

COUNCIL MEETING - 23 AUGUST 2021 ATTACHMENTS

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS.....	4
3.2.1.1 RESPONSE TO QUESTION WITHOUT NOTICE - 26 JULY 2021 - T SMITH.....	4
3.2.1.2 RESPONSE TO QUESTIONS WITHOUT NOTICE - 26 JULY 2021 - C MILLS.....	6
3.2.1.3 RESPONSE TO QUESTION WITHOUT NOTICE - 26 JULY 2021 - M GARDAM.....	7
3.2.1.4 RESPONSE TO QUESTION WITHOUT NOTICE - 26 JULY 2021 - R RUSSELL.....	8
3.2.1.5 RESPONSE TO QUESTION WITHOUT NOTICE - 26 JULY 2021 - D JANNEY.....	9
3.2.1.6 RESPONSE TO QUESTION WITHOUT NOTICE - 26 JULY 2021 - B VELLACOTT.....	10
3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC.....	11
3.2.2.1 QUESTIONS ON NOTICE - C MILLS - AUGUST 2021.....	11
3.2.2.2 QUESTIONS ON NOTICE - T SMITH - AUGUST 2021.....	12
3.2.2.3 QUESTIONS ON NOTICE - B VELLACOTT - AUGUST 2021.....	13
3.2.2.4 QUESTIONS ON NOTICE - M GARDAM - AUGUST 2021.....	14
5.1 COUNCIL POLICIES - BIENNIAL REVIEW.....	16
5.1.1 ASSET MANAGEMENT POLICY.....	16
5.1.2 BOUNDARY FENCING POLICY.....	21
5.1.3 CODE FOR TENDERS AND CONTRACTS.....	24
5.1.4 COMMEMORATIVE SEAT POLICY.....	42
5.1.5 COMMERCIAL LEASE POLICY.....	49
5.1.6 COMMUNITY AND CHILDCARE LEASE POLICY.....	58
5.1.7 COMMUNITY ENGAGEMENT POLICY.....	63
5.1.8 COMPLAINT HANDLING POLICY.....	67
5.1.9 CREDIT CARD POLICY.....	72
5.1.10 CUSTOMER SERVICE CHARTER POLICY.....	86
5.1.11 DEALING WITH DIFFICULT CUSTOMERS POLICY.....	90
5.1.12 DEVONPORT REGIONAL GALLERY ACQUISITION AND COLLECTION POLICY.....	94

5.1.13 DIGITAL RECORDING POLICY.....	104
5.1.14 DILAPIDATED BUILDINGS POLICY.....	108
5.1.15 DRIVEWAY POLICY.....	115
5.1.16 ELECTORAL SIGNAGE POLICY.....	119
5.1.17 EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND DIVERSITY POLICY.....	121
5.1.18 FINANCIAL ASSISTANCE POLICY.....	124
5.1.19 FINANCIAL HARDSHIP ASSISTANCE POLICY.....	128
5.1.20 COMMERCIAL HARDSHIP ADDENDUM POLICY.....	134
5.1.21 FITNESS FOR WORK POLICY.....	139
5.1.22 FRAUD AND CORRUPTION CONTROL POLICY.....	154
5.1.23 GIFTS AND DONATIONS POLICY.....	161
5.1.24 GOVERNANCE POLICY.....	172
5.1.25 HARASSMENT BULLYING ANTI- DISCRIMINATION POLICY.....	175
5.1.26 HEALTH & SAFETY POLICY.....	187
5.1.27 INFORMATION DISCLOSURE & RIGHT TO INFORMATION POLICY.....	190
5.1.28 INVESTMENT POLICY.....	198
5.1.29 PERSONAL INFORMATION PROTECTION POLICY.....	202
5.1.30 PLANNING AUTHORITY COMMITTEE POLICY.....	209
5.1.31 PUBLIC QUESTION TIME POLICY.....	212
5.1.32 PURCHASING POLICY.....	215
5.1.33 RECRUITMENT & SELECTION POLICY.....	225
5.1.34 RELATED PARTY DISCLOSURES POLICY.....	233
5.1.35 RETAINING WALL POLICY.....	242
5.1.36 ROOKE STREET MALL & MARKET SQUARE POLICY.....	246
5.1.37 SPONSORSHIP POLICY.....	249

5.1.38 SPORT AND RECREATION GROUPS LEASE POLICY.....	253
5.1.39 STORMWATER CONNECTION POLICY.....	257
5.1.40 SUBDIVISION MAINTENANCE BOND POLICY.....	264
5.1.41 SUBDIVISION OUTSTANDING WORKS BOND POLICY.....	266
5.1.42 TREE POLICY.....	269
5.2 CORPORATE CLIMATE CHANGE ADAPTATION PLAN - YEAR THREE	
STATUS.....	271
5.2.1 CORPORATE CLIMATE CHANGE ADAPTATION PLAN YEAR THREE STATUS 2021	271
6.3 GENERAL MANAGER'S REPORT - AUGUST 2021.....	277
6.3.1 CURRENT AND PREVIOUS MINUTES RESOLUTIONS - AUGUST 2021.....	277
6.4 CODE OF CONDUCT DETERMINATION REPORT - MILLS V.....	279
6.4.1 DETERMINATION REPORT - DCC - MILLS V JARMAN - REDACTED.....	279



DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

3 August 2021

Mr T Smith
7 Glen Court
DEVONPORT TAS 7310

Dear Mr Smith

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 JULY 2021

I write in response to your questions without notice, taken on notice at the Council Meeting on Monday, 26 July 2021, as outlined below.

Q1. Dear Chairperson, the dead small tree in the large tub at the front of My State Bank hasn't been replaced for at least two to three months. Is the situation going to be fixed soon? You have said in previous correspondence that you have had spares available is this still true?

Response

The tree nominated as the spare tree was used to replace a vandalised tree in the same area. Another tree has been ordered and will be planted in coming weeks.

Q2. Do you still have the lease to look after the Woolworths and Coles car parks and if so, are you going to redo the line markings and traffic direction arrows at both car parks as the lines markings are becoming faded?

Response

Council's agreement with the property owner does not include maintenance responsibility for car park line marking. This is the responsibility of the property owner.

Q3. The new footpath construction you are presently undertaking between 196a Best Street and 188 Best Street. What is the total cost for this section of footpath renewal? How does the walkability and medium walkability rule apply for this section of renewal?

Response

This section of footpath has a budget allocation of \$30,000. Funding for this project was secured from the Department of State Growth's Safer Roads: Vulnerable Road User Program. The area is considered to be high walkability in Council's Pedestrian Strategy 2016-2021. The construction of this path was able to be prioritised as it met the funding criteria of the external funding program.



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- 2 -

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Atkins'.

Matthew Atkins
GENERAL MANAGER



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4 August 2021

Mr C Mills
52 Caroline Street
EAST DEVONPORT TAS 7310

Dear Mr Mills

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 JULY 2021

I write in response to your questions without notice, taken on notice at the Council Meeting on Monday, 26 July 2021, as outlined below.

Q1. I really must thank the Mayor for encouraging me at the last meeting quote “we are always prepared to listen to you.” I have no doubt that the Mayor was speaking on behalf of you all, thank you. My question on notice, 26th of July, focused on the fact, supported by photographic evidence, that Council vehicles and employees intruded onto private property. The Executive Coordinator and the General Manager combined to offer the explanation quote “normal process was followed in regard to access across the neighbouring property”. The question is what exactly is “the normal process”?

Response

Normal process is for staff to use their judgement and take any action they consider appropriate to complete the required task.

Q3. It is the year of the financial year 2021. I have always held Councillor Laycock in high regard. I was impressed when she proposed a Notice of Motion - planting of trees around our City - Council meeting 27th of July 2020. This was passed unanimously by the elected members and was supported by quote “council officers”.

The question is how many attractive deciduous trees have been planted around the City since Councillor Laycock’s motion was adopted?

Response

Over the last 12 months Council has planted approximately 50 trees of various species.

Yours sincerely

Matthew Atkins
GENERAL MANAGER



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4 August 2021

Mr M Gardam
4 Beaumont Drive
MIANDETTA TAS 7310

Dear Mr Gardam

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 JULY 2021

I write in response to your questions without notice, taken on notice at the Council Meeting on Monday, 26 July 2021, as outlined below.

Q1. On the 7th of August 2020, the Code of Conduct Panel upheld four elements of a complaint against Mayor Annette Rockliff by finding she prematurely closed the 2019 AGM to avoid perceived personal embarrassment, and in addition to her offering to undertake additional training, the Panel issued a caution and directed an apology be given. Accordingly, will you, Councillor Rockliff, confirm that the training you offered to undertake to improve your performance in managing meetings such as the AGM was completed, and if so the name of the person that delivered the training, who paid for it, and did it include a conflicts of interest component?

Response

The Mayor has previously confirmed that she accepts the findings of the two code of conduct determination reports in which she has been involved and has or will fully comply with the sanctions imposed.

The Mayor does not intend to provide any further comment in relation to the reports.

Yours sincerely

Matthew Atkins
GENERAL MANAGER



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3 August 2021

Mr R Russell
225 Steele Street
DEVONPORT TAS 7310

Dear Mr Russell

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 JULY 2021

I write in response to your questions without notice, taken on notice at the Council Meeting on Monday, 26 July 2021, as outlined below.

Q3. I see you have a petition for a footpath in Woodrising Avenue in tonight's agenda, also a footpath for Surrey Street must be well down your priority list. Question, why then are you replacing existing footpaths as you have done in Edward Street and you are now doing in Forbes Street when others have no footpath at all?

Response

The footpath on the west side of Edward Street was renewed in 2018. The existing footpath was assessed as having poor compliance against the relevant accessibility standards. Notably the access ramps and the path crossfall made access difficult for a person with mobility issues. Edward Street is considered a very high walkability area (i.e., there are a lot of pedestrians). So, in accordance with Council's Pedestrian Strategy 2016-2021, this project was prioritised for delivery over the construction of new paths in areas with lower walkability as it was likely to provide benefit to a greater proportion of the community.

An explanation in regard to the Forbes Street path was provided to you at the meeting.

Yours sincerely

Matthew Atkins
GENERAL MANAGER



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4 August 2021

Mr D Janney
23 Watkinson Street
DEVONPORT TAS 7310

Dear Mr Janney

RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 26 JULY 2021

I write in response to your questions without notice, taken on notice at the Council Meeting on Monday, 26 July 2021, as outlined below.

- Q1. When is the Council going to consider reducing the tip fees in line with the council cost index?
- Q2. If the answer to the question one is no consideration, then I request that the Council table the numbers argument it used for the tip fees increase.

Response

Council has only recently adopted transfer station fees for the 2021/22 year. Fees will be review again as part of the 2022/23 budget deliberations.

In determining the 2021/22 fees Council considered factors such as the:

- increasing cost of waste management services;
- balance between cost recovery from user fees as against general rate revenue;
- fee structures at neighbouring facilities;
- use of the fee structure as a mechanism to drive greater waste separation;
- time period since last increase; and
- relativity between fees for various load sizes, in preparation for a likely shift in coming years to pay by weight.

Yours sincerely

Matthew Atkins
GENERAL MANAGER



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4 August 2021

Mr B Vellacott
11 Cocker Place
DEVONPORT TAS 7310

Dear Mr Vellacott

RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 26 JULY 2021

I write in response to your question without notice, taken on notice at the Council Meeting on Monday, 26 July 2021, as outlined below.

Q2. Transparency and accountability – Mayor, councillors need to be thanked and commended for your ongoing transparency and accountability in particular for revealing what ratepayers contribute to your sty pens, that is annual allowance and towards your allocated personal expenditure. In response to questions previously asked about the total legal cost pertaining to sort out the unfortunate mismanagement or maladministration of the first head lease agreements at Providore Place, you informed that you had been well informed of all costs, however the General Manager when asked what the total cost in dollar terms were for the legal cost to sort out the problems informed me in words to the effect that the computer said “no” because its program could not provide that sort of specific information. Given the above and to prove that you are serious about openness and transparency and accountability I ask, if you can now provide the total legal costs and if not will you request the General Manager to arrange for the Council's computer technology experts to upgrade his computer program so it can provide the information that not only the white noises are entitled to know, but also all ratepayers are entitled to know.

Response

I refer you to answers provided in relation to similar questions you asked at Council's meetings in January and February 2021. Council has nothing further to add to these responses.

Yours sincerely

Matthew Atkins
GENERAL MANAGER



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ON NOTICE for Agenda 23 Aug Christopher Mills 52 Caroline St

1

Let us consider the fact that this current Administration pays a retainer fee to a Tree Cutting Contractor for services , at a cost in excess of \$80,000 per annum. In effect this means that at least \$80,000 worth of tree cutting per annum must be provided by Council to this particular contractor.

How many trees were tasked by this Council to be felled by this Contractor, around the City of Devonport during the financial year 2020 -2021?

2

At the Council Meeting of 26 July at item 6.8 one Councillor expressed a personal view that:
“the process (of the Code of Conduct Panel) was flawed.....and not much different from a Kangaroo Court”

Given that Councillors swear an oath to uphold the Model Code of Conduct, does that Councillor intend to retract those remarks?

Jacqui Surtees

From: trevor trevor <treasus@hotmail.com>
Sent: Friday, 13 August 2021 5:06 PM
To: mathewatkins@devonport.tas.gov.au; Devonport City Council; Mayor Rockliff; Cr Murphy; Cr Alexiou; Cr Milbourne; Cr Enniss; Cr Hollister; Cr Perry; Cr Jarman
Subject: Questions On Notice For The Council Meeting 23-8-2021

Q1 What is the name of the weedkiller that your contractor uses, for spraying weeds in and around the Devonport Municipality?

Q2 What was the number of full time and casual employees, that you employed in the 2019-2020 and the 2020-2021 financial years?

Q3 What was the CPI wage increase, that was given to your employees in the 2019-2020 and the 2020-2021 financial years?

Q4 What is the CPI wage increase for your employees, in the coming financial year 2021-2022?

Q5 What was the yearly wages bill for your casual and permanent employee's ,excluding managerial staff, for the financial years 2018-19,2019-20 and 2020-2021?

Please include all of the above, and the answers to my questions in the Agenda for the meeting ,scheduled for the 23-08-2021.

Trevor Smith 13-08-2021

Q&A REV C to Conduct Re Hollister's Remark -meetings procedures for 23 July 2021 to send

FROM - ROBERT B VELLACOTT (Ratepayer)
11 COCKER PLACE
DEVONPORT 7310

TO- MAYOR ANNETTE ROCKLIFF
DEVONPORT CITY COUNCIL
PARANAPLE CENTRE
ROOKE ST DEVONPORT

SUBJECT – QUESTIONS ON NOTICE FOR 23RD AUGUST MEETING ref CODE OF CONDUCT DETERMINATION
REPORT re Cr. PETER HOLLISTER'S DEROGATORY REMARKS. 26th JULY 2021

QUESTION 1

Mayor I refer to the council meeting 26th July 2021 Agenda item 6.8 CODE OF CONDUCT DETERMINATION REPORT- NEVIN V ROCKLIFF,LAYCOCK &PERRY ,and in particular Councillor Peter Hollister's comments that he made whilst the motion ,*"That Council notes The Code of Conduct Panel Determination Report"* , was being debated .

I and others who were at the meeting, including some who have informed me that they listened to the audio, opine that Cr Hollister's description of the Panel's process was , at best disrespectful but in fact was, derogatory; his words being ,as per the audio of the meeting (Ref I hour : 15 m),were clearly :-

"The process is flawed it's not much different than a kangaroo court "

This is not the first time

Cr Hollister has displayed his contempt towards the Code of Conduct Panel, and by his voting against the motion reinforces that.

It could be argued that his words were, yet again, another breach of council's code of conduct. Incidentally, in the recent past, others too at council have also displayed their contempt about that Panel.

Noted was your failure, at the meeting, to call Councillor Hollister to order and or require him to retract his offensive remark about the legally constituted Local Government panel , and I ask will you do so at the August 23rd Council meeting ?

QUESTION 2

Subject : Public Question time request for information.

Mayor please inform if you will permit ratepayers, provided they seek your permission, to direct a question without notice to a councillor and or senior staff member at:-

(Q2) a) ordinary council meetings

(Q2) b) annual general meetings

Question 3 - If you will not ,as per above Q2, permit ratepayers to direct a question to either a councillor or senior staff member at an ordinary council meeting or an annual general meeting will you give the reason why you will not permit ratepayers to do so ?

Please include all of the above and your answers in the Agenda for the DCC meeting 23rd Aug 2021.

R. B. Vellacott

14th August 2021

15th August 2021

Devonport City Council
137 Rooke Street
DEVONPORT TAS 7310

Malcolm Gardam
4 Beaumont Drive
MIANDETTA TAS 7310
(Mobile No: 0417 355 813)

ATTENTION: MR. MATTHEW ATKINS – GENERAL MANAGER (MAYOR & COUNCILLORS)

RE: GOVERNANCE QUESTIONS ON NOTICE

Dear Sir,

The following are submitted as questions on notice to the Ordinary Meeting of Council scheduled for Monday 23rd August 2021. As always, I request that the questions and sub-questions be treated separately and answered separately, albeit council rarely does so instead opting to provide a summary response that frequently ignores many of the specific questions asked.

Code of Conduct complaints upheld against DCC councillors

Q1. It has previously been asked about Council's receipt of costs associated with Code of Conduct complaints upheld by the Code of Conduct Panel; namely Ms Jennie Claire vs Cr. Peter Hollister (October 2019), Mr Malcolm Gardam vs Cr Annette Rockliff (August 2020) and now Mr Graeme Nevin vs Cr Annette Rockliff, Cr Lynn Laycock and Cr Leon Perry (July 2021); accordingly, as it is my understanding that costs have been received for the first two will Council confirm the separate costs for each of the following upheld complaints:

- a) Ms Jennie Claire vs Cr. Peter Hollister (October 2019);
- b) Mr Malcolm Gardam vs Cr Annette Rockliff (August 2020); and
- c) Mr Graeme Nevin vs Cr Annette Rockliff, Cr Lynn Laycock and Cr Leon Perry (July 2021)

Q2. In the Code of Conduct Panel Determination Report (Mr Malcolm Gardam vs Cr Annette Rockliff (August 2020)) it was noted that Cr Rockliff had offered to undertake additional training, to improve her performance in managing meetings such as the AGM, but in response to a question at the last meeting did not confirmed she had done so; however, in the recent Code of Conduct findings (Mr Graeme Nevin vs Cr Annette Rockliff, Cr Lynn Laycock and Cr Leon Perry (July 2021) the Panel instructed all three councillors to *".....undertake training in recognising and dealing with conflict of interest in the local government context."*; accordingly, as this training has been directed by the Code of Conduct Panel subsequent to an upheld complaint, who pays for it, the individual councillors or the ratepayers?

