed inappropriate by the Council, will not be accepted.
  - 1.7. any Sponsorship and related promotion through Naming Rights or other activity must not imply the Council's endorsement of a brand, product or organisation.
2. A sponsored Council facility with assigned Naming Rights may be referred to by its sponsored name in community group communications, competitions, promotions and marketing. The Council will continue to use the existing building or reserve name in official or public documents.

3. Sponsor signage must be in accordance with the conditions stated in the Council's hire agreement or lease documentation. Any new signage structure will be subject to relevant planning requirements and approval in advance by the Council.
4. A Naming Rights proposal will be considered on a case by case basis and approved by the Council. Any proposed Sponsorship agreement which affects a Council Facility is to be provided to the Council for review before execution by the General Manager.
5. No actions (ie. installation of signage) will be undertaken until formal approval is provided by the General Manager or as required by the Council.

## **6. Legislation and Related Standards**

*Local Government Act 1993*

## **7. Responsibility**

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

# Policy No. 95: Indigenous Recognition

## POLICY MANUAL

### Policy No. 95

### Indigenous Recognition

#### Purpose

The purpose of this Policy is to ensure Traditional Owners/Custodians of the land are acknowledged.

#### Department

Governance

#### Author

Jonathan Harmey, General Manager

#### Council Meeting Date

14 December 2021

#### Minute Reference

235/2021

#### Next Review Date

**October 2025**

## POLICY

### 1. Definitions

Nil.

### 2. Objective

The objectives of this Policy are to:

- acknowledge the Aboriginal culture and history relating to the lands within the Meander Valley Local Government Area;
- express the Council's commitment towards promoting the Aboriginal community, culture and reconciliation in the Meander Valley; and
- promote awareness of, and respect for, the Aboriginal community, as the Custodians of the land and waterways through appropriate acknowledgement at Meander Valley Council public functions and events.

### 3. Scope

This Policy applies to Council Meetings, Council Committee Meetings and official Council ceremonies, functions and events attended by the public.

### 4. Policy

1. The Council recognises the long standing cultural history of the now past Pallitore and Panninher peoples (the past peoples) and is committed to supporting a continuing recognition of their connection and history to the lands and waterways which now comprise the local government area of the Meander Valley.

2. The Council acknowledges the significant role the Aboriginal community of Tasmania (collectively known as the Palawa) plays in acknowledging and respecting the past peoples of the land and waterways.
3. The Council respects and supports the role of local Aboriginal people in acknowledging and preserving the connection of past peoples as well as their own culture and connection to the land and country that is now the Meander Valley Local Government Area;
4. The Council will be guided by the protocols of the National Indigenous Australians Agency which is a complement to the guidance of local Aboriginal people within our community.

## **5. Recognition and Acknowledgement Actions**

1. The Council will recognise the past peoples and local Aboriginal people and their culture and connection to this country, through the display of the Australian Aboriginal Flag in the Council Chamber at Westbury and at official ceremonies where the Australian and Tasmanian flags are also displayed.
2. The Australian Aboriginal Flag will also be flown externally at the Council Chambers during days of significance in line with national protocols and conventions.
3. When appropriate, the Council will invite a representative from the local Aboriginal community to perform a Welcome to Country at official ceremonies and significant community events and meetings delivered by the Council.
4. The Council will undertake an Acknowledgement of Country at the Council's organised public events, such as Council Meetings and Citizenship Ceremonies.

### *Welcome to Country*

A Welcome to Country is to be delivered by Traditional Owners or Custodians of the land on which the event takes place.

The Council will invite a recognised representative of the local Aboriginal community to conduct a Welcome to Country at Council-organised events of significance, including Citizenship Ceremonies.

In the spirit of community service, it is anticipated a Welcome to Country will be provided at no cost. The Council will, however, reimburse any demonstrated and reasonable costs incurred in attending or conducting the ceremony, or donate the equivalent to an initiative that benefits Aboriginal people.

### *Acknowledgement of Country*

The Meander Valley municipality was home to Aboriginal people from the Pallitore clan (to the West) and the Panninher clan (to the East).

Acknowledgement of Country gives recognition to both past peoples and also the present local Aboriginal people who live on the lands now known as the Meander Valley.

Acknowledgment will be given through the following words:

1. *I begin today by acknowledging the Pallitore and Panninher past peoples and the Traditional Owners and Custodians of the land on which we gather today and pay my respects to Elders past and present. I extend that respect to all Aboriginal and Torres Strait Islander peoples here today.*

Or

2. *I begin today by acknowledging the Traditional Owners and Custodians of the land on which we gather today and pay my respects to Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.*

#### *Flying the Aboriginal Flag*

The Australian Aboriginal Flag will be permanently displayed in the Council Chambers at 26 Lyall Street, Westbury, in line with Australian Flag Protocols.

The Australian Aboriginal Flag will be flown externally at the Council Chambers in line with Australian Flag Protocols during significant events such as NAIDOC week.

## **6. Legislation and Related Standards**

*Constitutional Recognition of Aboriginal People Act 2016*  
*Flags Act 1953*

## **7. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 96: Safeguarding Children and Young People

## POLICY MANUAL

<b>Policy No. 96</b>	<b>Safeguarding Children and Young People</b>
<b>Purpose</b>	The purpose of this Policy is to provide direction to assist all employees of the Meander Valley Council, Councillors and representatives in compliance with the <i>Child and Youth Safe Organisations Act 2023</i> .
<b>Department</b>	Governance
<b>Author</b>	Wezley Frankcombe, Manager Governance and Performance
<b>Council Meeting Date</b>	16 January 2024
<b>Minute Reference</b>	007/2024
<b>Next Review Date</b>	<b>January 2025</b>

### POLICY

#### **1. Definitions**

<i>Abuse</i>	Means an act, or a failure to act, towards or on behalf of a child or young person that may result in harm. It can occur on one occasion, or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, sexual and neglect.
<i>Child/Children/Young Person</i>	Any person under 18 years of age as defined by <i>Children, Young Persons and their Families Act 1997</i> .
<i>Child Safe</i>	For this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
<i>Child Safe Organisation</i>	Defined in the Royal Commission Final Report as an organisation that: <ul style="list-style-type: none"><li>• creates an environment where childrens' safety and wellbeing are at the centre of thought, values and actions;</li><li>• places emphasis on genuine engagement with and valuing of children and young people;</li><li>• creates conditions that reduce the likelihood of harm to children and young people;</li></ul>

- creates conditions that increase the likelihood of identifying any harm; and
- responds to any concerns, disclosures, allegations or suspicions of harm.

*Note:* in the context of Local Government organisations, this would involve referring concerns to the Independent Regulator and in the case of suspected criminal behaviour, to Tasmania Police to respond as appropriate.

Implementation of the Child and Youth Safe Standards (which mirror the National Principles for Child Safe Organisations) give effect to the above.

*Child and Youth Safe Standards (the Standards)*

Ten standards that specific organisations in Tasmania (including Councils) must put into practice in an ongoing and simultaneous manner. These are defined under the legislation and mirror the National Principles for Child Safe Organisations.

*Contractor*

In the scope of this policy means a person or company used by the Meander Valley Council to provide services directly to children and young people, or where the contract's activities will, or are likely to involve contact with children and young people that is a usual part of and more than incidental to, the services.

*Council Facilities*

Properties, buildings and facilities including parks and sporting facilities owned and managed by the Meander Valley Council including those used by the public or available for hire.

*Council Staff*

Includes Meander Valley Council employees, volunteers, students on placement, contractors, consultants, elected representatives and visitors and anyone else who undertakes work on behalf of the Meander Valley Council. This is regardless of their work related to children or young people.