- Q3.** Considering that three of our most experienced councillors and the General Manager apparently failed to recognise a conflict of interest at the 2020 AGM, despite it having been clearly pointed out, including at the AGM, prior to those councillors breaching the Code; will Council consider arranging for all councillors to “.....undertake training in recognising and dealing with conflict of interest in the local government context.” as well as the General Manager whose role I understand/believe is to advise on such matters?
- Q4.** Will Council confirm the name of the person that shall be delivering the training directed by the Code of Conduct Panel, in recognising and dealing with conflict of interest in the local government context, and the cost per participant?

Julie Burgess berthing facilities – East Devonport

- Q5.** In the July Agenda, in relation to maintenance works being undertaken on the Julie Burgess berthing pontoon and associated infrastructure, I asked “*Is Council fully or in part funding these works?*” to which Council responded “*Council continue to own and maintain the pontoon.*”; accordingly, as council is funding these works will council advise as to the estimated value of the current works?
- Q6.** Is the current work on the Julie Burgess berthing infrastructure the same maintenance work that Council deferred and transferred some \$20,000 from a previous budget to fund earlier maintenance on the Julie Burgess; predominantly for mast and plank replacements at the time?
- Q7.** As Council continues to own and maintain the Julie Burgess berthing infrastructure, will Council confirm that it is charging Julie Burgess Inc. a commercial rate for an annual licence or rental, and if so what is the amount?

2021-22 Annual Budget Question


- Q8.** In the July Agenda, in relation to a question as to the total ratepayer costs to funding Providore Place events, including but not limited to staff time, advertising, entertainment, utilities usage and consumables, Council advised “*...in the order of \$14,000 per annum*”, but nothing for the weekly Don Market or fortnightly showgrounds Farmers Market; accordingly, will council advise why it funds Providore Place events including a monthly market but does not contribute to the other two markets?

Please acknowledge receipt and ensure inclusion in full in the hardcopy of the August meeting Agenda.

Yours sincerely,

Malcolm Gardam

CC: Mayor & Councillors


	<h2 style="text-align: center;">ASSET MANAGEMENT POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	26 August 2019	173/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure & Works Manager	Deputy General Manager Executive Manager City Growth	2.3.1 Develop and maintain long term Strategic Asset Management Plans	July 2021 2023
PURPOSE	<p>To set guidelines for implementing consistent asset management processes throughout Devonport City Council.</p> <p>To ensure adequate provision is made for the long-term replacement of major assets by:</p> <ul style="list-style-type: none"> Ensuring that Council's asset-based services are delivered in a financially and environmentally sustainable manner, meeting the needs of the community. Safeguarding Council assets by implementing disciplined asset management strategies and <u>the allocation of</u> sufficient financial resources to maintain those assets. Creating a culture where Council employees understand the importance of supporting the disciplined management of Council's assets. Meeting legislative requirements for asset management. Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated. Providing quality reporting on asset and asset management performance. Demonstrating transparent and responsible asset management processes that align with demonstrated best practice. 		
SCOPE	<p>This Policy applies to all asset classes which are owned and maintained by Council. This includes:</p> <ul style="list-style-type: none"> Roads, Stormwater, Buildings, Public Open Space, Plant and Fleet, Land, Office and equipment, Art and Cultural assets. 		
POLICY	<p>1. Background</p> <p>1.1. Council is committed to implementing a systematic asset management methodology in order to apply disciplined asset management practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, depreciated, renewed and disposed of in accordance with Council's priorities for service delivery.</p> <p>1.2. Council owns and uses assets with a written down value of approximately \$448 million to support the delivery of asset based services to the community.</p> <p>1.3.<u>1.2.</u> Asset management practices impact directly on the delivery of asset based services to the community and</p>		

	<p>disciplined asset management is required to achieve our strategic service delivery objectives.</p> <p>1.4.1.3. Adopting asset management principals will assist Council in achieving its Strategic Plan and Long Term Financial objectives.</p> <p>1.5.1.4. A strategic approach to asset management will ensure that the Council delivers a sustainable level of service through its assets. This will provide positive impact on:</p> <ul style="list-style-type: none"> • Community and employees. • Council's financial position. • The ability of Council to deliver the appropriate level of service and infrastructure. • The political environment in which Council operates. • The legal liabilities of Council. <ul style="list-style-type: none"> • Local Government Act 1993 requirements <ul style="list-style-type: none"> Section 70B requires Council to prepare a long term strategic asset management plan for the area. • <u>Section 70C requires Council to prepare an asset management policy for the municipal area.</u> Section 70D requires council to prepare an asset management strategy for the municipal area • <u>Section 70E requires Council's "plans, strategies and policies to be reviewed at least every 4 years.</u> <p>2. Policy Details</p> <p>2.1. Asset Planning and Budgeting:</p> <p>Council is committed to implementing asset management practices to ensure that all assets are planned, created, operated, maintained, renewed and disposed of in accordance with identified priorities and in line with the objectives of the adopted Long-Term Financial Plan and Asset Management Plans by:</p> <ul style="list-style-type: none"> • Ensuring the asset renewal and maintenance programs will be met prior to any new or additional assets being considered. • Effective asset life-cycle management whereby all capital investment expenditure is approved in conjunction with a clear understanding of the impact on recurrent operational expenditure budgets. • Undertaking preventative maintenance programs to ensure that the lowest life-cycle cost is achieved, and asset values are maintained. <p>2.2. Asset Operations and Maintenance:</p> <p>To ensure Councils assets are maintained and operated properly Council will:</p> <ul style="list-style-type: none"> • Undertake appropriate planned maintenance regimes to assist its assets in meeting their expected design lives in the most cost-effective manner. • Ensure maintenance plans are designed to incorporate a cost benefit approach.
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	<ul style="list-style-type: none"> • Capture information about the activities undertaken to assist it in the analysis of current and/or future expenditure requirements. <p>2.3. Asset Accounting and Costing: The asset accounting and costing arrangements, at Council, will allow:</p> <ul style="list-style-type: none"> • Maintenance of detailed asset registers on all assets owned or under the control of Council. • Effective economic lives will be given to each of Council's assets with the written down value and depreciation value determined in accordance with current accounting standards and requirements. • Depreciation will be calculated on an appropriate basis with the objective being to use a method that best reflects the consumption of the asset or provides an indication of future cash flows necessary to sustain the asset condition to the required level of service. • Assets to be revalued in accordance with the Australian Accounting Standards. • Planned asset acquisitions, modifications or disposals will proceed in accordance with the Council's capitalisation and disposal procedures. <p>3. Principles</p> <p>3.1. A consistent Asset Management Strategy must exist for implementing systematic asset management and disciplined asset management practices across all operational areas of Council.</p> <p>3.2. All relevant legislative requirements together with political, social and economic environments are to be considered as important to effective asset management.</p> <p>3.2.3.3. <u>Asset based services will be provided sustainably and will support community resilience</u></p> <p>3.3.3.4. Asset management principles will be integrated within existing planning and operational processes.</p> <p>3.4. Asset Management Plans will be developed and maintained for major service/asset categories. The plans will <u>be based on accurate asset data and will</u> inform financial planning and reporting.</p> <p>3.5. <u>An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.</u></p> <p>3.6.3.5. Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long-term financial plans will form the basis of annual budget estimates.</p> <p>3.7.3.6. Service levels defined in adopted asset management plans will form the basis of annual budget estimates.</p> <p>3.8.3.7. Asset renewal plans will be prioritised and implemented progressively based on agreed levels of service provision and the effectiveness of the current assets to provide that service.</p>
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	<p>3.9.3.8. Asset renewals should consider climate change impacts and adhere to Council’s Climate Change Adaptation Plan 2018-2023</p> <p>3.10.3.9. Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with applicable Australian Accounting Standards and industry guidelines.</p> <p>3.11.3.10. <u>Future Whole of life cycle costings</u> will be <u>reported and</u> considered in all decisions relating to new services and assets and upgrading of existing services and assets.</p> <p><u>3.11.</u> Level of asset-based service provision will consider the expectations of the community, financial and environmental sustainability consideration and legislative requirements.</p> <p>3.12. <u>Council will endeavour to continuously mature its asset management practices to deliver asset based services more efficiently.</u></p> <p><u>3.13.</u> Training in asset and financial management will be provided for Councillors and employees.</p> <p>3.13.3.14. <u>Asset Management roles and responsibilities are defined for staff throughout the organisation.</u></p> <p>Councillors are responsible for adopting the policy, allocation of financial resources, providing high level oversight of the delivery of the organisation’s asset management strategy and plan and maintaining accountability mechanisms to ensure that organisational resources are appropriately utilised to address the organisations strategic plans and priorities.</p> <p>The General Manager has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.</p>			
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993 – S70C (1) and (2).</i></p> <p>Local Government Division, 2014. Local Government (Contents of Plans and Strategies) Order 2014, Clause 8 (2)</p> <p>Local Government Association Tasmania – Practice Summary</p> <p>2.Strategic Plan 2009-2030</p> <p>Asset Management Strategy</p> <p><u>Strategic Asset Management Plan</u></p> <p>Asset Management Plans</p> <p><u>Maintenance Service Level documents</u></p> <p><u>Asset Management Manual</u></p> <p>AASB 13 Fair Value Measurement</p> <p>AASB 116 Property, Plant and Equipment</p> <p><u>Long Term Financial Plan</u> <u>Financial Management Strategy</u></p> <p>Asset Capitalisation Procedure <u>D317037</u></p> <p>Asset Depreciation Procedure <u>D317035</u></p> <p>Asset Revaluation Procedure <u>D317034</u></p> <p>Asset Disposal Procedure <u>D317036</u></p> <p><u>Devonport City Council Strategic Plan 2009-2030</u></p>			
ATTACHMENT/S (IF APPLICABLE)	N/A			
	<table><tr><td>Is training required as result of this Policy</td><td>YES</td><td>NO</td></tr></table>	Is training required as result of this Policy	YES	NO
Is training required as result of this Policy	YES	NO		

TRAINING REQUIREMENTS (IF APPLICABLE)	Training required by:	Councillors	Staff	Department
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	BOUNDARY FENCING POLICY																	
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)															
Council	22 July 2019	153/19																
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW															
Infrastructure & Works Manager	Deputy GM – Infrastructure, Works & Development Executive Manager City Growth	2.1.2 – Provide consistent and responsive development assessment and compliance processes	July 2021/2023															
PURPOSE	The purpose of this policy is to ensure that fencing contributions, fence construction requirements and Reserves By-Law provisions are administered in accordance with applicable legislation, in a consistent manner to all property owners within the municipality.																	
SCOPE	This Policy is relevant to all boundary fences which adjoin Council land, including areas of public reserve irrelevant of the classification, and areas of land leased from Crown with unlimited public access.																	
DEFINITIONS	<p>For the purposes of this policy the following definitions will apply:</p> <p>Road reserve: - the area between two property boundaries occupied by a road or set aside for future road construction.</p> <p>Public Reserve: - means any part of a reserve, beach, coastal or river foreshore, rockery, area of bushland, natural area, planted embankment, plantation, sports ground, recreation ground, swimming pool, park or garden owned, or under the control of the Council, including:</p> <ul style="list-style-type: none">(1) any road, path or car parking area within any of those areas;(2) any structure or building erected on those areas;(3) the exterior grounds of any building owned, leased or otherwise under the control of the Council that is not in those areas. <p>(definition from Devonport City Council Reserves Parks and Garden By-Law No. 1 of 2017)</p>																	
POLICY	<p>1. Council will make a contribution to an adjoining property owner's fence in accordance with the table below:</p> <table><tr><td>Where a private property abuts:</td><td>Council contribution is given if requested</td><td>Compliance</td></tr><tr><td>A road reserve</td><td>No</td><td>Boundary Fences Act 1908, Section 7</td></tr><tr><td>A public reserve, e.g.:<ul style="list-style-type: none">Don ReserveMiandetta ParkByard Park</td><td>No</td><td>Boundary Fences Act 1908, Section 6</td></tr><tr><td>A walkway between properties leading to a public reserve or road</td><td>No</td><td>Boundary Fences Act 1908, Sections 6,7</td></tr><tr><td>A public car park, e.g.:<ul style="list-style-type: none">Kempling St car parkWenvoe St car park</td><td>Yes</td><td></td></tr></table>			Where a private property abuts:	Council contribution is given if requested	Compliance	A road reserve	No	Boundary Fences Act 1908, Section 7	A public reserve, e.g.: <ul style="list-style-type: none">Don ReserveMiandetta ParkByard Park	No	Boundary Fences Act 1908, Section 6	A walkway between properties leading to a public reserve or road	No	Boundary Fences Act 1908, Sections 6,7	A public car park, e.g.: <ul style="list-style-type: none">Kempling St car parkWenvoe St car park	Yes	
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A public car park, e.g.: <ul style="list-style-type: none">Kempling St car parkWenvoe St car park	Yes																	

	A developed Council property, e.g.: <ul style="list-style-type: none"> • Devonport Rec Centre • Home Hill 	Yes	
	<p>Council may choose to contribute to fencing outside what is defined in the above table if it is the best interest of Council to do so. Examples include security, public safety, amenity, operational efficiencies.</p> <p>Council have previously made contributions to fencing adjacent to sports fields. This should continue where it can be demonstrated to be in the best interest of Council.</p> <ol style="list-style-type: none"> Where a request meets the criteria for a Council contribution, Council will contribute funds upon completion, based on the applicable rate published annually as part of Council's fees and charges schedule. Council's contribution will be based on 50% of the estimated cost of a 1.5 metre high twin rail green timber fence and will be reviewed and amended annually to remain consistent with current market conditions. Council's contribution will not exceed the actual cost of the fence (e.g. if a fence was constructed, for \$50/m then Council's contribution will be \$50/m, rather than the higher rate in the current fees and charges schedule). In locations where Council requires a fence, but no request has been made from the adjacent property owner, Council may pursue the construction of a fence in accordance with Part II of the <i>Boundary Fences Act 1908</i>. Property owners may choose the style of fence appropriate to their needs where Council do not otherwise have a preference. In these circumstances, materials shall be good quality and the workmanship shall be tradesman-like. Boundary fences shall not have vehicular access gates to Council property unless by written permission of the General Manager. Vehicular access to reserves and open spaces promotes the degradation of reserves through wood cutting and collection in bushland and unregulated motor vehicle use in public open spaces that are not designed for such traffic movement. Where a gate exists in a fenced boundary with a reserve that does not contain bushland, access through the gate will be in accordance with the provisions of the Reserves By-Law. Replacement of fences forming a boundary with a reserve shall not include a gate even if a gate existed in the fence being replaced unless the property owner has written permission from the General Manager. <u>Property owners must seek advice from Council's Planning Department to determine if a planning permit is required prior to commencing works.</u> <u>Where required to meet building regulations, property owners must seek appropriate permits before commencing construction. Property owners should contact a building surveyor for advice.</u> 		

	<p>9.11. Boundary fences on street corners shall be limited <u>in height to ensure adequate sight distance at the intersection. Property owners must seek advice from Council's Engineering Team to ensure to a maximum height of 1.2 metres. Any fence proposing to exceed this height requires assessment by a qualified person to ensure that adequate sight distances are maintained and approval by the General Manager, sight distance requirements are achieved.</u></p> <p>10.12. <u>Where required to meet building regulations, property owners must seek appropriate permits before commencing construction. Council may provide indicative measurements to assist in locating a property boundary. However, responsibility for locating the true property boundary and constructing the fence on that boundary lies with the property owner.</u></p> <p>11.13. <u>Where Council has made a contribution contributed to the cost of fencing, the fence will be maintained to a mutually acceptable standard by the property owner.</u></p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Boundary Fences Act 1908</i> <i>Boundary Fences Regulations 2008</i> <i>Local Government (Highways) Act 1982</i> <i>Devonport City Council 'Reserves, Parks & Gardens By-Law No.1 of 2017'</i> <i>Building Act 2016</i> <i>Building Code of Australia</i> Interim Planning Scheme 2013 <u>Tasmanian Planning Scheme — Devonport 2020</u> <u>Devonport City Council Strategic Plan 2009-2030</u></p>		
ATTACHMENTS (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department



Code for Tenders and Contracts



The City with Spirit

Adopted 20 October 2014

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~~Revised version adopted by Council 22 July 2019 – minute number 153/19~~

Contents

1	Introduction	2
2	Definitions	3
3	Tendering Principles	4
3.1	Open and effective competition	4
3.2	Value for money	5
3.3	Enhancement of the capabilities of local business and industry	5
3.4	Ethical behaviour and fair dealing	6
3.5	Open Tender	6
3.6	Standing Tenders	6
3.7	Multiple-Use Register	7
3.8	Multiple-Stage Tenders	8
3.8.1	Expression of Interest	8
3.8.2	Request for Tender	8
3.9	Strategic Alliances	8
4	Exemptions	9
5	Tender Planning and Evaluation Committee	10
6	Conditions of Tendering	11
7	Use of Probity Advisors	11
8	Acceptance of Tenders	12
9	Debriefing unsuccessful tenderers	13
10	Complaints Process	14
11	Reporting Procedures	14
12	Review of Tender Process	15
13	Review of Code	15

1 Introduction

The purpose of this Code for Tenders and Contracts ('the Code'), is to provide a policy framework on best practice Tendering and Procurement methods in line with the legislative requirements of the *Local Government Act 1993* ('the Act') and the *Local Government (General) Regulations 2015* (or successor legislation) ('the Regulations').

With this Code, Council aims to achieve the Tendering principles of:

- open and effective competition;
- value for money;
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

This Code:

- is consistent with the Act and the Regulations; and
- includes procedures and guidelines for any prescribed matter.

As a measure of accountability and transparency, the General Manager will:

- make a copy of this Code (and any amendments) available for public inspection at Council's offices during ordinary office hours; and
- provide a copy of this Code to any interested party free of charge; and
- publish a copy of this Code on Council's website.

The Act and Regulations require Council to invite Tenders for any Contract it intends to enter into for the supply or provision of goods or services valued at or above the legislated prescribed amount in the Regulations. Council has set its tender threshold at \$100,000. The General Manager is delegated to award tenders up to the value of \$249,999. Tenders above the value of \$250,000 will be referred to Council for approval. In accordance with the Regulations, Council will invite Tenders by one of the following means:

- (i) an open Tender process;
- (ii) a Multiple-Use Register (refer Section 3.7); or
- (iii) a Multiple-Stage Tender (refer Section 3.8).

There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 4 of this document.