*Harm*

Any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance, or a series or combination of acts, omissions or circumstances.

*Independent Regulator*

An independent oversight body that exists to help organisations understand how to comply with Tasmania's Child and Youth Safe Framework, provide guidance and advice and monitor compliance.

<i>LGAT</i>	Means the Local Government Association of Tasmania.
<i>Reportable Conduct Scheme</i>	Requires leaders of specific organisations to notify the Independent Regulator when concerns are raised about conduct related to child abuse.
<i>Universal Principle for Aboriginal Cultural Safety</i>	<p>This applies across all 10 Child and Youth Safe Standards and means the right of Aboriginal and Torres Strait Islander children and young people to cultural safety must be respected.</p> <p>Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.</p> <p>Taking the actions necessary to ensure children and young people feel safe and are safe. This also means that if children or young people do not feel safe, steps are taken to restore their safety.</p>

## **2. Objective**

The objective of this Policy is to define Meander Valley Council's commitment to creating and maintaining a Child Safe Organisation in accordance with the *Child and Youth Safe Organisations Act 2023 (the Act)*. This Policy outlines the Meander Valley Council's approach towards achieving best practices for safeguarding of children and young people.

## **3. Scope**

In line with the Act, this policy applies to all employees and representatives of the Meander Valley Council, including:

- a. the Mayor and Councillors;
- b. full-time, part-time and casual employees;
- c. permanent and temporary employees performing work for the Meander Valley Council, including work experience students, apprentices, interns and trainees;
- d. temporary and casual individuals engaged through an employment agency;
- e. staff on secondment from another roll or another council;
- f. volunteers of the Meander Valley Council; and
- g. contractors, or consultants, directly engaged/renumerated by the Meander Valley Council.

## 4. Policy

### 4.1 Child Safe Standards

- a. The Child Safe Standards outline how an organisation can develop a culture with child safety and wellbeing at its centre. The Child Safe Standards contribute to preventing abuse and harm. The Child Safe Standards require organisations to meet a benchmark which ensures children and young people's rights to safety and wellbeing are respected and upheld.
- b. All 10 The Child Safe Standards must be put into practice in accordance with a Universal Principle for Aboriginal Cultural Safety. The Universal Principle says organisation must provide an environment that ensures the right to cultural safety of Aboriginal and Torres Strait Islander children is respected.
- c. Tasmania's 10 Child and Youth Safe Standards mirror the National Principles for Child Safe Organisations which emerged from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- d. The 10 Child and Youth Safe Standards are:

Standard	Requirements
<b>Standard 1:</b> Child safety and wellbeing is embedded in organisational leadership, governance and culture.	All people in the organisation care about children and young people's safety and wellbeing above everything else and make sure they act that way and lead others to act that way.
<b>Standard 2:</b> Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.	Children and young people are told about their human rights, have a say in decisions and are taken seriously.
<b>Standard 3:</b> Families and communities are informed and involved in promoting child safety and wellbeing.	Families, carers and communities know about and are involved in the organisation's child and safety and wellbeing activities.
<b>Standard 4:</b> Equity is upheld and diverse needs respected in policy and practice.	The rights of every child and young person are being met and children and young people are treated with dignity, respect and fairness.
<b>Standard 5:</b> People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	People working with children and young people are safe to work with children and young people and are respectful of them. They are taught how to keep children safe and well.

<b>Standard</b>	<b>Requirements</b>
<b>Standard 6:</b> Processes to respond to complaints and concerns are child focused.	Children, young people, families, carers, staff and volunteers are listened to and can share problems and concerns.
<b>Standard 7:</b> Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	Staff and volunteers keep learning all the time so they know how to keep children and young people safe and well.
<b>Standard 8:</b> Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.	Children and young people are safe in online and physical spaces.
<b>Standard 9:</b> Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.	The organisation keeps reviewing and improving its child safety and wellbeing practices.
<b>Standard 10:</b> Policies and procedures document how the organisation is safe for children and young people.	The organisation writes down how it keeps children and young people safe and well and makes sure that everyone can see these documents.

## 4.2 Reportable Conduct Scheme

- a. The Reportable Conduct Scheme aligns closely with the Standards. The Reportable Conduct Scheme aims to improve how organisations (in this instance, the Council) respond to allegations of certain types of misconduct involving children and/or young people, committed by their workers and volunteers.
- b. The Reportable Conduct Scheme imposes legal obligations on the General Manager as head of the organisation to have systems in place to prevent child abuse and if child abuse is alleged, to ensure allegations are brought to the attention of the Independent Regulator within three business days of receipt of the complaint, along with appropriate persons for investigation and response.
- c. The Meander Valley Council may engage an external third party for the purpose of conducting investigations and reporting on allegations of abuse.
- d. Under the Reportable Conduct Scheme, reportable conduct is broader than suspected criminal behaviour and includes:
  - i. sexual offences (against, with or in the presence of, a child);
  - ii. sexual misconduct (against, with or in the presence of, a child);
  - iii. physical violence (against, with or in the presence of, a child);
  - iv. grooming of a child;
  - v. behaviour that causes significant emotional or psychological harm;

- vi. significant neglect; and
- vii. relevant offences such as failing to report child abuse.

### **4.3 Roles and Responsibilities**

- a. Safeguarding children and young people is a shared responsibility across the Meander Valley Council.
- b. The Meander Valley Council's Officers will continue to identify specific role requirements and update Officer Position Descriptions as necessary, in order to continue to work towards best practice in accordance with the Act.

### **4.4 Continual Improvement**

The Meander Valley Council will work with the Regulator, Local Government Associations of Tasmania, other Councils, training providers and other entities as necessary in developing future policies, procedures, processes and training.

## **5. Legislation and Related Standards**

*Local Government Act 1993*

*Archives Act 1983*

*Right to Information Act 2009*

*Child and Youth Safe Organisations Act 2023*

*Children, Young Persons and their Families Act 1997*

Meander Valley Council Policy No. 1: Risk Management

Meander Valley Council Policy No. 45: Information Management

Human Resources Policies and Procedures

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 97: Flying of Flags

## POLICY MANUAL

<b>Policy No. 97</b>	<b>Flying of Flags</b>
<b>Purpose</b>	The purpose of this Policy is to determine the manner in which the Council will fly flags at its various locations.
<b>Department</b>	Governance
<b>Author</b>	Wezley Frankcombe, Manager Governance and Performance
<b>Council Meeting Date</b>	9 April 2024
<b>Resolution Number</b>	049/2024
<b>Next Review Date</b>	<b>April 2028</b>

### POLICY

#### **1. Definitions**

Nil.

#### **2. Objective**

To ensure that the flying of flags in the municipality where applicable is consistent and in accordance with Federal and State Government protocols.

#### **3. Scope**

This Policy applies to the Council's Officers and agents who arrange the flying of flags at the Council's owned and managed locations.

#### **4. Policy**

Flags are to be flown on each business day at the Meander Valley Council Chambers. Flags may be flown on each business day at various locations as decided by the General Manager in accordance with the following protocols:

- Raise the flag briskly and lower it ceremoniously.
- Do not raise the flag earlier than first light or lower the flag later than dusk.
- When the flag is raised or lowered or is carried in a parade or review, everyone present should be silent and face the flag and people in uniform should salute.
- The flag should always be flown freely and as close as possible to the top of the flagpole with the rope tightly secured.
- The Australian National Flag should be raised first and lowered last, unless all other flags at the ceremony are raised and lowered simultaneously.