This Code applies to the Devonport City Council and its management of Tenders and Contracts. ~~Some operational matters in this Code will be managed by the General Manager or other authorised Council Officers under formal delegation.~~

2 Definitions

In this Code the following words have the following meanings:

Code – refers to this Code for Tenders and Contracts which has been developed in accordance with the requirements of the *Local Government Act 1993* and the *Local Government Regulations 2019* and subsequent amendments.

Conditions of Tendering – means the documents referred to in Section 6.

Contractor – a person or organisation, external to Council, engaged under a Contract for services (other than as an employee) to provide specified goods or services.

Contract – a Contract is an obligation, such as an accepted offer, between competent parties with consideration to do some act.

Expression of Interest – a submission to Council either by a publicly advertised invitation process or by direct request.

~~**Invitation for Quotations** – a process used to secure Contracts for goods or services~~

Multiple-Stage Tender – a process that allows for a staged assessment of the market to be made in terms of the capabilities of potential suppliers and the goods and services that are available to satisfy the requirement, before a final Tender stage is undertaken with selected suppliers.

Multiple-Use Register – a register of suppliers who, in response to an Expression of Interest, meet criteria established by Council in respect of the supply of goods or services.

Procurement – the entire process by which all goods and services are obtained by Council, and includes all planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.

Probity – is a risk management approach to ensuring procedural integrity.

Probity Advisor – a Probity Advisor is a person who provides advice on Probity issues before, during and after the Tender process and contracting to ensure the process is, or has been, fair and in accordance with legislative and other requirements. Probity Advisors would only be engaged at the General Manager's discretion.

Public Tender Process – a process where any party that can meet the requirements of the Request for Tender has the opportunity to submit a Tender.

Request for Tender – a document inviting offers from interested parties capable of providing specified goods or services valued over the legislated prescribed amount in the Regulations or when determined appropriate by the General Manager.

Tender Planning and Evaluation Committee – a committee established to oversee and manage the process of scoping, evaluating, selecting and managing tenders and related contracts.

Tender – a proposal, bid or offer that is submitted in response to a Request for Tender for goods or services from the Council.

3 Tendering Principles

~~This Code has been developed as a set of guidelines that Council will follow in order to comply with the tendering requirements under the Act. The following provides a brief definition of each principle and what it means in practice to Council.~~

~~Council will comply with the following principles when acquiring goods and services:~~

3.1 Open and effective competition

Ensuring that the tender process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- ~~• use transparent and open tender processes ~~which potential so that contractors, suppliers, service providers~~ and the public are able to ~~can~~ have confidence in the outcomes;~~
- test the market by pre-determined and clear unbiased specifications and processes;
- establish and maintain procedures to ensure that fair and equitable consideration is given to all tenders received;
- establish and maintain procedures to ensure a prompt and courteous responses to all reasonable requests for advice and information from potential or existing tenderers;
- establish and maintain procedures to ensure that all potential tenderers are provided with the same information relating to each tender, and are given an equal opportunity to meet the tender requirements;
- treat all suppliers of goods and services consistently and equitably;
- ~~Council will~~ endeavour not to amend the terms of a tender during the period that the tender is open, however, if it is necessary for Council to make an alteration to the terms of a tender, the alteration will be made by addendum and forwarded to prospective tenderers. In order to do this, Council will record details of all parties provided with tender documentation;
- apply reasonable and uniform tender evaluation criteria for the assessment and consideration of tenders. Unless otherwise specified in the tender documentation, the following tender evaluation criteria will be used as the basis of tender evaluation criteria in the assessment of tenders:
 - o Cost of goods or services;
 - o Experience, capability and resources of the tenderer to best meet the tender requirements;
 - o Quality systems in place and compliance with statutory requirements if relevant;
 - o Provision of services to best meet the tender requirements;
 - o Workplace health and safety requirements (including requirements of relevant Acts, Regulations, Standards, Codes of Practice and Council policies and procedures; and

o Evidence of required insurance policies, and financial security, where required.

o Wherever applicable in tenders, include in the evaluation criteria that Council will consider the acceptance of alternative tenders provided that they achieve the outcomes specified in the tender invitation.

3.2 Value for money

Achieving the required outcome at the best possible price.

In practice, this means that Council will consider:

- the value of the acquisition and potential benefits against the costs of that purchase;
- an assessment of risks associated with the purchase ~~including the preferred procurement method;~~
- how well goods or services meet needs;
- ~~maintenance and running costs over the lifetime lifecycle costs~~ of a product;
- disposal value;
- time constraints;
- the impact of the procurement decision on the local economy, such as through industry development and employment creation;
- The impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel).

3.3 Enhancement of the capabilities of local business and industry

Ensuring that local businesses that wish to do business with Council are given the opportunity to do so.

In practice this means that Council will:

- wherever possible, develop the tender evaluation criteria to ensure local businesses have the same opportunities as all other respondents to tender for goods or services;
- at a minimum, always advertise each tender locally in a newspaper circulating in the area and when considered appropriate, advertisement nationally will occur;
- make tender documentation available on request at Council offices or via mail or email;
- ensure that sufficient time has been provided to allow prospective tenderers to prepare an adequate response when inviting tenders. At a minimum, tenders will be open for a period not less than 14 days.

3.4 Ethical behaviour and fair dealing

Ensuring all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.

In practice, this means that Council will:

- be fully accountable for the tendering practices that it uses and the decisions it makes;
- ensure that decisions are not influenced by self-interest or personal gain;
- establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers;
- identify and deal with any conflicts of interest identified; and
- ensure that all tendering is undertaken in accordance with this Code and Council policies.

4 Tenders

4.1 Open Tender

Council will utilise the procedures in the Regulations and this Code for conducting its tenders process. Council utilizes TenderLink which is an electronic lodgement system for receiving tenders. All tenderers should register with TenderLink to be able to access and submit tenders. Tenders, once received, will be opened in private by two Council officers tenderlink 1 person and the name of the prospective tenderer and the tender price, where appropriate, will be recorded in Council's electronic records management system.

Tenders will be either opened manually at the designated closing time or through a suitable, secure electronic tendering system.

4.2 Standing Tenders

~~From time to time~~time-to-time Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

Evaluation of standing tenders will be undertaken in the same manner as ordinary tenders.

~~3.7~~ 4.3 Multiple-Use Register

From ~~time to time~~ time-to-time Council may utilise a Multiple-Use Register process to establish a register of suppliers that Council may use more than once. Council's policy is that the Multiple-Use Register will be divided into three main value categories namely:

1. Category 1 - small scale supply of goods and services valued at less than \$50,000 (excluding GST).
2. Category 2 – supply of goods and services of large scale or specific professional consultancies usually in excess of \$50,000 (excluding GST) but less than the prescribed amount in the Regulations.
3. Category 3 – supply of goods and services in excess of the prescribed limits in the Regulations.

If it is determined that such a register is to be established, Council will invite Expressions of Interest from prospective suppliers for inclusion on the register.

All prospective suppliers who have sought to be included on the register will be advised of the results of their submission.

Based on established evaluation criteria, Council may accept or reject a submission for inclusion on the Multiple-Use Register. If a submission is rejected, Council will advise the reasons for that rejection as soon as practicable.

Council will allow any supplier to apply for inclusion on an established Multiple-Use Register at any ~~time, unless~~ time unless the supplier has made an application within the previous twelve months that has not been accepted. Applicants will be assessed on the original evaluation criteria for that register.

For all Category 2 and 3 goods and services, Council will invite all successful applicants that are registered (unless this is not practical in the circumstances) to quote for the provision of the required goods and services.

All successful applicants that are registered in the Multi Use Register for the relevant category of those goods and services will be invited.

Council will review each Multiple-Use Register and readvertise its invitation for service providers and suppliers to be included on Council's Multi Use Registers at least once every two years.

3.8 4.4 Multiple-Stage Tenders

A multiple-stage tender process may be used from time to time in cases where it is considered appropriate to:

- gain market knowledge and clarify the capability of potential contractors;
- obtain industry input into specific proposals which are proposed from time to time; and
- pre-qualify respondents for the following stage of this type of tender process.

Multiple-stage tenders will follow the processes set out in the Regulations that Council is required to follow. The main stages in the process are:

3.4.14.4.1 Expression of Interest

An expression of interest (sometimes called a registration of interest) will be used to shortlist potential suppliers before the formal tender stage is commenced. Suppliers will be short-listed based on the evaluation criteria set out in the expression of interest. This will be based on the principles of open and effective competition and value for money as set out in sections 3.1 and 3.2 of this Code. Evaluation will also include such matters as the experience, capability, resources, technical, managerial and financial capacity of respondents, and the methodology that will be implemented to best achieve the contract requirements. Other specific evaluation criteria may be included in the tender documentation when applicable.

By proceeding through this initial Expression of Interest stage, opportunities for the reduction in the overall costs of the tendering process may be achieved because this first stage will limit the "Request for Tender" to those respondents who have been assessed as best meeting the evaluation criteria.

3.4.24.4.2 Request for Tender

At the completion of stage one, (expression of interest phase), short-listed respondents will be formally invited to tender.

3.9 4.5 Strategic Alliances

Rather than traditional tendering processes, Council may choose to procure goods and or services through contract arrangements already established and administered by other organisations, including:

- Local Government Association of Tasmania (LGAT) through the National Procurement Network
- State Government Contracts and
- any other purchasing group of which Council is a member.

45 Exemptions

~~The Regulations detail the tender requirements for goods and services valued in excess of the legislated prescribed amount in the Regulations. Council may not issue a tender or use a quotation process where the goods and services sought relate to:~~

The Regulations identify circumstances where Council is not required to issue a public tender process. The exemption circumstances identified in Regulation 27 – Non application of the public tender process are:

- (a) an emergency if there is insufficient time to invite tenders for the goods or services required to adequately respond to the emergency;
- (b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or the Commonwealth;
- (c) a contract for goods or services supplied or provided by another ~~c~~Council, a single authority, a joint authority or the Local Government Association of Tasmania;
- (d) a contract for goods or services obtained as a result of a tender process conducted by another ~~c~~Council, a single authority, a joint authority, the Local Government Association of Tasmania, or any other local government association in this State or in another State or Territory;
- (e) a contract for goods or services in respect of which a Council is exempted under another Act from the requirement to invite a tender;
- (f) a contract for goods or services that is entered into at public auction;
- (g) a contract for insurance entered into through a broker;
- (h) a contract arising when a Council is directed to acquire goods or services due to a claim made under a contract of insurance;
- (i) a contract for goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –
 - (i) extenuating circumstances; or
 - (ii) remoteness of the locality; or
 - (iii) the unavailability of competitive or reliable tenderers; or
- (j) a contract of employment with a person as an employee of the Council.

The General Manager will ~~authorize~~ ~~authorise~~ non use of the public tender process in accordance with the exemption directions identified above.

When Council relies on the exemption outlined in (i) (i) above, the General Manager is to ensure documentation regarding the assessment of the reasonableness of amounts payable under the contract is maintained and considered as part of the decision making process.

6 Engaging a Third Party to Manage a Procurement Process

Council may engage third parties to manage the procurement process for individual projects. The use of a third party as an agent or consultant to advise on, arrange or manage a procurement process does not exempt Council from complying with Council procurement policies and procedures.

Should Council engage a third party to manage a procurement process, it will be ensured that material is included in the contractual arrangements with the third party that requires the third party to comply with Council procurement policy and procedures.

57 Tender Planning and Evaluation Committee

A Tender Planning and Evaluation Committee will be formed to oversee and manage processes for the ~~scoping~~, evaluation, selection and management of tenders and related contracts, prior to tender documents being finalised. A Committee will be formed for every tender with the composition of the Committee to be approved by the General Manager.

Tender Planning and Evaluation Committees will include persons with relevant background and experience required for the particular project and may include external consultants to provide expert input. Tender Planning and Evaluation Committees will usually consist of three members with the relevant experience and knowledge of this Code, the contents of the tender and of the available budget for the project ~~with at least one person appointed with accounting experience and qualifications.~~

All Tender Planning and Evaluation Committee meetings will have an agenda item regarding declarations/conflicts of interest.

If a conflict of interest is identified and/or perceived, full disclosure is to be made to the General Manager who will then determine whether the conflict of interest would likely influence the tender outcome. The General Manager may remove a person from the Committee if deemed necessary.

Outcomes of all Tender Planning and Evaluation Committee meetings will be formally minuted and these minutes are to form the basis of the Tender Report to Council for projects over the legislated prescribed amount in the Regulations or to the General Manager for projects under the legislated prescribed amount.

The Tender Planning and Evaluation Committee will review and consider the following aspects of a tender:

- the tender and evaluation process adopted;
- critical dates (e.g. when the contract is to start, when the current contract is due to expire, critical project milestones, expenditure constraints etc.);
- a certification by the officer responsible for managing the tender process, verifying conformity with relevant Council policies and guidelines; and
- any other relevant issues or information, such as a Probity Advisor's report.

When references checks are undertaken, a set of questions will be developed by the Tender Planning and Evaluation Committee and utilised when conducting the checks. The results

will be compiled by the Tender Planning and Evaluation Committee as part of the overall Tender Report.

The Australian Standard Code of Tendering AS 4120-1994 and this Code underpins the way in which Council will manage its tender processes.

68 Conditions of Tendering

The Conditions of Tendering form the basis on which prospective Tenderers are to submit their Tender. The procedures for these matters, if not already covered by this Code, are to be set out in the Conditions of Tendering and Form of Tender which generally forms Part 2 of the Tender.

The Conditions of Tendering will include the following: -

- details of the goods or services required;
- details of the duration of the contract, including any extensions that are specified in the contract;
- the criteria for evaluating tenders;
- the method of evaluating tenders against the evaluation criteria;
- any mandatory tender specifications and contract conditions; and
- a reference to Council's Code for Tenders and Contracts.

The Conditions of Tendering may be changed or modified from time to time to give effect to this Code's requirements, the requirements of the Act and Regulations, and to reflect any necessary operational changes and requirements that are necessary.

Any changes to the Conditions of Tendering are to be consistent and in accordance with this Code, the Act and Regulations.

79 Use of Probity Advisors

Council will engage the service of Probity Advisors where the nature of the tender warrants particular sensitivity to due process. For example, where Council is seeking tenders for large and complex developments that may involve joint venture proposals, or where the contractual engagement is for extended periods.

810 Acceptance of Tenders

Late tenders may ~~will~~ not be accepted.

A tender that does not comply with the Conditions of Tendering may be rejected and excluded from Council's tender evaluation process.

Any tender provided that does not fully comply with the mandatory evaluation criteria set out in the tender will be regarded as non-conforming and will not be considered or evaluated further.

All tenders conforming with the mandatory requirements will be further assessed as to compliance with other evaluation criteria and where they do not meet these other criteria, may be excluded from further evaluation.

Tenders that do not comply with other evaluation criteria in the following circumstances will be excluded:

- if the variation is of a nature that cannot be met by a simple request for information or clarification or where this further information is sought and not provided; or
- does not respond directly to the purpose or suggests alternative solutions to that sought in the tender and has not been allowed for in the evaluation criteria meaning that other prospective tenderers have not been given the opportunity to consider.

The tender assessment report will provide for the:

- results of each tender submission against the evaluation criteria established; and
- advice and recommendations concerning the acceptance or rejection of tenders based on the evaluation undertaken.

Any decision by Council to award a tender to a tenderer other than the recommended tenderer will need to be supported by written reasons. This may be in the form of the Council Resolution or appropriate documentation by the General Manager.

911 Debriefing unsuccessful tenderers

Council will provide a debriefing interview to any unsuccessful tenderer who requests one. The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which each tenderer's offer could be improved.

At the interview, discussions will centre on how the unsuccessful tender performed with respect to the evaluation criteria.

During this interview, the following will NOT happen:

- comparisons between the unsuccessful tenderer's offer and the successful, or any other, offer unless this information has been included in an open Council Agenda; or
- the debriefing interview being used to justify the selection of the successful tenderer.

The debriefing will include at least one member from the Tender Planning and Evaluation Committee.

Council will document the proceedings of each debriefing interview in writing, including:

- attendees;
- the information provided to the unsuccessful tenderer;
- any issues arising;
- the details of any information that was requested, but not disclosed due to commercial in confidence or other considerations; and
- any other issues.

Where a multiple-stage tender process is used in which expressions of interest are used to shortlist, respondents not short-listed may be offered a debriefing interview, in a similar way to unsuccessful tenderers.

~~40~~12 Complaints Process

Councils are provided with broad competency powers under the Act to carry out their functions and powers and to procure works or services.

The Act also includes accountability measures under which Councils can be held responsible for their actions and decisions taken when carrying out their functions and exercising their powers.

Information regarding Council's formal complaint resolution process is set out in Council's ~~Customer Service Charter~~. [Check wording of Charter Complaint Handling Policy.](#)

In the first instance, complainants are encouraged to seek resolution of their complaint by contacting the Council representative who managed the tender to which the complaint relates.

If a complainant is not able to satisfactorily resolve the issues of concern with the Council directly, complainants may make disclosures of 'improper conduct' by public officers and public bodies (Council) in accordance with the *Public Interest Disclosures Act 2002*. Such disclosures can be made directly to the Ombudsman or the Integrity Commission (refer to details below).

Clause 6.3 of the Public Interest Disclosures Model Procedures Manual deals specifically with Contractors, and Clause 6.1 details the right to make a disclosure. Further information on making of disclosures is located on Council's website - <http://www.devonport.tas.gov.au/Council/Council-Policies> - Public Interest Disclosures Act.

Contact details:

The Ombudsman, GPO Box 960, Hobart TAS 7001 www.ombudsman.tas.gov.au
Tasmanian Integrity Commission, GPO Box 822, Hobart TAS 7001 www.integrity.tas.gov.au

~~41~~13 Reporting Procedures

Council is obliged to report at a minimum on a series of procurement matters.

Council will report in its Annual Report details of any contract entered into during the year for the supply or provision of goods and or services valued at or above the legislated prescribed amount in the Regulations.

Contract Extension:

Council will report in its Annual Report, the details of any extension of a contract where Council agreed to extend a contract by an absolute majority and the pre-existing contract did not specify extensions.

Details that will be reported at a minimum are:

1. A description of the contract;
2. The period of the contract;
3. The periods of any options for extending the contract;
4. The value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
5. The business name of the successful contractor; and
6. The business address of the successful contractor.


Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied.

1214 Review of Tender Process

The General Manager, or an Executive Manager authorised to do so by the General Manager, will ensure the effective operation of the Code by ensuring each Tender process will be subject to control verifications during the pre-advertisement and pre-decision making periods, and before any contract is signed.

1315 Review of Code


Council will formally review this Code at least every four years.