- When the Australian National Flag is flown with flags of other nations, all flags should be the same size and flown on flagpoles of the same height.
- The Australian National Flag should fly on the left of a person facing the flags, when it is flown with one other national flag.
- Do not fly two flags from the same flagpole.
- Only fly the flag at night when it is illuminated.
- Do not fly the flag if it is damaged, faded or dilapidated.
- When the material of a flag deteriorates it may either be placed in a permanent place of storage or should be destroyed privately and in a dignified way such as cutting it into small unrecognisable pieces, placing it in an appropriate sealed bag or closed container and then putting it in the normal rubbish collection.

An outline for an optional flag retirement ceremony is provided below:

- Do not fly the flag upside down, even as a signal of distress.
- Do not allow the flag to fall or lie on the ground or be used as a cover (although it can be used to cover a coffin at a funeral).

Flags are to be at half-mast in recognition of the death of the following local dignitaries:

- Mayor
- Councillors
- Former Mayor
- Former Aldermen
- Former Councillors
- Others as approved by the Mayor

Flags are to be lowered to half-mast on the morning of the funeral service or memorial service and are to remain so for the remainder of the day.

The relevant protocol and instructions, in relation to the flying of flags, from the Australian Government and the Tasmanian Government will be observed.

The General Manager may choose to fly the flag in accordance with this Policy on a day that is not a business day.

## **5. Legislation and Related Standards**

The relevant protocol and instructions, in relation to the flying of flags, from the Australian Government and the Tasmanian Government will be observed.

## **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.

# Policy No. 98: Council Meeting Administration

## POLICY MANUAL

<b>Policy No. 98</b>	<b>Council Meeting Administration</b>
<b>Purpose</b>	The purpose of this Policy is to provide information to Councillors, staff and the community regarding administrative arrangements and procedural requirements for Council Meetings.
<b>Department</b>	Governance
<b>Author</b>	Wezley Frankcombe, Manager Governance and Performance
<b>Council Meeting Date</b>	9 April 2024
<b>Minute Reference</b>	050/2024
<b>Next Review Date</b>	<b>April 2028</b>

### POLICY

#### **1. Definitions**

Nil

#### **2. Objective**

To outline processes and arrangements to ensure Council Meetings are conducted efficiently and in compliance with relevant legislation.

#### **3. Scope**

This Policy applies to Councillors, staff and the community of Meander Valley Council.

#### **4. Policy**

- a. The frequency, dates and times of Council Meetings will be determined annually prior to the end of the calendar year, for the following calendar year. The General Manger may arrange for a Special Meeting in accordance with the relevant legislation.
- b. If the scheduled Council Meeting falls on a week day that is a public holiday, the Council Meeting will be held on the next business day of the same week that is not a public holiday.

## **5. Live Streaming**

- a. Council Meetings and the Annual General Meeting, where practicable, are to be live streamed to the public. A link to the live stream should be included in the respective Agenda and on the Council's website.
- b. This Policy applies to the open sessions of ordinary Council Meetings, Special Council Meetings (held in open session) as well as the Annual General Meeting of the Council. Closed Council Meetings will not be live streamed or recorded.
- c. If technical difficulties are experienced, the Meeting shall continue and live streaming will not occur for that Meeting.
- d. A decision to live stream Meetings that are not held in the Meander Valley Council Chambers will be assessed and made by the General Manager, on a case-by-case basis.
- e. Live streamed recordings are retained for at least six months.
- f. Audio Recording will occur for the following Meetings:
  - i. open sessions of ordinary Council Meetings;
  - ii. open sessions of Special Council Meetings;
  - iii. the Annual General Meeting of the Council; and
  - iv. public meetings convened under sections 59 or 60F of the Local Government Act 1993.
- g. Any part of a Meeting held in closed session is not recorded. Transcripts of audio recordings will not be prepared.
- h. Audio recordings will be publicly available and stored on the Council's website for at least six months. The Council can provide a copy of an audio recording on receipt of a request in writing which may require an administrative fee to payable for this service.

## **6. Public Question Time**

This section of the Policy applies to Public Question Time at ordinary Council Meetings.