	<h2 style="text-align: center;">COMMEMORATIVE SEAT POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance Executive Coordinator	General Manager	5.2.3 - Encourage community participation initiatives that supports two-way communication and consultation which results in increased engagement.	July 2021/2023
PURPOSE	This Policy stipulates <u>provides</u> guidelines regarding the placement of a commemorative seat <u>and/or plaque</u> within a public open space within in the Devonport municipal area, that commemorates individuals, organisations, businesses or clubs who have made a significant contribution to the community or to recognise a significant milestone.		
SCOPE	This Policy applies to all applications for Commemorative <u>commemorative Seats</u> seats and/or plaques to be located within Devonport public spaces under ownership or managed by Devonport City Council.		
DEFINITIONS	<p><u>For the purposes of this policy, the following definitions will apply:</u></p> <p><u>Commemorative seat – a memorial seat installed within a public space under the jurisdiction of Devonport City Council to commemorate an individual, organisation, business or club.</u></p> <p><u>Plaque – an ornamental tablet that is fixed to a surface or object to commemorate an individual, organisation, business or club.</u></p>		
POLICY	<p>1. Objective</p> <p>This Policy provides an opportunity to:</p> <ul style="list-style-type: none"> Recognise individuals, organisations, businesses and/or clubs who have made a significant contribution to the Devonport community, or a significant milestone. To provide a cost effective and meaningful approach to increasing the supply of street furniture. To ensure a consistent and managed approach to improving public amenity/street furniture and open space. <p><u>2.1. Applications</u></p> <p><u>All a applications must be submitted in writing using the 'Application for Commemorative Seat' form and will be reviewed by Council's Governance Department in conjunction with other departments of Council as required. Formal approval will be required from Council. If an application is made to install a seat or plaque on Council managed land (i.e. Crown land), consent from the landowner must also be sought.</u></p>		

	<p>This Policy is discretionary in that no precedent will be set and each application will be determined on an individual basis. Council is under no obligation to accept an applicant's proposal.</p> <p>Applications for Commemorative commemorative Seats will not be accepted if a person, event or place is already memorialised.</p> <p>3.2. Assessment Criteria</p> <p>Council will consider applications for the installation of a Commemorative commemorative Seat where:</p> <ul style="list-style-type: none"> • it recognises individuals, organisations, clubs or businesses who have made a significant contribution to the Devonport community; • the location of the seat does not compromise existing Council policies or development plans for the long-term long-term maintenance or upgrading of the respective open space. <p>An assessment of associated risks involved in commissioning, placing and maintaining the Commemorative commemorative Seat will be undertaken by Council's Risk and Compliance Coordinator, and will form part of the decision-making process.</p> <p>If deemed necessary, stakeholder and community consultation may be undertaken, where relevant, to provide information and enable feedback and advice on the proposed Commemorative Seat.</p> <p><u>Applications must comply with the requirements in the Commemorative Seat Procedure.</u></p> <p>4.3. Provision of Commemoratives Seats</p> <p>Sponsorship of the supply of street furniture by an individual's family, organisations, clubs or businesses for the purpose of a commemoration is encouraged as a way of increasing the supply of street furniture for the community's use.</p> <p>The cost of purchasing and installing the Commemorative commemorative Seat shall be borne by the applicant and upon placement, the Commemorative commemorative Seat shall become the property of the Devonport City Council.</p> <p>Council reserves the right to remove the Commemorative commemorative Seat, without referral or compensation, should the seat fall into disrepair, become vandalised, or pose a risk to the public.</p> <p>5.4. Location</p> <p>Opportunities for the placement of seats includes:</p> <ul style="list-style-type: none"> • Public public gathering places; • Places places of quiet solitude; <u>and</u> • Resting resting places for pedestrians, especially the aged and parents with children. <p>Seats should be located in positions of relative and perceived safety.</p> <p>Consultation will be undertaken with the applicant to assess preferred location, however, the siting of infrastructure is to be at the discretion of Council, after giving consideration to considering master plans, site</p>
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	<p>management plans, traffic and pedestrian mobility, risk and public safety.</p> <p>Any application which includes a proposed specific site for the commemorative seat, must demonstrate justification for the memorial being in that location.</p> <p>5. Other memorials</p> <p><u>Council may consider requests to rename or name a public space or community facility (under Council ownership or management, including playgrounds and sporting facilities) to commemorate a person or organisation where it can be demonstrated the memorial subject has made a significant contribution to Devonport, over and above that which would ordinarily be expected and exhibited by others in similar roles.</u></p> <p>a) <u>Such requests should include background and supporting information (as required) to establish the appropriateness of the proposal in accordance with this policy and contemporary community attitudes relating to the memorial subject and site.</u></p> <p>b) <u>Any proposal to name or rename a public space or community facility to commemorate a person or organisation will be referred to Councillors for consideration.</u></p>		
LEGISLATION AND RELATED DOCUMENTS	<p>Public Open Space Strategy</p> <p>Public Art Policy</p> <p>"Park Furniture Register" (D444435)</p> <p>Commemorative Seat Register</p> <p>Commemorative Seat Procedure</p> <p>Devonport City Council Strategic Plan 2009-2030</p>		
ATTACHMENT/S (IF APPLICABLE)	<p>Commemorative Seat Procedure</p> <p>Commemorative Seat/Plaque Application Form</p> <p>Commemorative Seat/Plaque Flow Chart</p>		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

COMMEMORATIVE SEAT PROCEDURE

	<h2 style="text-align: center;">COMMEMORATIVE SEAT PROCEDURE</h2>
	<p>1. Provision of Commemorative Seats/Plaques</p> <p>A particular location may be requested for the installation of a Commemorative Seats, however final approval rests with Council. All costs associated with the purchasing and installation of the seat are to be borne by the applicant.</p> <p>Council's Infrastructure and Works Department will arrange for the purchase and installation of the seat, with associated expenses to be on charged to the applicant prior to its installation. All Commemorative Seats must be approved by Council and must be consistent with Council's current public seating assets.</p> <p>Where Council allocates a specific location, this location will be held for a period of 60 days.</p> <p>If a plaque is to be mounted on the Commemorative Seat, it must be:</p> <ul style="list-style-type: none"> ● restricted to a maximum dimension of 120mm x 80 mm; ● made of stainless steel; ● up to 3mm in thickness; and ● limited to 20 words. <p>Costs for purchasing the plaque and its engraving will also be borne by the applicant. Only <u>A limit of one plaque per seat</u> is to be affixed, unless Council determines otherwise. Council will be responsible for affixing any plaques to the seating, with the cost being borne by the applicant.</p> <p>2. Location</p> <p>The positioning of Commemorative Seats should consider the following:</p> <ul style="list-style-type: none"> ● unwanted proximity between individual users of a single seat; ● forced eye contact between seat users; ● surface treatments surrounding seats should provide ease of access for those with disabilities; and ● consideration should be given to providing access for wheelchair users to draw up at the end of seats. <p>Positioning will also consider the following:</p> <ul style="list-style-type: none"> ● a clear 180 degree line of sight when in open space; ● a protected back when in a confined space; ● safe lighting levels; and ● clear movement areas. <p>Seats will be located to:</p> <ul style="list-style-type: none"> ● maximise available shade in summer; ● minimise undue noise; ● minimise prevailing wind conditions; and ● maximise shelter from rain. <p>Consideration will be given to the outlook, including:</p> <ul style="list-style-type: none"> ● an interesting outlook/view; ● views of the "passing parade"; and ● options for more than one vista. <p><u>Seats should also be located with a clear line of sight to litter bins.</u></p>

COMMEMORATIVE SEAT APPLICATION FORM



DEVONPORT CITY COUNCIL

COMMEMORATIVE SEAT/PLAQUE APPLICATION FORM

A complete form is to be returned by email or post.

Devonport City Council

Email: council@devonport.tas.gov.au

PO Box 604

Devonport TAS 7310

The Devonport City Council provides residents, organisations, clubs or businesses with the opportunity to commemorate significant contributions to the City of Devonport, or recognise significant milestones or achievements through the placement of a Commemorative Seat and/or plaque in a public open space within the Devonport municipality.

APPLICANTS DETAILS

NAME:

ADDRESS:

POSTCODE:

POSTAL ADDRESS (IF DIFFERENT FROM ABOVE):

POSTCODE:

TELEPHONE:

MOBILE:

EMAIL:

MEMORIAL/COMMEMORATION

NAME OF INDIVIDUAL/S, ORGANISATION, CLUB OR BUSINESS:

CONTRIBUTION TO THE DEVONPORT COMMUNITY:

PLAQUE DETAILS (IF APPLICABLE)

PLEASE DETAIL THE EXACT WORDING YOU WOULD LIKE TO APPEAR ON THE PLAQUE:

NOTE: You may wish to liaise with your local engraver to ensure your chosen wording will fit the plaque size. The Devonport City Council takes no responsibility in this regard and approves this application on the basis that the applicant has taken this into consideration.

DEVONPORT CITY COUNCIL -
COMMEMORATIVE SEAT/PLAQUE APPLICATION FORM

COMMEMORATIVE SEAT APPLICATION FORM

LOCATION DETAILS

DO YOU HAVE A PREFERRED LOCATION WHERE YOU WOULD LIKE THE COMMEMORATIVE SEAT AND/OR PLAQUE PLACED, AND IF SO, PLEASE PROVIDE JUSTIFICATION FOR YOUR REQUEST:

If location is not deemed suitable by Council due to operational circumstances and Policy compliance, an alternative available site will be suggested for consideration

DEVONPORT CITY COUNCIL APPROVAL

This Application has been approved in accordance with the Commemorative Seat Policy and Council Resolution: _____ (Resolution Number and Date Endorsed)

The following additional conditions have also been applied to this Application (if applicable):

The following seat/location has been designated for this plaque, which will be held for a period of 60 days. Should a plaque and this application not be returned to the Council within this timeframe, the Council reserves the right to reallocate this seat and award the location to another applicant, if requested.

AUTHORISATION:

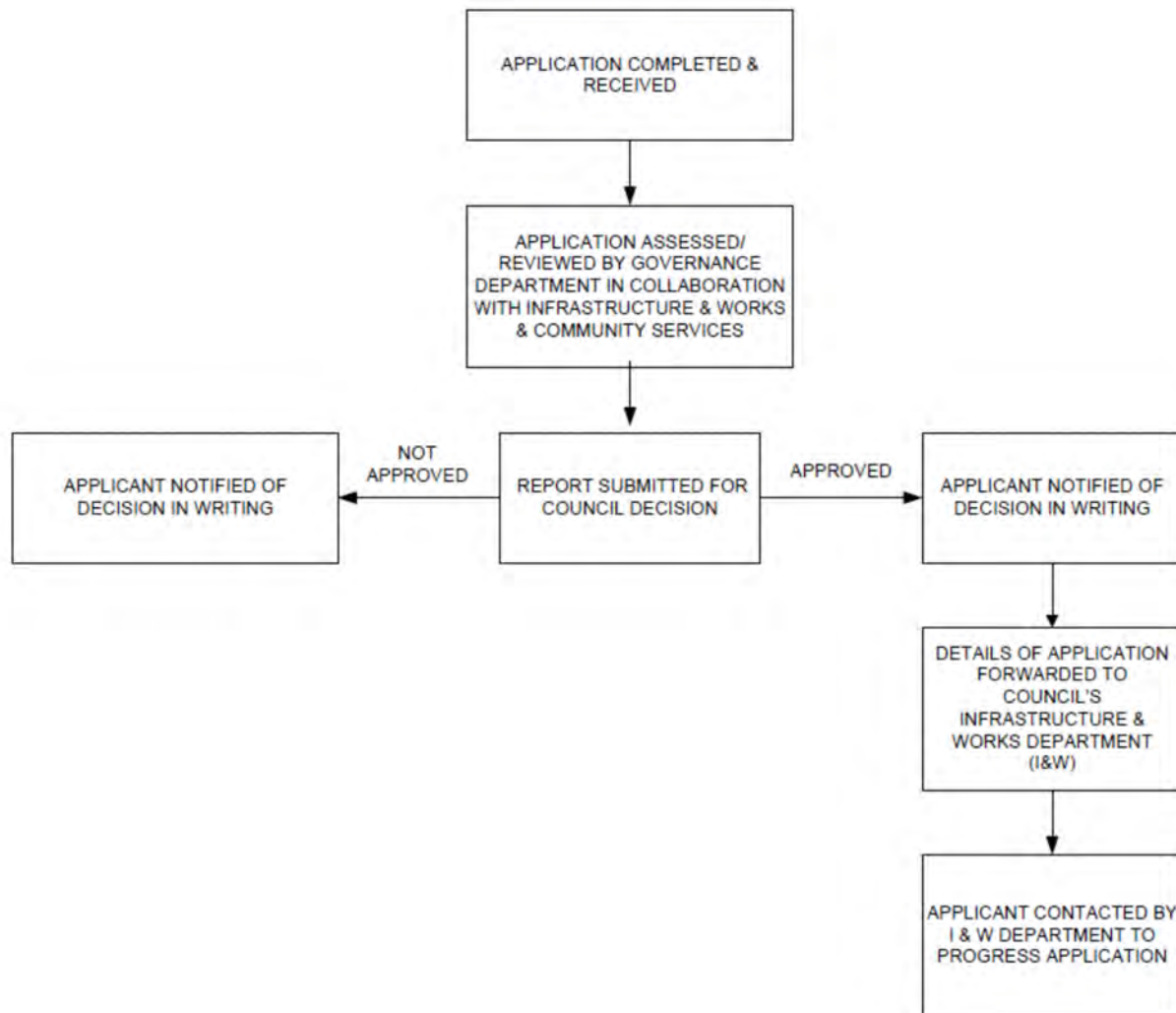
Signed: _____ Date: _____
General Manager


CHECKLIST:

ACTION:	DATE:	ACTION:	DATE:
Applicant advised of outcome		Council Resolution No & Date of Meeting	
Plaque Wording Approved YES/NO		Plaque returned to DCC	
Location Approved YES/NO		Plaque affixed to Seat	
Application Approved		TRIM Reference:	
Returned to Applicant			

DEVONPORT CITY COUNCIL -
COMMEMORATIVE SEAT/PLAQUE APPLICATION FORM

COMMEMORATIVE SEAT APPLICATION FLOWCHART



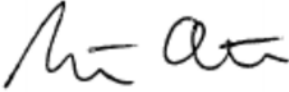
	COMMERCIAL LEASE POLICY			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Manager City Growth	General Manager	28 September 2020	July 2021
PURPOSE	The purpose of this policy is to outline a consistent approach to Council's commercial lease development and/or renewals, including determining suitability of tenants, negotiation of lease terms and lease management.			
SCOPE	This policy applies to all commercial lease and licence agreements entered into and/or renewed by Council.			
POLICY	<p>1. Commercial Leases</p> <p>Commercial leases refer to agreements entered into with tenants where the primary intention is to provide an economic return to Council.</p> <p>Sound lease and property management principles include:</p> <ul style="list-style-type: none"> • Ensuring Council-owned facilities meet demonstrated community needs consistent with Council's policies and Strategic Plan; • Ensuring transparent and equitable processes apply in granting new leases and/or renewals by having clear assessment criteria; • Ensuring tenants pay fair and reasonable rentals based on market forces and clear calculation methodologies; • Facilitating a shared approach between Council and tenant as to cost of management and maintenance of facilities; • Ensuring Council-owned facilities are appropriately maintained; • Ensuring Council assets are developed and occupied responsibly, having regard to community interests (including financial, cultural, economic); • Ensuring sound financial management and effective administration of leases; • Ensuring the obligations and responsibilities of lessor and lessee are clearly apportioned and agreed. <p>Whilst this policy provides parameters for lease negotiation and administration, terms and conditions may still vary on a lease by lease basis.</p> <p>Principles of transparency and consistency must apply to all agreements, with the primary objective being economic and social return to ratepayers and the community.</p> <p>For legislative compliance, Council is bound by the provisions of sections 177 and 178 of the <i>Local Government Act 1993</i> ("the Act") in regard to leases, including commercial leases.</p>			