- a. Public Question Time will be managed to the following conditions:
  - i. A minimum of at least 15 minutes is available, as required, at each ordinary Council Meeting for Public Question Time.
  - ii. This time may be extended at the discretion of the Chairperson.
  - iii. Debate or discussion about questions or answers is not permitted.
  - iv. The Chairperson may refuse to accept a question. If this happens, reasons will be provided.
  - v. Statements and/or preamble of a question will not be published in the Minutes of the respective Council Meeting.
  - vi. A limit of two questions per person applies per Meeting.

- vii. Multiple-part questions framed in such a way as to circumvent the limit of two questions per person, will be treated as individual questions.
- b. In addition to 6a, questions asked during Public Question Time may be asked With or Without Notice:
- c. Questions on Notice:
    - i. Questions on Notice must be submitted in writing at least seven days before the ordinary Council Meeting. The seven-day period does not include the day notice is given or the day of the ordinary Council Meeting.
    - ii. The questions and responses will generally be published in the Agenda of the next ordinary Council Meeting, however, if more time is required to respond to complex questions, the questions will be acknowledged in the Agenda of the next ordinary Council Meeting, with the date of the later ordinary Council Meeting at which response/s will be published.
    - iii. If more than two questions per person are submitted, additional questions will be treated as correspondence and a written response will be provided in keeping with the Council's Customer Service Charter.
    - iv. Only questions will be published in the Agenda. Accompanying correspondence, attachments, statements or preamble will not be published.
  - d. Questions Without Notice:
    - i. Members of the public who attend an ordinary Council Meeting to ask Questions Without Notice will be asked to write their name and questions on arrival at the Council Chambers, to assist with minute-taking.
    - ii. The Chairperson will determine the order in which people will be invited to ask their questions.
    - iii. Questions must be succinct. Public Question Time is not an opportunity to make statements or engage in lengthy preamble.
    - iv. Questions asked during Public Question Time and answers given, will be minuted with attribution to the person asking the question and to the person who answers the question.
    - v. A member of the public is to supply questions asked in writing by close of business on the day of the Council Meeting the question was asked. Failure to do so will limit the ability of the minute taker to publish the question in the minutes of the Meeting.
    - vi. The Chairperson will advise whether the Question Without Notice will be Taken on Notice so it can be answered at a future ordinary Council Meeting.

## **7. Councillor Question Time**

This section of the Policy applies to Councillor Question Time at ordinary Council Meetings.

- a. Councillor Question Time is managed to the following conditions:
  - i. The Meeting Agenda of ordinary Council Meetings will provide for Councillor Question Time.
  - ii. Debate or discussion about questions or answers is not permitted.

- iii. The Chairperson may refuse to accept a question. If this happens, reasons will be provided.
  - iv. A limit of three questions per Councillor applies per Meeting.
- b. Questions on Notice:
- i. Questions on Notice must be submitted in writing at least seven days before the ordinary Council Meeting. The seven-day period does not include the day notice is given or the day of the ordinary Council Meeting.
  - ii. The questions and responses will usually be published in the Agenda of the next ordinary Council Meeting, however, if more time is needed to respond to complex questions, the questions will be acknowledged in the Agenda of the next ordinary Council Meeting, with the date of the later ordinary Council Meeting at which response/s will be published.
  - iii. Only questions will be published in the Agenda. Accompanying correspondence, attachments, statements or preamble will not be published.
- c. Questions Without Notice:
- i. The Chairperson will determine the order in which Councillors will be invited to ask their questions.
  - ii. Questions must be succinct. Councillor Question Time is not an opportunity to make statements or engage in lengthy preamble.
  - iii. The Chairperson will advise whether the Question Without Notice will be Taken on Notice so it can be answered at a future ordinary Council Meeting. Questions to be Taken on Notice will be recorded in the Minutes.
  - iv. If Questions Without Notice are asked and answered at the Meeting, they will not be recorded in the Minutes.