	<p>In accordance with section 177 of the <i>Act</i>, Council may lease land (other than public land) owned by it. A decision made under this section must be made by absolute majority.</p> <p>Under section 178 of the <i>Act</i>, Council may lease public land owned by it. A resolution of Council to lease public land is to be passed by an absolute majority and be in accordance with the provisions of section 178 of the <i>Act</i>.</p> <p>1.1 Approaches in seeking tenant</p> <p>Engagement of Commercial Agent Council may engage a commercial agent to assist in the process of advertising, recommending and securing a suitable tenant against eligibility criteria (see clause 3) determined by Council. A decision on the recommended candidate must be determined by Council.</p> <p>Public Process (Expression of Interest/Open Tender) Significant lease opportunities should be open to all interested market participants.</p> <p>An Expression of Interest or other open market process is required in the following circumstances:</p> <ul style="list-style-type: none"> • Where a facility is proposed or is suitable for commercial purposes; • Where a current lessee fails to provide notice to renew or to exercise their options within the given terms of the agreement; • Where a facility or property is vacant or a newly constructed property; • Where it is considered appropriate to undertake market testing. <p>Council will publicly advertise the property through this process, including any desired use/s.</p> <p>Unsolicited Approaches Unsolicited proposals may be received by Council. The requirement for public advertising may be set aside where a unique or innovative proposal is initiated by a prospective tenant, on a commercial in confidence basis, and it can be demonstrated that the proposal has the potential to deliver outcomes that are desirable and in the best interests of the community.</p> <p>Alternative Approaches Council may undertake an alternative process for leases where, in its opinion, an alternative lease approach will achieve greater benefits to ratepayers than could be achieved through a public</p>
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	<p>process and will entertain direct negotiations to the exclusion of a public process.</p> <p>Circumstances where an alternative approach may be undertaken include:</p> <ul style="list-style-type: none"> • Where the cost of a public process will exceed expected economic or community benefit. • Where there is only one identifiable lessee. • Where Council is bound by a contractual obligation, e.g. a tenant with a first right of refusal. • Where a long-term lease is nearing the end of its term and implementing an open market process would impose either: <ul style="list-style-type: none"> ◦ A significant and commercially undesirable reversionary cost (or risk of such cost) to Council; or ◦ An unsatisfactory capital investment scenario which will impact (or is at risk of impacting) achievement of the stated Goals and Objectives of Council. The term of extension of lease should be commensurate with a period required to satisfactorily reduce such risks or costs to Council. • The sitting lessee has a special interest in the land and no other similar party can be identified (i.e. a unique education use). • Where a sitting lessee or adjoining occupant propose a commercial arrangement, which is of demonstrable benefit to Council and the community. • A long term lease of land to Government to facilitate a strategic project. • A long term lease to government or utility authority for purpose of infrastructure provision. • Where a public marketing process which has been undertaken in accordance with this Policy has failed to achieve its desired outcome. • In response to a proposal which achieves specific policy goals of Council and the community. <p>These exclusions aim to allow Council the ability to respond to an approach for the development of a unique project. Any such proposal must provide demonstrable support for the achievement of specific policy and strategic goals and objectives of Council.</p> <p>Council may take into consideration current market conditions, future investment commitments, pre-existing relationship with lessee and other associated risks and benefits.</p>
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	<p>1.2 Market Valuations (prior to lease commencement) Independent market valuation must be undertaken by Registered Valuer (under the <i>Land Valuers Act 2001</i>). Valuations are required in accordance with the <i>Local Government Act 1993</i>, where Council land is to be sold, leased, donated or exchanged.</p> <p>The cost of valuation is to be met by Council in the first instance, but where the tenant has initiated the valuation, they are to meet the cost.</p> <p>1.3 Application of relevant legislation Leases should be prepared and managed in accordance with all relevant legislative requirements and Council policy.</p> <p>All property being used as a retail shop premises, and that meet the qualifying criteria, must be compliant with the <i>Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 (Tas)</i>.</p> <p>1.4 Public land Land that is determined as public land in accordance with Section 178 of the <i>Local Government Act 1993</i> and listed on Council's Public Land Register, is subject to a separate process if earmarked for leasing. The land is subject to a public consultation process, which involves advertising twice in a local newspaper, signposting by public notice on the property boundary and a 21-day public submission period.</p> <p>1.5 Conflict of interest The provisions of both the Employee Declaration of Conflict of Interest Policy (employees, contractors and consultants) and Model Code of Conduct Policy (elected members) apply to all staff and Councillors involved in any process relating to the leasing of a commercial property. All conflicts must be declared immediately and assessed and managed in accordance with these policies. Declarations must be made in relation to any pecuniary or non-pecuniary interest.</p> <p>1.6 Confidential information and disclosure Negotiations will seek to minimise the use of confidentiality clauses which limit Council's disclosure rights, other than where information is required to be treated confidentially in accordance provisions of other regulatory and legislative requirements.</p> <p>2. Legal Advice Property matters can be both complex and detailed and it is important to obtain appropriate legal advice in advance of making decisions that could have financial or contractual implications.</p>
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	<p>For all commercial lease agreements, Council will utilise either a template lease agreement that has been developed with the assistance of external Legal Advice, or a specific lease agreement will be developed by external Legal Advisor where necessary. The engagement of a specific Legal Advice will be determined after an assessment of the risk, scale or complexity of any specific lease proposal.</p> <p>Mandatory clauses for inclusion in a lease are attached to this Policy. Other relevant considerations include:</p> <ul style="list-style-type: none"> • Use of the Retail Tenancy lease template developed by legal advisors; • Length of the lease; • Annual and total value of the lease; • Previous legal advice obtained in relation to the lease; • Condition of the property to be leased; and • Intended use of the property. <p>The process of engaging legal services must meet the tests of achieving value for money and transparency and accountability.</p> <p>3. Assessment Process</p> <p>The criteria and weighting are to be determined on a case by case basis. Criteria to consider include:</p> <ul style="list-style-type: none"> • Rental yield • Market forces • Experience and capability of the prospective tenant • Employment outcomes for local community • Support of Strategic Plan/strategic objectives of Council • Support of and linkages with other Council Strategies and Plans 	
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Land Valuers Act 2001</i> <i>Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 (Tas)</i> Employee Declaration of Interest Policy Model Code of Conduct Policy Devonport City Council Strategic Plan 2009-2030</p>	
ATTACHMENTS (IF APPLICABLE)	<p>Commercial Lease Checklist (mandatory clauses) <i>Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 (Tas)</i> - - Appendix B – Disclosure Statement Details</p>	
STRATEGIC REFERENCE	5.3 Review and amend structures, policies and procedures to adapt to changing circumstances.	
MINUTE REFERENCE	20/90	
OFFICE USE ONLY	Update Register	¥
	Training/Communication	¥
	Advise Document Controller	¥
	Advise HR / MCO	¥
	Management Sign Off:	

	 Date: 28 September 2020
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Appendix 1 – Commercial Lease Checklist – Mandatory Clauses

Clause	Terms and Conditions
Market re-valuations	Market re-valuations must be undertaken, at a minimum, at least every five years or on the exercising of an option by the tenant
Rental reviews	Rental shall increase by CPI Hobart % (annual) or agreed fixed percentage
Lease renewals	Leases may be renewed with existing tenants, subject to the tenant complying with requirements of lease agreement. A Deed of Variation may sit adjunct to the original lease if only minor variations are made to the original agreement
Terms of Lease	Commercial leases will be subject to full commercial terms and relevant guidelines and legislation. Any deviation from standard commercial leasing arrangement will be subject to specific consideration in lease reports to Council
Directors Guarantees or Security	All commercial lease entered into with a company or corporation must include a clause pertaining to a Director's Guarantee. The Director must sign the lease agreement in his/her own right as Guarantor, in addition to signing in their capacity as Director of the Company/Corporation. Bank Guarantees, or other equivalent forms of Security may be provided as an alternate to Directors Guarantees.
Length of Lease	Maximum term for a commercial lease shall be ten years, but must be of a sufficient period of tenure to allow tenant reasonable opportunity to establish the business
Outgoings	Tenant will be responsible for all outgoings, unless otherwise agreed, including all utilities (electricity, gas, water and sewerage, telephone) and statutory outgoings (municipal rates and land tax). Any deviation from standard commercial leasing arrangement will be subject to specific consideration in lease reports to Council
Costs	Each party will be responsible for their own legal fees in relation to the preparation, negotiation and finalisation of the agreement
Maintenance	Standardised maintenance responsibilities apply. Tenant will be responsible for any costs of repair and/or replacement of items or infrastructure damaged as a result of misuse, negligence, wilful damage or vandalism by the tenant, the tenant's guests, invitees and contractors. Council is responsible for ensuring the structural integrity of the premises and that the premises remain watertight.
Assignment and sub-leasing	The tenant must not sub-let or assign the property without the written consent of Council. A request seeking consent must include the relevant standing of the prospective assignee including their finance; information on the relevant business skills of the prospective assignee; information on the financial standing of any prospective guarantors; information as to the proposed use of the premises by the proposed assignor
Default and/or breach	Clauses relating to default or breach of lease must be included. This clause will generally relate to non-payment of rent; failure to comply with clauses deemed to be essential terms (including, but not limited to failure to pay outgoings; failure to maintain premises; failure to comply with notices); the tenant becoming bankrupt or entering into liquidation (company only)
Permitted Use	All commercial leases must include a permitted use which the Tenant's business operations are limited to

Refurbishment or works during the term of the lease	Written consent for refurbishment or works must be sought and received by the tenant from the Council prior to undertaking. Correct permits and licences must also be obtained by the tenant, and must be undertaken and finalised to an acceptable standard
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Appendix B - Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 (Tas) – Disclosure Statement Details

The following statements are to be displayed at the top of a disclosure statement:

- (a) the information provided is confidential;
- (b) tenants should ensure that they understand the statement before signing, and should seek independent advice if in doubt;
- (c) on entering a lease, the disclosure statement forms part of the lease agreement.

2. The following information is to be included in each statement:

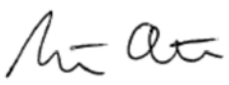
- (a) the rent and the method of calculation;
- (b) the items to be included in turnover calculations;
- (c) the commencement date for rental payments;
- (d) rental reviews and options, how they are conducted, and their frequency;
- (e) the term of the lease and any option period;
- (f) any rental premium charged;
- (g) a list of general outgoings, with an estimate of the costs and the basis on which the costs are apportioned to the tenant;
- (h) a list of all other costs with an estimate of their amounts and, where appropriate, the basis on which they are calculated and how they are to be paid;
- (i) the identity of the property owner, the name and address of the agent and an emergency contact point;
- (j) a description of the premises, including the total lettable area and what is included in the area and fit out;
- (k) trading hours;
- (l) access to the premises;
- (m) the permitted or required use of the premises;
- (n) the date of availability for occupation;
- (o) the tenancy mix in a shopping centre complex.


	<h2 style="text-align: center;">COMMUNITY AND CHILDCARE LEASE POLICY</h2>			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Coordinator	General Manager	28 September 2020	July 2021
PURPOSE	To establish a consistent and equitable approach to the development of leases and licences of Council property to community groups and childcare facilities.			
SCOPE	<p>This Policy applies to all community groups and childcare tenants who lease or licence Council owned buildings <u>on Council owned or leased land</u>, or who conduct their operations on or from Council owned or leased land. The terms and conditions of this Policy apply to all new lease and licence agreements and upon the renewal of any existing lease or licence.</p> <p>The conditions of this Policy will not be varied unless it is essential to meet the special needs of the property or lessee.</p>			
DEFINITIONS	<p><u>For the purposes of this policy, the following definitions apply:</u></p> <p><u>Lease</u> – a legally binding agreement that details terms and conditions of the exclusive use of land or facility for a period of time in return for the payment of rental.</p> <p><u>Licence</u> – a legally binding contractual agreement that details terms and conditions of a contractual right to the use of land or facility for a period of time in return for the payment of a licence fee.</p> <p><u>Community Groups and Organisations</u> - Organisations whose primary objective is to serve the community (including service clubs and community-based agencies) are supported by Council. Council recognises the benefit of supporting community groups and organisations within the community.</p> <p><u>Childcare</u> - Childcare facilities refer to Council owned buildings that are utilised to care for children. Council acknowledges the not-for-profit status of these childcare facilities.</p> <p><u>Building Maintenance Schedule</u> – a document detailing building and maintenance responsibilities of both the Landlord and Tenant</p> <p><u>Head Lease</u> – A primary lease arrangement between two parties – generally the Crown and Council in respect of this Policy.</p> <p><u>Sub Lease</u> – A secondary lease arrangement between two parties where a Head Lease exists – generally Council and a community or childcare organisation in respect of this Policy.</p> <p><u>Non-commercial licence agreements</u> – Agreements with community and childcare groups, or residents who licence Council land for exclusive private purposes of a non-commercial nature.</p>			
POLICY	1. Community Groups and Organisations			

	<p>Organisations whose primary objective is to serve the community (including service clubs and community-based agencies) are supported by Council. Council recognises the benefit of supporting community groups and organisations.</p> <p>2. Childcare Childcare facilities refer to Council owned buildings that are utilised to care for children. Council acknowledges the not for profit status of these childcare facilities.</p> <p>3. Non-Commercial Licence Agreements Community and Childcare Groups, or residents who licence Council land for exclusive private purpose of a non-commercial nature, may also be charged a separate fee.</p> <p>4.1. Fee Schedule/Determination of Rent</p> <p>1.1 <u>Community groups</u> The amount payable for community groups will be reviewed annually. This rate will be a nominal amount taking into consideration ability to pay and existing precedents, generally commence at a peppercorn rental (if demanded). The amount payable for community groups will be reviewed annually.</p> <p>1.2 <u>Childcare facilities</u> Childcare facilities will be charged an amount equalling <u>totalling</u> 50% of the rates charged against the property per annum.</p> <p><u>1.3 Non-commercial licence agreements may also be subject to a separate fee.</u></p> <p>5.2. Validation of Lease <u>or Licence</u> Agreement Council land and/or buildings shall only be occupied pursuant to a formal signed lease <u>or licence</u>. Failure to validate-execute the lease agreement by signature may result in the discontinuation of lease negotiations <u>or an existing agreement (if a lease renewal)</u> with the tenant. Once lease terms have been finalised, Council reserves the right to commence rental charges even if the agreement remains unsigned. If the lease remains unsigned for a period of more than 30 days, 90 days' notice to vacate the premises (building and/or land) may be given to the tenant who currently occupies if they are occupying the premises.</p> <p>6.3. Risk Management Obligations Lessees of Council owned or managed buildings will be required to have Public liability insurance for a minimum of \$20 million. A copy of the organisation's lessee's Certificate of Currency is to be provided to Council at the commencement of the agreement, upon a lease renewal, and annually for the duration of the lease.</p>
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	<p>It is the responsibility of the lessee, in conjunction with Council, to ensure the minimisation of all risks including public safety, hazardous materials and waste removal. The lessee is also required to comply with emergency evacuation procedures and risk management practices at the direction of Council.</p> <p><u>7.4. Maintenance Schedule/Issues</u></p> <p>Prior to an agreement being made, a condition statement shall be produced to determine the condition of the facility, and maintenance responsibilities determined.</p> <p>Building Maintenance Schedules (BMS) are developed to ensure consistency and clarity regarding maintenance of Council premises and stipulate responsibilities of both Council and the lessee.</p> <p><u>BMS documents will be reviewed every five years in line with the term of the agreement, or as required, i.e. following significant building or infrastructure amendments.</u></p> <p>Where an organisation has exclusive use of a Council owned facility, there is an expectation that they assist in funding maintenance costs and contribute towards capital improvement of the facility.</p> <p>Where improvements on the leased land are owned by the lessee, they have sole responsibility for internal and external maintenance.</p> <p><u>8.5. Term</u></p> <p>Lease agreements will be granted for a period of no more than five years, with a further five-year term option offered.</p> <p><u>9.6. Rent Reviews/Increases</u></p> <p>Rental fees for community groups and childcare facilities will be reviewed annually in conjunction with budget preparation and the setting of annual rates, fees and charges.</p> <p>Council reserves the right to amend the rental if a lessee gains access to other commercial means of income, other than fundraising, that is generated during the term of the agreement.</p> <p><u>10.7. Outgoings</u></p> <p><u>10.17.1</u> Lessees will be responsible for the costs of all utilities, including electricity, phone and all other outgoings related to the property including water usage charges.</p> <p><u>10.27.2</u> Council will be responsible for water and sewerage service charges; rates (100% of annual rate charges for community groups; 50% of annual rate charges for childcare facilities); and land tax for community groups and childcare facilities.</p> <p><u>7.3 An incremental percentage application of the rental may apply for organisations commencing a lease agreement with Council, based on the following rate:</u></p> <p><u>Year 1 -- 2520%</u></p> <p><u>Year 2 -- 540%</u></p>
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	<p>Year 3 – 60 75%</p> <p>Year 4 – 80%</p> <p>Year 5 (and each year of renewal period) – 100%</p> <p>Year 4 (and further years)– 100%</p> <p><u>This will be assessed on a case by case basis, and subject to the financial capacity of the lessee to pay.</u></p> <p><u>1.8. Determination of Leases</u></p> <p>When a facility or building premises becomes vacant, Council will consider the ongoing future use of the premises in determining a suitable tenant. Factors to consider include:</p> <ul style="list-style-type: none"> • <u>most appropriate use;</u> • <u>local community needs; activities within the community that are unrepresented or under-represented;</u> • <u>historical connection to the facility/location; and</u> • <u>Council's strategic direction.</u> <p><u>2.9. Sub Leases</u></p> <p>Terms and conditions of any sub-lease must be in accordance with the terms and conditions of the head lease, including the length of the lease <u>term</u>. Council may require the sub-lessee to contribute to charges incurred by Council from Crown or third party, for the head lease.</p> <p>Lessees who wish to sub-let the leased premises are required to seek written permission from Council prior to making such arrangements.</p> <p>Any group to whom a property is sub-let. must provide Council with a copy of their Certificate of Currency and must have public liability insurance of at least \$20million.</p> <p>Any subleasing arrangements made must not extend beyond the term of the head lease.</p> <p><u>3.10. Other Provisions</u></p> <p>Other lease provisions may be negotiated as required.</p> <p><u>4.11. Delegation and Signing</u></p> <p>14.1 The General Manager is delegated by Council to finalise and sign lease agreements.</p> <p>14.2 An authorised signatory of the lessee will be required to execute the lease and a copy of the agreement, once duly executed by both parties, will be returned to the lessee for their safe keeping. The other copy will be recorded as a Legal Document<u>Vital Record</u> by Council and placed in the Legal Document-Vital Records Register <u>and a hard copy held in Council's document storage facility.</u></p>
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	5.12. Legislation and Statutory Compliance It is necessary for lessees and Council in the development of lease agreements to ensure compliance with Council's corporate and statutory responsibilities. Legislative requirements need to be determined and stipulated in the lease. Compliance may also extend to the obtaining of permits from Council; liquor licensing requirements; place of assembly licences; adherence to food handling guidelines; and relevant Council by-laws.	
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> <i>Building Act 2016</i> <i>Building Regulations 2016</i> <i>Public Health Act 1997</i> <i>Food Act 2003</i> (where applicable) Devonport City Council Strategic Plan 2009-2030 Place of Assembly Licence (where applicable) Food Licencing (where applicable)	
ATTACHMENTS (IF APPLICABLE)	N/A	
STRATEGIC REFERENCE	5.3.1 – Review and amend structures, policies and procedures to adapt to changing circumstances	
MINUTE REFERENCE	20/90	
OFFICE USE ONLY	Update Register	Training/Communication
	Advise Document Controller	Advise HR / MCO
	Management Sign Off:  Date: 28 September 2020	

 <h2 style="text-align: center;">COMMUNITY ENGAGEMENT POLICY</h2>			
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Community Services Manager	Deputy General Manager	5.2.1 – Encourage community participation initiatives that support two-way communication and consultation which results in increased engagement	July 2024 2023
PURPOSE	To outline a framework for community engagement activities conducted by Council, other than notification and consultation, in accordance with statutory requirements.		
SCOPE	<p>This policy applies to Councillors, employees, volunteers, consultants and contractors when in the course of Council's operations requiring there is a requirement for community engagement.</p> <p>It outlines the principles underpinning Council's engagement activities with the community and the engagement methods which Council may use.</p>		
DEFINITIONS	<p>To assist in the interpretation, the following definitions shall apply:</p> <p>"Councillors" - shall mean the Mayor and Elected Members of Devonport City Council.</p> <p>"Community Engagement" - shall mean a planned process with the specific purpose of working with identified groups of people whether they are connected by geographic location, special interest or affiliation, to address issues affecting their wellbeing. The approach is based on a spectrum of engagement from inform, consult, involve, collaborate and empower, as defined by the International Association for Public Participation (IAP2).</p> <p>"Council" - shall mean Devonport City Council.</p> <p>"IAP2" - shall mean International Association for Public Participation (IAP2).</p> <p>"Stakeholder" - shall mean any individual, group of individuals, organisations or entities that have or feel they have an interest, can affect or be affected by an outcome of issue or decision.</p>		
POLICY	<p>Council recognises that community engagement and participation processes are an important part of democracy. Effective engagement is good practice and critical to good local government.</p> <p>1. The Benefits of Engagement Include, but are not Limited to:</p> <ul style="list-style-type: none"> Increased community awareness of Council's services, planning and program delivery; Increased awareness across Council of community views and the issues that should be considered as part of decision making; Increased awareness of the needs, priorities and diversity of the local community, which in turn ensures that Council's service provision and planning functions are aligned appropriately; 		