## **8. Councillor Leave of Absence Applications**

Councillors are requested to submit their Leave of Absence Applications in writing to the Mayor or General Manager at least seven days prior to the Meeting. Applications for Leave of Absence for Councillors will be dealt with in a Closed Council Meeting.

## **9. Councillor Declaration of Interest**

- a. Councillors must comply with Part 5 of the *Local Government Act 1993* Pecuniary Interests, which states that:
- i. *A councillor must not participate at any meeting of council, council committee, special committee, controlling authority, single authority or joint authority in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.*
  - ii. *A councillor has an interest in a matter if the councillor or a close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.*



# Policy No. 99: Use of Body Worn Cameras

## POLICY MANUAL

<b>Policy No. 99</b>	<b>Use of Body Worn Cameras</b>
<b>Purpose</b>	The purpose of this policy is to provide for a framework for the use of a Body Worn Camera.
<b>Department Author</b>	Development and Regulatory Services Krista Palfreyman, Director
<b>Council Meeting Date</b>	9 July 2024
<b>Minute Reference</b>	086/2024
<b>Next Review Date</b>	<b>July 2028</b>

## POLICY

### 1. Definitions

<i>Body Worn Cameras - BWC(s)</i>	A small recording device that captures video and audio recordings when activated.
<i>Authorised Council Officers</i>	An Authorised Council Officer for the purposes of this Policy is the Director Development and Regulatory Services and the General Manager or as authorised or delegated.

### 2. Objectives

The objectives of this Policy are to:

- a. ensure the safety of Council Officers while undertaking compliance and enforcement activities, including investigations, by reducing the risk of exposure to violence, aggressive, or abusive behaviour; and
- b. capture evidence to assist with compliance activities, enhance transparency, and manage potential allegations and claims of misconduct; and
- c. establish governance mechanisms for the protection of information and compliance with relevant legislation; and
- d. provide guidelines to ensure the safety and privacy of members of the public is managed appropriately.

### 3. Scope

This Policy applies to Council Officers who use BWCs as part of their duties. It covers the use, management, storage and use of BWC recordings.

## **4. Policy**

### **4.1 Deployment and Use**

- **Issuance:** BWCs may be issued to Council Officers who have completed relevant training, and whose duties involve, or are assisting with, interaction with the public through compliance and enforcement activities and investigations. They may also be issued to Council Officers when interacting with members of the public in accordance with workplace health and safety protections.
- **How BWCs will be worn:** BWCs must be worn in an overt manner and in a prominent location on the body of the Council Officer.
- **Activation:** Council Officers may activate BWCs during public interactions and when responding to calls for service relating to compliance and legislative activities, including under the *Work Health and Safety Act 2012*. The BWC should be activated as soon as the Council Officers are aware of the need to record the interaction. Council Officers will make all reasonable efforts to announce that a BWC is recording.
- **Express or implied consent:** a Council Officer must not use a BWC if:
  - any persons objects to being recorded or revokes consent to be recorded; and
  - the Council Officer is not exercising an express statutory power to record; and
  - there is no imminent threat of serious violence to person or of substantial damage to property; or

A Council Officer may use a BWC without express or implied consent if:

- in accordance with workplace health and safety protections; or
  - there is an imminent threat of serious violence to person or of substantial damage to property.
- **Deactivation:** BWCs should be deactivated upon completion of the interaction or when the incident is resolved. Council Officers may announce their intent to deactivate the BWC, except in circumstances where this could compromise safety.
  - **Exceptions:** BWCs should not be activated in locations where there is a reasonable expectation of privacy, such as restrooms or locker rooms and where Council Officers are invited into private residences or property, unless the interaction is directly related to an active investigation or incident.

### **4.2 Prohibited Use**

- **Personal Use:** BWCs are for use by Council Officers when completing their duties only and must not be used for recording personal activities or private conversations unrelated to the duties of their employment.
- **Covert Recording:** Council Officers must not use BWCs to record individuals without their knowledge, except in circumstances where there is an imminent threat of serious violence to persons or of substantial damage to property.