	<ul style="list-style-type: none"> • Increased level of community ownership and acceptance of decisions; • Council and community working together to address local issues; • Potential for time, resource and cost savings for Council; • A tool to assist in managing reputational risk. <p>The level of community engagement undertaken relates directly to the level of community involvement required, and should always be appropriate to the nature, complexity and impact of the issue, plan or strategy.</p> <p>Council will endeavour to ensure that its engagement processes are appropriate, accessible, well planned and adequately resourced.</p> <p>2. Principles</p> <p>The following principles will underpin Council's approach to community engagement.</p> <p>a) Open and Inclusive</p> <ul style="list-style-type: none"> • Recognise community participation as a right of all citizens and an integral component of informed decision making; • Create, support and promote opportunities for the community to actively participate; • Encourage involvement from a wide cross section of the community using engagement processes that are accessible and inclusive; • Openness and a commitment to ensuring that the community is well informed of Council's service delivery and decision-making processes. <p>b) Mutual Trust, Respect and Accountability</p> <ul style="list-style-type: none"> • Treat all participants in the engagement process with respect and dignity; • Approach engagement from an impartial perspective, free from bias toward any stakeholder involved in the process; • Is accountable, accessible and ethical in all dealing with the community. <p>c) Engage Early and Be Clear</p> <ul style="list-style-type: none"> • Seek early engagement and regularly involve the community in decision making; • Communicate clearly the objectives of the engagement process and provide community members with all available and relevant information as part of the engagement process to ensure informed discussions; • Communicate the parameters of the engagement process with participants from the outset including legislative requirements, Council's sphere of influence, conflicting community views, policy frameworks and context, budget <u>restraints constraints</u> etc; • Acknowledge that planning is a critical process to deliver successful outcomes and is committed to developing and implementing community engagement plans. <p>d) Consideration and feedback</p> <ul style="list-style-type: none"> • Commitment to demonstrating that Council have considered all community contributions and relevant data,
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	<p>prior to making any decisions that affect the local community;</p> <ul style="list-style-type: none"> Committed to providing participants with feedback at key stages throughout the projects and upon completion and how community input influenced the decision. <p>e) Skills and Resources</p> <ul style="list-style-type: none"> Endeavour to ensure that sufficient timeframes and adequate resources are allocated to engagement processes; Co-ordinate<u>Coordinate</u> its community engagement processes where possible to optimise resources and ensure efficiency and avoid duplication. <p>3. Community Engagement Framework This policy forms part of a broader Community Engagement Framework, which includes the following elements:</p> <ul style="list-style-type: none"> This <i>Community Engagement Policy</i>; <i>Community Engagement Matrix</i>; and <i>Community Engagement Toolkit</i>. <p>4. Privacy</p> <p>a) General Personal information obtained during and as a result of community engagement will be managed in accordance with the <i>Personal Information Act 2004</i>.</p> <p>b) Public Submissions In circumstances where the involvement requires members of the public to make submissions to Council, all submissions received will be regarded as public and made available for general access, including personal details (e.g. name, address, email address etc., unless there are overriding public interest considerations against the disclosure of the personal details – refer to <i>Public Interest Disclosure Act 2002</i>).</p> <p>5. Reporting Reports submitted to ordinary Council meetings and Council Section 23 Committee meetings shall include a standard reporting section on Community Engagement.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Public Interest Disclosures Act 2002</i> <i>Personal Information Act 2004</i> Quality Assurance Standard for Community and Stakeholder Engagement, IAP2, Community Engagement Matrix Community Engagement Toolkit Devonport City Council Strategic Plan 2009-2030 Communication and Media Policy Model Code of Conduct Policy Staff Code of Conduct Policy Risk Management Framework Customer Service Charter</p>		
ATTACHMENTS (IF APPLICABLE)	N/A		
	Is training required as result of this Policy	YES	NO

TRAINING REQUIREMENTS (IF APPLICABLE)	Training required by:	Councillors	Staff	Department
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	<h2 style="text-align: center;">COMPLAINT HANDLING POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Services Coordinator	Executive Manager Corporate Services Deputy General Manager	5.4.3 – Manage customer requests and complaints with a view to continual improvement of service delivery	July 2024/2023
PURPOSE	To ensure a standardised method of registering, responding and reporting on complaints, made to Council, for the purpose of driving service delivery improvements to the community.		
SCOPE	<p>This Policy recognises that effective complaint handling is essential to ensuring the consistent delivery of quality services.</p> <p>Complaints give Council the opportunity to review service delivery procedures and implement improvements where necessary. A complaint also allows Council employees, where possible, to resolve issues arising from the recent delivery of services.</p>		
<u>DEFINITIONS</u>	<p><u>For the purposes of this policy the following definitions will apply:</u></p> <p><u>Complaint – an expression of dissatisfaction about the standard of service, an action or the lack of action by Council which can be investigated and acted upon where no right of appeal or review is available under any legislation. In some instances, legislation specifically makes provision for an appeal, or an internal or external review of a decision.</u></p>		
POLICY	<ol style="list-style-type: none"> Why Do People Complain? Complaints are often made because someone is dissatisfied with a decision, the level of service or the conduct of a Council Officer. Many complaints can occur due to poor communication or as a result of inadequate publicity about the services provided and the policies of Council. Many complaints can be resolved in the first instance by explaining how a decision came about or by reviewing a relevant policy. <u>Complaints Defined</u> A 'Complaint' is defined as an expression of dissatisfaction about the standard of service, an action or the lack of an action by Council, which can be investigated and acted upon where no right of appeal or review is available under any other legislation. In some instances, legislation specifically makes provision for an appeal, or an internal or external review of a decision. <u>Types of Complaints</u> Complaints often fall into one of four basic types: <ul style="list-style-type: none"> Decisions made by Council; <ol style="list-style-type: none"> Complaints alleging a decision was beyond the powers of the Council or that it was made without following due process; or Complaints alleging that with knowledge of all available information no reasonable person could have reached the decision made regarding the issue. 		

	<ul style="list-style-type: none"> • Behaviour of staff that may be seen as rude, discriminatory or harassing. The inappropriate behaviour of staff, such as rudeness, discrimination or harassment; • Allegations that the stated standard of service of Council has not been met or was of inferior quality; and • Decisions of officers. <p>Most initial contacts with Council are not complaints and can be dealt with through the Action Request <u>Make a Request</u> process <u>on Councils' website: www.devonport.tas.gov.au/contact-us/make-a-request</u>. In such instances, the issue will not be registered as a complaint, <u>some examples are:</u></p> <ul style="list-style-type: none"> • Requests for services (initial contact with the Council, unless the request is assessed by the relevant Manager that the issue is significantly important or sensitive to warrant immediate registration as a complaint and unless Council officers failed to complete actions to which they had indicated they would complete); • Requests for information or explanations of policies or procedures; • The lodging of an appeal in accordance with standard procedure or policy; • An appeal or request for internal or external review of a decision for which a structured process applies; • An expression concerning the general direction and performance of Council; • Disagreement with a policy of the Council; • Reports of damaged or faulty infrastructure; and • Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of Council's responsibilities. <p>3. Lodging a Complaint A formal complaint may be lodged <u>in writing via:</u></p> <ul style="list-style-type: none"> • Council's website. <u>• Email</u> <u>• Phone</u> <u>• In person - at the counter or at a prearranged meeting with a relevant Manager;</u> <u>• Mail</u> • By phone; or • In writing via email, letter or Council's website. <p>To assist Council in dealing with a complaint, a customer should include the following:</p> <ul style="list-style-type: none"> • Name and address (including contact details); • Date, times and location of events; • Description of the issue; • The name of the Council officer to whom the customer has spoken; • Copies or references to letter or documents relevant to the complaint; and • State what the customer hopes to achieve as an outcome to the complaint. <p>4. Complaints Management</p>
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	<p>4.1. Complaints Management Process</p> <p>In most instances, the Manager of each Department of Council is to handle complaints relevant to their specific area of responsibility, <u>complaints regarding a Department Manager should be escalated to Executive Manager and if necessary to the General Manager. All complaints are to be registered in the complaints register.</u></p> <p>While it is possible to achieve a quick resolution to most problems, there are times when a complaint may require a more detailed investigation. Appropriate escalations procedures will be followed by Council officers depending on the seriousness of the complaint.</p> <p>For complaints made about a decision of Council, an explanation of the facts, policy and reasons for the decision is to be given to the complainant. If the decision is found to have been made without following due process or without all the available information, it will be referred back to the appropriate Manager for review.</p> <p>If a Councillor has submitted a complaint on a customer's behalf, a status report will also be provided to the Councillor.</p> <p>Complaints against staff will be handled with discretion and will be notified to the General Manager. Council's Disciplinary Procedure will be applied to any complaint that requires disciplinary action.</p> <p>5. Response Times</p> <p>Every effort is to be made when dealing with complaints to:</p> <ul style="list-style-type: none"> • Acknowledge the complaint <u>as soon as possible</u> within five (5) working days; and • Resolve the complaint and provide a response within ten (10) working days. <p>If complex investigations are required, the response will provide an indication of the timeframes associated with the investigation process and contact information for the complainant to obtain feedback on the status of the complaint.</p> <p>6. Consideration of a Complaint</p> <p>In considering a complaint the responsible Manager will:</p> <ul style="list-style-type: none"> • Examine and analyse the information available and ask for more information where clarification is required; • Review relevant Council policies that relate to the complaint; • Determine Council's ownership of the issue; • Consider any necessary action to be taken to correct any issues identified. Ensure that any remedy given to resolve a complaint is appropriate and reasonable; • Where considered appropriate, the relevant Manager may attempt mediation on a complaint with the intention to provide a resolution; • Consider a review of Council's procedures to avoid recurrence of similar complaints. <p>7. Treatment of Complainants</p>
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	<p>Complaints are to be treated, respectfully, professionally and with confidentiality.</p> <p>8. Malicious Complaints All complaints received by Council will be treated with seriousness. If a complaint is determined to be malicious, frivolous or generated purely to cause annoyance, the matter will be referred to the General Manager for review and response.</p> <p>9. Anonymous Complaints Anonymous complaints will generally only be acted upon where the matter is identified as being serious and there is sufficient information in the complaint to enable an investigation to be undertaken.</p> <p>10. Protection of Customer Information that identifies the complainant will <u>be protected and only be made available to other staff</u> as needed for the purposes of addressing the complaint. <u>Complainants details will not be made known to members of the public unless the General Manager determines its appropriate and the Complainant is notified prior.</u></p> <p>11. Registration and Reporting of Complaints An integral part of the complaint policy is the requirement for all complaints received by Council to be registered into a central database for tracking and resolution. Council <u>will include in the Annual Report the</u> will be provided with a report once a year that details the number and nature of complaints received in accordance with section 339F(5) of the <i>Local Government Act 1993</i>. The Executive team will review the complaints register on a regular basis.</p> <p>12. Responsibility for Dealing with Complaints 12.1. Council Officers</p> <ul style="list-style-type: none"> • Receive complaints whether in writing, email, internet, or in person; • Record detailed information of the complaint; • Refer details of the complaint electronically for registration in Council's records system; • Inform the appropriate Manager of the receipt of a complaint and any initial action taken; and • Take remedial action as authorised by a Manager. <p>12.2. Managers Mangers are responsible for the same actions as detailed above, with the addition of:</p> <ul style="list-style-type: none"> • Review remedies carried out and recommended; • Ensuring responses are made within the required times; • Ensuring complaint and responses are appropriately recorded; • Report information or recommendations for changes of policy and procedures to the General Manager; and
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	<ul style="list-style-type: none"> If a complaint is directed towards more than one issue, then following registration co-ordinate a combined response so the complainant receives only one reply addressing all of the issues if appropriate. <p>13. Customer Dissatisfaction with Complaint</p> <p>13.1. Internal Review</p> <p>The majority of complaints can usually be resolved by the relevant Manager. However, a person who is not satisfied with the outcome may request escalation for review. A request for a review of the complaint by the General Manager is to be in writing.</p> <p>13.2. Further Investigation</p> <p>If a complaint remains unresolved or a customer is dissatisfied with the process followed in used to managing manage the complaint, a customer may elect to have their complaint actioned through external agencies. The following agencies can review actions and decisions taken by the Council:</p> <ul style="list-style-type: none"> The Ombudsman who is an officer responsible to Parliament for investigating complaints made about administrative actions (or inactions) of Tasmanian Government Departments, most Statutory Authorities and Local Government. The Ombudsman is located at Ground Floor, 99 Bathurst Street, Hobart, 7000, phone free call 1800 001 170, email ombudsman@ombudsman.tas.gov.au Local Government Division, Department of Premier and Cabinet, Level 5, 15 Murray Street, Hobart (GPO Box 123 HOBART 7001), phone (03) 6232 7022, email lgsem@dpac.tas.gov.au Integrity Commission, Surrey House, Level 2, 199 Macquarie Street Hobart (GPO Box 822 Hobart 700), phone 1300 720 289, email integritycommission@integrity.tas.gov.au <p>While a customer is entitled to refer a complaint directly to these bodies agencies, at any time, customers are encouraged to allow the Council to investigate the complaint first.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Personal Information Protection Act 2004</i> <i>Right to information Act 2009</i> <i>Local Government Act 1993</i> Customer Service Charter Dealing With Difficult Customers Policy <u>Devonport City Council Strategic Plan 2009-2030</u>		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	CREDIT CARD POLICY		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance & Finance	General Manager	5.5.1 – Provide financial services to support Council's operations and meeting reporting and accountability requirements	July 2023
PURPOSE	The purpose of this policy is to provide guidance on how Council corporate credit cards are to be allocated, used and administered to ensure that they assist in efficient delivery of services while minimising the potential for misuse and fraud.		
SCOPE	<p>Corporate credit cards are recognised as an efficient and flexible method of paying for goods and services in the public sector. They offer a convenient and highly traceable payment option, particularly for low value, day-to-day transactions, and can substantially improve purchasing efficiency by reducing administrative costs.</p> <p>However, any transaction method holds the potential for misuse and the convenience and flexibility of credit cards can be a vulnerability. Therefore, sound policies and protocols for use and control must be established to take advantage of the improved purchasing efficiency while minimising the opportunity and impact of misuse of funds.</p> <p>The policy is intended to apply to credit cards, as well as any other similar type of corporate or organisational purchasing card. In this policy, the term "credit card" is used to refer to any purchasing card, including credit, debit, EFTPOS and similar bank cards issued by Council and used for purchasing on behalf of Council.</p>		
POLICY	<p>1 Purchasing Principles Cardholders must conform to sound principles of purchasing when using a Council credit card. These principles are detailed in Council's <i>Purchasing Policy</i>.</p> <p>2 Preferred Purchasing Methods</p> <p>2.1 In using a Council credit card, cardholders must consider the alternative purchasing methods available, such as purchase orders and purchase contracts.</p> <p>2.2 Credit cards are appropriate for purchasing in the following typical situations:</p> <ul style="list-style-type: none"> a) Smaller purchase amounts, typically below \$1,000; b) Invoices for approved goods or services requiring immediate or out-of-cycle payment, when payment has been authorised; 		