- **Recording Council Officers:** Council Officers must not use BWCs to record other Council Officers unless related to an active investigation or incident and the other Council Officers are aware of the recording.
- **Use of Recordings in Disciplinary Action Against Staff:** An Authorised Council Officer cannot use footage to initiate or substantiate disciplinary action against Council Officers when reviewing footage recorded by BWCs, except for in instances where Council Officers engage in unlawful conduct or have failed to adhere to Council Policies.
- **Other Prohibitions:** BWCs must not be used in any way that is contrary to the *Listening Devices Act 1991*.

#### 4.3 Data Management

##### 4.3.1 Storage and Retention

- **Uploading:** Council Officers must upload BWC footage to the Designated Storage System at the end of each day, or as soon as practicable the next working day. If unable to do so, they must notify their Team Leader.
- **Retention Period:** Recorded data will be retained in accordance with relevant legislation and the retention schedule.

##### 4.3.2 Access and Review

- **Access:** Access to BWC footage is restricted to Authorised Council Officers. Council Officers may review their own BWC recordings for the purpose of report writing or court testimony. The data may be used to form part of a Work Health and Safety review process or investigation.
- **Requests for access from police and media:** Requests for access to BWC footage from the police and media must be directed to an Authorised Council Officers for review.
- **Request for access from persons recorded:** A person who has been recorded on a BWC may request to access a copy of the footage to an Authorised Council Officer. Should an Authorised Council Officer refuse such a request, they must provide a reason(s) for refusal.
- **Objecting to a refusal for access to data:** A person who has been recorded on a BWC and had their request to access a copy of the footage refused by an Authorised Council Officer may make a request to access the data under the *Right to Information Act 2009*.

#### 4.4 Privacy and Confidentiality

##### 4.4.1 Privacy Considerations

- **Privacy Interests:** The use of BWCs is managed in accordance with the *Personal Information Protection Act 2004*, which governs the collection, use and disclosure of personal information.
- **Notification:** Council Officers will announce that a BWC is recording, unless it is unreasonable to do so.

- **Minors:** In instances where a minor is present and likely to be recorded, BWCs will only be activated while being used in accordance with this Policy.

#### 4.4.2 Confidentiality

- **Sensitive Information:** Council Officers must be cautious not to capture sensitive information, such as personal identifiers, health information or other confidential details, whilst engaging in a compliance or enforcement activity or investigation, unless relevant and necessary to the matter at hand.
- **Dissemination:** Unauthorised sharing or dissemination of BWC footage is prohibited. Only appropriate Council Officers may release footage in accordance with relevant legislation or where appropriate to do so.

### 4.5 Training and Compliance

#### 4.5.1 Training

- **Initial Training:** Council Officers must complete training on the proper use, activation, and management of BWCs prior to accessing a BWC. This will include training on this Policy and any relevant procedure or guidelines.
- **Ongoing Training:** Refresher training will be provided to Council Officers to ensure continued understanding and adherence to this Policy and any relevant procedure or guidelines and address any updates or changes to relevant legislation, as required.

#### 4.5.2 Compliance and Accountability

- **Monitoring:** Authorised Council Officers may conduct periodic audits of footage and data management practices if considered reasonable to do so.

## 5. Legislation and Related Standards

*Personal Information Protection Act 2004*

*Local Government Act 1993*

*Right to Information Act 2009*

*Archives Act 1983*

*Listening Devices Act 1991*

*Work Health and Safety Act 2012*

*Building Act 2016*

*Land Use Planning and Approvals Act 1993*

*Dog Control Act 2000*

*Public Health Act 1997*

*Environmental Management Pollution Control Act 1994*

## 6. Responsibility

Responsibility for the operation of the Policy rests with the Director Development and Regulatory Services.