	<p>c) Where purchase orders:</p> <ul style="list-style-type: none"> • are impossible or unworkable (such as internet purchases of approved goods or services); or • would take too long, unreasonably impact operational efficiency or result in missed opportunity, for example, if a purchase order would incur significant and unreasonable additional costs (either to Council or the supplier) relative to the cost of the goods or services being procured; <p>d) Where payment by credit card has been formally authorised, such as emergency situations; or</p> <p>e) For purchases that cannot be made in the office, such as work-related travel expenses generated while travelling, or field work expenses requiring payment in the field.</p> <p>2.3 Purchase orders or purchase contracts are preferred in the following typical situations:</p> <p>a) For invoices not requiring urgent or immediate payment, such as invoices with a future due date;</p> <p>b) Larger purchase amounts, typically of \$1,000 or more; or</p> <p>c) Purchases requiring agreement between parties on terms (of service, engagement or sale).</p> <p>2.4 Cardholders operate with some discretion, but must justify their purchasing decisions, including the purchasing method chosen. Seek guidance from your Manager or Finance Team if you are in doubt.</p> <p>3 Control of Credit Cards – For Authorisers</p> <p>3.1 Risk Management Strategy</p> <p>Each active credit card represents a risk of accidental or intentional misuse of public funds and each credit limit amount is the extent of that risk. To minimise risks associated with credit cards, Council must:</p> <p>a) Allocate credit cards according to departmental need, and avoid allocating on an ad hoc or individual basis; and</p> <p>b) Only issue cards to organisational roles where the operational benefits of efficient purchasing outweigh the increase in risk; and</p> <p>c) Maintain control on the total number of credit cards issued and their combined purchasing potential (or credit limit) at any one time; and</p> <p>d) Control the credit limit available on each card to an appropriate amount required to facilitate efficient purchasing for each role, considering the alternative payment options available; and</p> <p>e) Ensure Cardholders and Authorisers adhere to the procedures and responsibilities set out by the policy by placing the onus of evidence for each purchase upon the Cardholder.</p>
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	<p>3.2 Authorisers</p> <p>Authorisers have a key role in the control of credit cards, managing purchasing risk and maintaining compliance with this policy. Authorisers:</p> <ol style="list-style-type: none"> May authorise or decline the issuing of credit cards to a Cardholder; May authorise or decline discretionary transactions, such as entertainment or gifts in accordance with this policy; May direct a Cardholder to reimburse Council for transactions deemed not to be in accordance with this policy; May or may not be allocated a credit card; and If they are allocated a credit card, may not authorise their own purchases or issue their own credit card. <p>The following roles are Authorisers for the purpose of this policy:</p> <ul style="list-style-type: none"> ➤ General Manager ➤ Deputy General Manager ➤ Executive Manager Corporate Services <u>People & Finance</u> ➤ Finance Manager <p>3.3 Allocation and Issue of Credit Cards and Credit Limits</p> <p>Credit cards are allocated and issued according to the rules in the following sections.</p> <ol style="list-style-type: none"> Allocating Credit Cards: <ul style="list-style-type: none"> Schedule 1 – Allocation of Credit Cards and Credit Limits lists the roles that, at the absolute discretion of the Authorisers, may potentially be issued with a credit card and the maximum credit limit for each role. The General Manager and Executive Manager Corporate Services (EMCS) <u>People & Finance</u> must authorise changes to the allocation table. Council credit cards are allocated to people in roles that require them. Credit cards may not be applied for. Contact your supervisor if you believe your role requires a credit card or a different credit limit. Your supervisor will determine whether or not to request a review of Table 1. Credit Card Allocation Table to include your role or change the credit limit available to your role. A credit card will not be allocated to Councillors. A credit card may be issued to the Mayor if the operational benefits to Council of efficient purchasing sufficiently outweigh the administrative cost of managing an additional card.
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	<p>b) Issuing Credit Cards</p> <ul style="list-style-type: none"> • The issue of each credit card must be authorised by an Authoriser and recorded. • An Authoriser cannot authorise the issue of their own credit card. • A person in a role that is allocated a credit card is not obliged to hold one. • The cardholder must complete the Cardholder Declaration shown at Schedule 2 before the card is issued. Completed declarations will be stored by the Finance Manager. <p>c) The General Manager's Credit Card</p> <ul style="list-style-type: none"> • The General Manager is allocated a card, if they choose to hold one. • The credit limit for the General Manager is determined by Council approval, including subsequent adjustments. • All statement reconciliations for the General Manager's credit card are reviewed by the Mayor (who is not an Authoriser) and authorised by the Deputy General Manager who is an Authoriser. <p>d) Setting Limits and Controls on Credit Cards</p> <ul style="list-style-type: none"> • The maximum number of cards that Council will allow to be active at any one time is to be set according to Council needs and acceptable risk; • The maximum total credit limit of all cards is to be set according to needs, acceptable risk and budget requirements; • Monthly credit limits will be set to the lowest amount required by the Cardholder to conveniently execute their role, considering budget constraints and the alternative payment methods available. • Limits on individual transactions may be set. <p>3.4 Review of Credit Card Allocation and Credit Limits</p> <p>The allocation of each credit card and their credit limits detailed in Schedule 1 – Allocation of Credit Cards and Credit Limits is to be set according to operational requirements and authorised by the General Manager and EMCS Executive Manager of People & Finance. Only the General Manager's credit limit requires Council approval; all other roles and limits are set according to Council operational requirements, as determined by the General Manager and EMCS Executive Manager of People & Finance.</p> <p>Table 1. Credit Card Allocation Table will be periodically reviewed every two years, as a minimum, in conjunction with the policy update cycle. The aim of each review is to ensure that credit card allocation and limits are facilitating efficient purchasing and delivery of Council's services while effectively managing purchasing risk. Unnecessary or insufficiently justified cards should be withdrawn and destroyed. Credit limits should</p>
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	<p>be adjusted to the lowest monthly amount needed to facilitate efficient purchasing, as evidenced by purchasing history and adherence to this policy.</p> <p>In addition to the periodic review, Table 1. Credit Card Allocation Table is recommended to be reviewed if:</p> <ol style="list-style-type: none"> Requests are received to add or remove roles from the Credit Card Allocation Table, or alter individual credit limits; Proposed changes to the Credit Card Allocation Table require changes to the maximum number of credit cards or the maximum total credit limit; A cardholder terminates employment or returns their card; A card is lost or stolen or the subject of fraud or identity theft; A significant breach of the policy (under section 3.5) occurs; or Significant reorganisation of Council roles is undertaken. <p>Where the operational benefits to Council of a role holding a credit card no longer outweigh the increase in risk of the extra card, the credit card should be returned and cancelled.</p> <p>3.5 Breach of Policy or Misuse</p> <p>Any breaches of this policy by any Cardholder, Authoriser, staff or elected member, depending on the nature and extent of the breach, may result in:</p> <ol style="list-style-type: none"> counselling and retraining in the policy and requirements; reimbursement of costs; cancellation of card; disciplinary action in accordance with Council's Disciplinary Procedure; or referral to police or civil proceedings. <p>If you become aware of policy breaches or misuse, report them immediately to an Authoriser. The Authoriser will determine if the policy breach or misuse needs to be reported to the Fraud Control Officer.</p> <p>4 Statement Reconciliation and Acquittal Process – Cardholders and Authorisers</p> <p>The purpose of the Statement Reconciliation and Acquittal Process is to ensure that:</p> <ul style="list-style-type: none"> Cardholders justify and document every purchasing decision to Council; and Council is able to justify and validate its endorsement and validation of Cardholders' purchasing decisions to auditors, investigators and the public.
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	<p>On receipt of the account transaction statement each month, the statement will be reconciled according to the following process:</p> <p>4.1 The Cardholder must collate all purchase evidence (including tax invoices with purchase purpose or signed purchase statement) and provide them to a Council officer who is delegated to reconcile the account statement.</p> <p>4.2 A delegated Council officer will:</p> <ol style="list-style-type: none"> Reconcile transactions individually against the supporting documentation and the requirements of this policy; and Question with the Cardholder any transactions: <ul style="list-style-type: none"> without supporting documentation; that may be in conflict with this policy; that appear suspicious, unauthorised, excessive or of unknown purpose. If there are any outstanding transactions that cannot be adequately explained or reconciled with this policy, the officer must report these to the Finance Manager for further investigation and appropriate action. <p>4.3 Any breaches of this policy will be dealt with according to risk and severity of the breach in accordance with section 3.5 Breach of Policy or Misuse.</p> <p>4.4 If all transactions are supported by adequate documentation and purchases appear to be in accordance with this policy with no suspicious activity:</p> <ol style="list-style-type: none"> The Cardholder will sign the account statement to confirm the purchases; and For the General Manager's credit card, the Mayor will review the statement and the Deputy General Manager will authorise the credit card statement to confirm purchases are in accordance with this policy; and The Authoriser reviews the credit card statement and attachments and authorises the statement to approve for payment <p>4.5 Full statement reconciliation, acquittal and approval for payment must be completed before payment is due or within four (4) weeks of receiving the statement.</p> <p>5 Use of Credit Cards – For Cardholders</p> <p>5.1 General Use</p> <ol style="list-style-type: none"> Cardholder Responsibility and Liability: As a Cardholder, you are responsible for the safe custody and security of the card and liable for any misuse and associated costs. You are responsible for resolving use and transaction disputes and ensuring that use of the card is ethical and strictly in accordance with this policy.
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	<p>Credit cards are provided strictly for business-related purchasing only. Cardholders must be able to justify and prove their purchasing decisions to Council in a manner that allows Council to be able to justify and validate their endorsement of purchasing decisions to auditors, investigators, and the public. Always follow this policy and seek guidance from an Authoriser if in doubt.</p> <p>Cardholders must comply with any terms and conditions of use provided by the card issuer and should follow the guidelines and recommendations of the issuing institution.</p> <p>b) Non-Cardholder Use: Only the designated Cardholder may use the credit card. The Cardholder must not let any other person use the credit card assigned or account or record or share the credit card number, including other Council staff or elected members.</p> <p>Where for an approved purchase in compliance with this policy, the Cardholder may use their credit card to purchase work-related items on behalf of another Council staff or elected member, provided the expense is appropriate and approved in accordance with this policy.</p> <p>c) Receipts and Documentation for Every Purchase: The Cardholder must obtain a valid tax invoice for all credit card purchases and note the purpose of the purchase.</p> <p>A valid tax invoice must provide sufficient information to demonstrate that the document is intended to be a tax invoice and include the following¹:</p> <ul style="list-style-type: none"> • The seller's identity; • The seller's Australian Business Number (ABN); • The date the invoice was issued; • A brief description of the items sold, including the quantity (if applicable) and the price; • The GST (goods and services tax) amount payable (if any) – this can be shown separately or, if the GST amount is exactly one-eleventh of the total price, as a statement such as 'Total price includes GST'; and • Purchases over \$1,000 must also show the buyer's identity or ABN (in addition to the seller's details). <p>The Cardholder should make every attempt to obtain valid original documents in support of transactions. Council cannot claim the GST credit for purchases over \$75 without a valid tax invoice², so it is always important purchases have original documentation. Contact vendors for original tax invoices if necessary.</p>
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¹ ATO tax invoice requirements: <https://www.ato.gov.au/Business/GST/Issuing-tax-invoices/>

² See *A New Tax System (Goods and Services Tax) Regulations 1999*:
https://www.legislation.gov.au/Details/F2011C00417/Html/Text#_Toc297551530
Page 7 of 13

	<p>In the absence of a valid tax invoice or original receipt, the Cardholder must provide sufficient information regarding the transaction to satisfy an Authoriser that the purchase is a valid work-related purchase that complies with this policy.</p> <p>If you make a transaction and fail to retain a valid tax invoice for it, you must complete and sign a statutory declaration³ that includes all the required supporting information to justify the purchase, including the transaction purpose, date, time, amount, vendor name and ABN.</p> <p>Cardholders are liable for the cost of transactions that cannot be verified to be in compliance with this policy. Repeated purchases without original supporting documentation (valid tax invoice), requiring the Cardholder's explanation, or a statutory declaration are a purchasing risk to Council and may result in a credit card being revoked or disciplinary action in accordance with 3.5 Breach of Policy or Misuse.</p> <p>d) Lost, Stolen or Damaged Cards: If a Council credit card is lost or stolen, the Cardholder must immediately contact the issuing institution to report the lost or stolen card. Follow the advice of the institution and then advise an Authoriser at the earliest opportunity.</p> <p>Damaged cards can be reported to Council's financial management team for a replacement card to be arranged.</p> <p>e) Return of Cards: Return your Council credit card immediately to your manager if you:</p> <ul style="list-style-type: none"> • are ceasing or terminating employment; • moving to a role that is not assigned a credit card; • taking extended leave from your role, or otherwise where you feel retaining your card is an unnecessary risk; or • no longer require, or do not wish to hold, a credit card. <p>Credit cards should generally be cancelled and destroyed in these circumstances. If employees are returning from leave of 6 months or less, cards may be held securely by Council, at Council's discretion.</p> <p>[The return of credit cards is an item included on the employee exit checklist.]</p> <p>5.2 Permitted Transactions An employee issued with a Council credit card will have the necessary financial delegation to transact on the card. The</p>
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³ Statutory declaration forms are available from the Department of Justice:
http://www.justice.tas.gov.au/forms/statutory_declarations

setting of the transaction and credit limit will be in accordance with section 3.3 of this policy.

Transactions for expenses that are budgeted for and have been demonstrably approved, such as approved projects or approved travel, may be made without additional approval from Authorisers. The Cardholder must be able to demonstrate purchases are approved and in accordance with this policy, if queried. Approval can be by way of email from the Cardholder's supervisor or in relation to travel for training/conference purposes, completion of the Training Registration Form and compliance with the Travel Accommodation Policy.

a) Travel Expenses:

Travel expenses are expenses incurred in the course of authorised work-related travel. They include accommodation, transport, meals, and expenses incidental to travel. Credit cards are ideally suited to cater for expenses incurred while travelling.

Travel expenses should be purchased in accordance with Council's Travel Accommodation Policy.

5.3 Discretionary Transactions Requiring Authorisation

The following types of transactions and purchases generally require written approval from one or more Authorisers and are **discretionary transactions**. Certain credit cardholders have financial delegation to expend on discretionary transactions. Limits for discretionary expenditure are set out in **Table 1. Credit Card Allocation Table**. Unless employees have been allocated a financial delegation for discretionary expenditure, transactions for the following are prohibited.

a) Entertainment Expenses:

Entertainment means the provision of food drink or recreation – even if business discussions or transactions occur. Entertainment is typically considered a private expense and must not be purchased using a council credit card or funds without clear prior approval to do so.

There are a range of circumstances where entertainment expenses may be considered to be work-related and may be purchased with your Council credit card. These include travel expenses (in accordance with section 5.2a) Travel Expenses above), to support approved overtime work, for approved Council events or social functions or within an approved entertainment expenses budget for your role.

Certain roles are delegated the discretion to incur work-related entertainment expenses as part of their roles. These roles and their **discretionary expense limits** are allocated in **Schedule 1 – Allocation of Credit Cards and Credit Limits**.

	<p>b) Gifts: Gifts are typically considered to be private expenses and must not be purchased with a Council credit card without prior approval. However, there may be limited instances where a gift using Council funds is appropriate, such as in recognition of exceptional service of an employee or community volunteer, or as prizes for Council-sponsored community awards, and so are discretionary transactions.</p> <p>Refer to Council's Recognition Procedure for guidance and how to apply for approval to purchase a gift.</p> <p>c) Fuel: Wherever available, use a fuel card to purchase fuel for work-related fuel expenses. In the event a fuel card is not available or not accepted by vendors in a location, Cardholders may use a Council credit card to purchase fuel for work-related travel, however sufficient supporting evidence that documents the circumstances must be provided.</p> <p>5.4 Prohibited Use and Transactions The following types of transactions and purchases are generally prohibited and must not be made on a Council credit card.</p> <p>a) Cash Advances/Withdrawals: Council credit cards must not be used for cash advances or withdrawing cash.</p> <p>b) Refunds: Any refunds for purchases made on a Council credit card must be refunded back to the credit card account. Refunds must not be accepted in cash.</p> <p>c) Purchases of a private or personal nature: Only approved, work-related expenses in accordance with this policy may be incurred.</p> <p>d) Fines: Council credit cards must not be used to pay fines of any nature. You must pay any fines that you incur.</p> <p>e) Alternative Online Payment Methods and Storing of Credit Card Details: Where a payment for necessary goods or services can only be made through such a payment/e-commerce system, and that system requires the storage of credit card details or linking to a credit card account (such as Uber), then the General Manager may delegate certain cardholders to set up and manage an online account. This policy applies for the online account, as for the credit card itself:</p>
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	<ul style="list-style-type: none"> The online account is restricted for use by the Cardholder; The online account is for work-related purchases only, in accordance with this policy; The online account is to be set up with the Cardholder's work email address and details and is to be managed separately from any personal online payment/e-commerce accounts. <p>Permissions for online accounts should be centrally controlled and recorded by Council. Council credit cards must never be linked to personal online payment systems or accounts.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> Local Government (General) Regulations 2005 <i>A New Tax System (Goods and Services Tax) Act 1999</i> <i>Fringe Benefits Tax Assessment Act 1986</i> Payment of Councillor's Allowances, Expenses and Provision of Facilities Policy Recognition Procedure Disciplinary Procedure Travel and Accommodation Policy <i>Code for Tenders and Contracts</i> Purchasing Policy Purchasing Procedure Staff Code of Conduct Fraud and Corruption Control Policy Devonport City Council Strategic Plan 2009-2030		
ATTACHMENTS (IF APPLICABLE)	Schedule 1 – Allocation of Credit Cards and Credit Limits Schedule 2 – Cardholder Declaration		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as a result of this policy	YES	NO
	Training required by:	Councillors	Staff
			Department

Schedule 1 – Allocation of Credit Cards and Credit Limits

This Policy permits the issue of credit cards only to the Council roles and with the limits stated in Table 1 below.

Table 1. Credit Card Allocation Table

Role/Position	Credit Limit ⁴	Transaction Limit ⁵	Discretionary Expense Limit ⁶
General Manager	\$10,000	N/A	\$200
Deputy General Manager	\$10,000	\$10,000	\$100
Executive Manager Corporate Services	\$10,000	\$5,000	\$100
Executive Manager Organisational Performance People & Finance	\$10,000	\$5,000	\$100
IT Coordinator	\$15,000	\$3,000	Nil
Risk & Compliance Coordinator	\$10,000	\$1,000	Nil
Community Services Manager	\$5,000	\$5,000	\$100
Convention & Arts Centre Manager Director	\$5,000	\$5,000	\$100
DECC Coordinator Performing Arts & Operations Supervisor	\$5,000	\$1,000	Nil
Bass Strait Maritime Centre Coordinator	\$5,000	\$1,000	Nil
Plant Maintenance Service person Parking Workshop Maintenance Technician	\$500	\$100	Nil
Works Co-ordinator	\$5,000	\$5,000	Nil
BSMC Bass Strait Maritime Centre Project Officer	\$1,000	\$1,000	Nil
Visual Arts Coordinator	\$1,000	\$1,000	Nil
Risk Safety & Compliance Officer	\$1,000	\$1,000	Nil
Works Supervisor	\$5,000	\$5,000	Nil
Infrastructure & Works Manager	\$5,000	\$5,000	Nil
Administration Officer	\$1,000	\$1,000	Nil
Executive Assistant	\$5,000	\$1,000	Nil
Executive Coordinator	\$5,000	\$5,000	Nil
Customer Services Officer – Recreation Centre	\$500	\$100	Nil
TOTAL	\$100,000		

Table 1. Credit Card Allocation Table is authorised by:

Name: _____
 Position: General Manager
 Signed: _____
 Date: _____

Name: _____
 Position: Executive Manager People & Finance
 Signed: _____
 Date: _____

⁴ **Credit Limit** means the monthly credit limit and total value of purchases that may be made in a month.

⁵ **Transaction Limit** means the maximum value for any single transaction.

⁶ **Discretionary Expense Limit** means the maximum value per occasion of work-related entertainment expenses that a role is permitted to be purchased before seeking approval from an Authoriser.

Schedule 2 – Cardholder Declaration

1. I have read and understood Council's Credit Card Policy. I understand the requirements of me as a Cardholder and agree to comply with them.
2. In particular, I agree:
 - That I understand and will follow the rules and procedures of credit card use outlined in this policy;
 - That I will adhere to all related Council policies, including Council's (Purchasing Policy, Travel & Accommodation Policy, Gifts & Donations Policy and Recognition Procedure);
 - That my credit card is to be used for Council business only;
 - That I must retain receipts and documentation to support all transactions made with my card;
 - That I am responsible for the safekeeping and security of my card and account and liable for any misuse;
 - That I will not allow any other person to use my Council credit card; and
 - That disciplinary action will be taken for any breaches of the policy.

Name: ____

Position: _____

Signed: _____

Date: _____

Authorisation

A Council credit card is approved to be issued to the Cardholder named above, who is authorised to hold and use a Council credit card in compliance with this policy.


Authorised by:

Name: _____ Name: _____

Position: _____ Position: _____

Signed: _____ Signed: _____


Date: _____ Date: _____

	CUSTOMER SERVICE CHARTER POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Service Coordinator	Executive Manager Corporate Services Deputy General Manager	5.4 – Council is recognised for its customer service delivery	July 2021-2023
PURPOSE	The Customer Service Charter sets out Council's service standards and explains what actions customers can do take if Council has not delivered a service to the agreed standard. It also provides Council officers with clear standards to which they are to adhere and that are in alignment with our focus on quality customer service.		
SCOPE	This policy applies to all Council Officers and customers of Council.		
POLICY	<ol style="list-style-type: none"> Who are our Customers? Our customers are any person or organisation that has dealings with Council. Our Commitment Council is committed to engaging with the community, delivering customer focused services that: <ul style="list-style-type: none"> Are guided by the organisation's values: continuous improvement and innovation, customer satisfaction, leadership, our people, results and accountability; Are focused on the customer's needs and preferences, as expressed through consultation and feedback; Ensure information, resources and services are accessible to all; Respect and protect personal information and adhere to all legislative privacy requirements; Are delivered by skilled, motivated and courteous staff; Ensure a standard of presentation and performance which always reflects the high quality of service Council is committed to delivering. Helping Us to Help You To assist in delivering our services, we ask customers to: <ul style="list-style-type: none"> Provide accurate and complete information so we can respond appropriately to the enquiry; Respect the privacy, safety, needs and rights of other customers; Respect the community in which we live; Work with Council to solve problems; Treat our Council officers with courtesy and respect; Provide Council with feedback so we can continually improve service delivery. What Customers can expect from Devonport City Council At all times Council will: <ul style="list-style-type: none"> Greet customers in a polite and friendly manner; Answer and return Respond to queries, phone calls promptly; 		

	<ul style="list-style-type: none"> • Serve customers promptly at the front counter; • Treat customers courteously and with respect; • Listen and respond to concerns within service standards; • Provide customers with necessary and relevant information; • Communicate clearly, and in plain language; • Act on commitments in a timely manner; • Value customer privacy by treating all personal information confidentially; • Be punctual for meetings and appointments; • Work with customers to solve problems and refer them to an appropriate organisation if Council is unable to meet the request. <p>5. Provision of Advice and Information</p> <p>Council staff will ensure information and advice to the customer is accurate and current (at the time it is provided) and is provided within agreed timeframes.</p> <p>Technical, complex or regulatory matters will generally be addressed by senior staff or appropriately qualified staff. Appointments may be made using the relevant booking page on the contact section of Councils website.</p> <p>https://www.devonport.tas.gov.au/contact-us/</p> <p>General information and basic enquiries will usually be responded to by the staff member at the point of contact.</p> <p>Advice will generally be provided by senior or specialist staff with the appropriate knowledge, experience and/or professional accreditation in respect of the subject matter of the advice being offered/provided.</p> <p>6. Abusive Customers</p> <p>Should customers be abusive or use offensive language, in person, over the phone or by email, we will terminate the communication.</p> <p>If Council officers feel threatened by a customer's offensive language or behaviour, the Police may be notified.</p> <p>7. Cessation of Contact</p> <p>The General Manager may decide to limit or cease responses to a customer should they be abusive in their communication with us or if they do not accept that we have done all that we can to assist. A decision of this nature will be communicated in writing.</p> <p>8. Complaint Handling</p> <p>Devonport City Council understands that a customer may be dissatisfied with the quality of service, or behaviour of an employee or agent.</p> <p>Complaints are different from requests for service. Many issues raised with Council are often referred to as 'complaints' when a customer contacts us. Many 'complaints' are a 'request for service' and will be resolved as a standard function of Council. These 'requests for service' are managed separately to the formal complaints management process.</p> <p>Further details on how Council manage complaints is outlined in our Complaints Handling Policy.</p> <p>https://www.devonport.tas.gov.au/download/360/council-policies/17256/complaint-handling-policy.pdf</p>
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	<p>9. Our Customer Service Standards</p> <p>At all times, Council will endeavour to meet the following standards:</p>												
	<table><tr><th>REQUESTED SERVICE</th><th>OUR STANDARD</th></tr><tr><td>Return your phone call</td><td>A response to your telephone message within 3 business days.</td></tr><tr><td>Reply to written, email and social media general requests for service or advice</td><td>Within 10 working days. <u>If unable to provide a full response within 10 days receipt will be acknowledged — and details provided of when a response will be provided along with details as to when a response can be expected, and details of our progress and the relevant contact officer's details will be given.</u></td></tr><tr><td>Any Safety Matter issue reported</td><td><u>Make safe within 24 hours and repairs as soon as possible immediately and up to 24 hours depending on the nature of the incident.</u></td></tr><tr><td>Complaint Resolution</td><td>Acknowledged initially and then every effort made to resolve the complaint and provide a response within 10 working days. If complex investigations are required, the response we provide may be delayed. The customer will be kept informed of our progress and the relevant contact officer's details.</td></tr><tr><td>Other requests, applications, duties etc with timeframes listed in legislation ie: <i>Local Government Act 1993, Planning Scheme 2013, Food Act 2003, Building Act 2000, Monetary Penalties Enforcement Act 2005, Dog Control Act 2000</i> etc.</td><td>Any other requests or timeframes for service that is specified by legislation or Acts etc will be adhered to and where timeframes are not listed, responses will be within 10 days.</td></tr></table>	REQUESTED SERVICE	OUR STANDARD	Return your phone call	A response to your telephone message within 3 business days.	Reply to written, email and social media general requests for service or advice	Within 10 working days. <u>If unable to provide a full response within 10 days receipt will be acknowledged — and details provided of when a response will be provided along with details as to when a response can be expected, and details of our progress and the relevant contact officer's details will be given.</u>	Any Safety Matter issue reported	<u>Make safe within 24 hours and repairs as soon as possible immediately and up to 24 hours depending on the nature of the incident.</u>	Complaint Resolution	Acknowledged initially and then every effort made to resolve the complaint and provide a response within 10 working days. If complex investigations are required, the response we provide may be delayed. The customer will be kept informed of our progress and the relevant contact officer's details.	Other requests, applications, duties etc with timeframes listed in legislation ie: <i>Local Government Act 1993, Planning Scheme 2013, Food Act 2003, Building Act 2000, Monetary Penalties Enforcement Act 2005, Dog Control Act 2000</i> etc.	Any other requests or timeframes for service that is specified by legislation or Acts etc will be adhered to and where timeframes are not listed, responses will be within 10 days.
	REQUESTED SERVICE	OUR STANDARD											
	Return your phone call	A response to your telephone message within 3 business days.											
	Reply to written, email and social media general requests for service or advice	Within 10 working days. <u>If unable to provide a full response within 10 days receipt will be acknowledged — and details provided of when a response will be provided along with details as to when a response can be expected, and details of our progress and the relevant contact officer's details will be given.</u>											
	Any Safety Matter issue reported	<u>Make safe within 24 hours and repairs as soon as possible immediately and up to 24 hours depending on the nature of the incident.</u>											
Complaint Resolution	Acknowledged initially and then every effort made to resolve the complaint and provide a response within 10 working days. If complex investigations are required, the response we provide may be delayed. The customer will be kept informed of our progress and the relevant contact officer's details.												
Other requests, applications, duties etc with timeframes listed in legislation ie: <i>Local Government Act 1993, Planning Scheme 2013, Food Act 2003, Building Act 2000, Monetary Penalties Enforcement Act 2005, Dog Control Act 2000</i> etc.	Any other requests or timeframes for service that is specified by legislation or Acts etc will be adhered to and where timeframes are not listed, responses will be within 10 days.												
<p>10. Evaluating and Improving our Performance</p> <p>Council uses customer satisfaction surveys and community engagement to collect feedback from customers. Council also welcomes feedback at any time. Your feedback helps us monitor and improve our services. You can contact us in person, by phone, email or via our website.</p>													
<p>LEGISLATION AND RELATED DOCUMENTS</p>	<p><i>Local Government Act 1993</i> <i>Personal Information Protection Act 2004</i> <i>Right to information Act 2009</i> Complaint Handling Policy</p>												


	<u>Devonport City Council Strategic Plan 2009-2030</u>		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors Staff	Department

	<h2 style="text-align: center;">DEALING WITH DIFFICULT CUSTOMERS POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Services Coordinator	Executive Manager Corporate Services Deputy General Manager	5.4.3 – Manage customer requests and complaints with a view to continual improvement of service delivery	July 2021-2023
PURPOSE	<p>Council is committed to the delivery of quality services to our customers. At times, a customer's expectations may exceed Council's ability to deliver. This policy explains how Council will manage difficult customers who:</p> <ul style="list-style-type: none"> • <u>Are rude, abusive or aggressive.</u> • Cannot be satisfied; • Make unreasonable demands; • Constantly raise the same issue with different staff: and/or • <u>Are rude, abusive or aggressive.</u> 		
SCOPE	All Council Officers with potential customer interaction.		
POLICY	<p><u>1. Customers who are Rude, Abusive or Aggressive</u></p> <p><u>Rude, abusive or aggressive behaviour may include offensive gestures, verbal abuse, threatening behaviour, physical violence against property or physical violence against a person.</u></p> <p><u>If in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in telephone conversations or in person, the staff member may:</u></p> <p><u>1.1. warn the caller, that if the behaviour continues, the conversation or interview/meeting will be terminated;</u></p> <p><u>1.2. terminate the conversation or interview/meeting if the rude, abusive or aggressive behaviour continues after a warning has been given.</u></p> <p><u>Where a conversation or interview/meeting is terminated, the staff member must notify the relevant Manager of the details as soon as possible.</u></p> <p><u>If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or materials clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.</u></p> <p><u>Violence, damage to property or threatening behaviour may lead to a ban from those sites where the threatening behaviour occurred. Occurrences of such behaviour may be reported to police, depending on the severity of the incident.</u></p>		

	<p><u>1.2.</u> Customers Who Cannot be Satisfied</p> <p>Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.</p> <p>If in the opinion of the General Manager, a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone, email and/or visit Council, the following actions may be taken:</p> <p><u>1.1.2.1.</u> The General Manager may write to the customer restating Council's position on the matter if necessary and advising that if the customer continues to contact Council regarding the matter. Council may:</p> <p><u>1.1.1.2.1.1.</u> not accept any further phone calls from the customer;</p> <p><u>1.1.2.2.1.2.</u> not grant any further interviews or meetings;</p> <p><u>1.1.3.2.1.3.</u> require all further communication to be put in writing; and</p> <p><u>1.1.4.2.1.4.</u> continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:</p> <ul style="list-style-type: none"> the customer provides significant new information relating to their complaint or concern; or the customer raises new issues which in the General Manager's opinion, warrant fresh action. <p><u>1.2.2.2.</u> The General Manager shall advise Councillors of a person who is deemed to be 'a customer who cannot be satisfied', the customer's concerns, and any proposed management strategy by Council Officers.</p> <p><u>2.3.</u> Customers Who Make Unreasonable Demands</p> <p>Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.</p> <p>If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, email, telephone and /or visit the offices the following actions may be taken:</p> <p><u>2.1.3.1.</u> The General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands, Council may:</p> <p><u>2.1.1.3.1.1.</u> not respond to any future correspondence and only take action where, in the opinion of the</p>
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	<p>General Manager the correspondence raises specific, substantial and serious issues; or <u>2.1.2.3.1.2.</u> only respond to a certain number of requests in a given period. <u>2.2.3.2.</u> If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering representations from the customer, advise the customer that either or both of points 2.1.1 – 2.1.2 above will now apply.</p> <p><u>3.4.</u> Customers Who Constantly Raise the Same Issue with Different Staff If in the opinion of the General Manager, a customer is constantly raising the same issues with different staff or elected members, the following actions may be taken: <u>3.1.4.1.</u> The General Manager may notify the customer that: <u>3.1.1.4.1.1.</u> only a nominated staff member will deal with them in the future; <u>3.1.2.4.1.2.</u> they must make an appointment with that person if they wish to discuss a matter; or <u>3.1.3.4.1.3.</u> all future contact with Council must be in writing.</p> <p>The customer may wish to make a formal complaint in accordance with Council's Complaint Handling Policy.</p> <p>4. Customers who are Rude, Abusive or Aggressive Rude, abusive or aggressive behaviour may include offensive gestures, verbal abuse, threatening behaviour, physical violence against property or physical violence against a person.</p> <p>If in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in telephone conversations or in person, the staff member may:</p> <p>4.1. warn the caller, that if the behaviour continues, the conversation or interview/meeting will be terminated; 4.2. terminate the conversation or interview/meeting if the rude, abusive or aggressive behaviour continues after a warning has been given.</p> <p>Where a conversation or interview/meeting is terminated, the staff member must notify the relevant Manager of the details as soon as possible.</p> <p>If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or materials clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.</p> <p>Violence, damage to property or threatening behaviour may be reported to police, depending on the severity of the actions.</p> <p>5. Documentation and Reporting Council maintains detailed records on file of every situation as it relates to the details of this policy.</p> <p>If an elected member feels that a Council customer is being difficult in a manner specified in this policy, they must notify the</p>
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	<p>General Manager who will consider taking action as per the procedures described above.</p> <p>Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise Councillors as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Premier and Cabinet's Local Government Division for information.</p> <p>6. Right of Review</p> <p>If you believe that this policy has been enacted against you unfairly, you may make a complaint to the Tasmanian Ombudsman.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Personal Information Protection Act 2004</i> <i>Right to Information Act 2009</i> Customer Service Charter Staff Code of Conduct Policy Devonport City Council Strategic Plan 2009-2030</p>		
ATTACHMENTS (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	DEVONPORT REGIONAL GALLERY ACQUISITION AND COLLECTION POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Convention and Arts Centre Director	General Manager Executive Manager People and Finance	4.2.3 – Develop and implement an integrated approach to public art	July 2024/2023
PURPOSE	<p>To ensure sound management of the Devonport City Council's Permanent Collection, managed by the Devonport Regional Gallery. Key objectives of the policy are to:</p> <ul style="list-style-type: none"> • Conserve, document and develop the Collection in accordance with International Council of Museums (ICOM) Code of Professional Ethics; • Develop a Collection that is cohesive, focused and significant within Tasmania; • Provide an effective, open and accountable system of acquiring and de-accessioning of works; • Preserve, protect and conserve its Council's cultural assets through effective management of the Collection; • Provide and advocate access to the collection through exhibitions and public programs; • Provide guidelines for the expenditure of the annual allocation of funds for the acquisition of artworks for the Collection. 		
SCOPE	<p>The policy applies to all artworks and cultural objects in the Collection, including artworks that are currently on display in public buildings, <u>or outward loan for exhibition purposes.</u></p>		
DEFINITIONS	<p>To assist in the interpretation <u>For the purposes of this policy</u> the following definitions shall apply:</p> <p>Artworks: - <u>-</u> various art mediums including paintings, drawings, prints, photographs, ceramics, sculpture, textiles and electronic media.</p> <p>Gallery Staff: - <u>-</u> Council employees whose position is predominantly to assist in the delivery of the Devonport Regional Gallery's Exhibition <u>exhibition and public program, namely the Convention and Arts Centre Director, Curator and Visual Arts Coordinator.</u></p> <p>Advisory Committee: - <u>-</u> The paranaple arts centre <u>Devonport Regional Gallery Special</u> Advisory Committee.</p> <p>Collection: - <u>-</u> The City of Devonport Permanent Collection.</p> <p>Council: - <u>-</u> The Devonport City Council.</p> <p>Gallery: - <u>-</u> The Devonport Regional Gallery.</p> <p><u>Deaccessioning - the formal process of removal of an object from the collection register, catalogue or database.</u></p>		

	<u>Disposal - the physical removal of the object from the organisation by the process decided upon by the Advisory Committee.</u>
POLICY	<p>The Devonport Regional Gallery will acquire significant artworks by Tasmanian artists. Focus will be on collecting works by practising, contemporary artists, with the aim that over time the Collection will become a strong, accumulative record of serious artistic activity and development within the state of Tasmania. The Collection will be unique, owing to its representation of Tasmanian practitioners, and hence will have state, national and international significance.</p> <p>The policy is intended to bring together the disparate elements of the existing Collection by assessing the relevance of each item in accordance with the Collecting Guidelines outlined below.</p> <p>The Policy will support the growth of a collection of significant artworks, craft and design that embodies the best of contemporary practice within the state of TasmanianTasmania.</p> <p>The Collection benefits Devonport by:</p> <ul style="list-style-type: none"> • Identifying the City's heritage and honouring the region; • Assisting to build a community identity; • Contributing to the development of cultural services that enriches the quality of life offered in the City; • Integrating works of art into the community so the community is regularly exposed to quality art; • Reflecting the culture and interests of the community and the state of Tasmania; • Providing an educative function for academics, artists and curators; • Providing access to key aspects of the development of contemporary art, craft and design in Tasmania; • Being a valuable drawcard for cultural tourism; • Acting as an important reference point for art studies for children, art students, researchers and residents; and • Maintaining the tradition established by the foresight of past Gallery Directors, Committee members and Elected Members of Council. <p>The Collection is held in trust by Council for the community and the proper stewardship for this asset will provide maximum exposure, utilisation and benefits for the community, the Devonport Regional Gallery and Council.</p> <p>Collection Profile</p> <p>The Collection is managed by the Gallery.</p> <p>The Gallery was founded as The Little Gallery by Mrs Jean Thomas in 1966. During the late 1960s and 1970s the Gallery's exhibition program supported emerging, contemporary Tasmanian artists and Thomas' decision to purchase one work from each exhibition formed the genesis of Council's permanent collection.</p> <p>In 1979, Council purchased The Little Gallery and gained custodianship of the Collection. The Collecting focus has varied between Directors since Council began managing the Gallery and hence the Permanent Collection comprises a number of disparate components, including:</p>

	<ul style="list-style-type: none"> • Art Collection – approximately 2100 items including works by Tasmanian and Australian artists, and objects of the collection known as the Moon Collection; • Robinson Photographic Collection – approximately 100,000 photographic negatives; and • Davis Collection (DC) - items of obsolete technology, includes televisions and gramophones; <p>Strategic management of the Collection will ensure its potential significance is realised as individual items are acquired, de-accessioned, and maintained according to the guidelines outlined in this document.</p> <p>paranaple arts centre <u>Devonport Regional Gallery</u> Special Advisory Committee</p> <p>The Advisory Committee's role in relation to the Collection is to provide advice and recommendations to Council on the following:</p> <ul style="list-style-type: none"> • Assistance in the identification of, and strategic advice on, the acquisition of art works; • Endorsement of recommendations from Gallery staff for the acquisition of art works; • Input and advise on Collection related policy development; • Act as ambassadors for the Gallery, actively advocating on behalf of and promoting the Gallery initiatives and the Collection at local, state and national levels; • Engage the local Devonport and regional community in Collection exhibitions, activities and programs; and • Support Council efforts to attract funding and other resources in accordance with identified needs and the strategic direction of the Gallery. <p>1. Acquisition</p> <p>1.1 Acquisition Criteria</p> <p>This policy recommends that works of art, craft, and design acquired by Council for accessioning into the Collection by purchase, commission, gift or donation fulfil the following criteria:</p> <ol style="list-style-type: none"> a) The artist is identified as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with Tasmania for no less than two years, which is evident in their practice; OR the artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work recommended for acquisition; b) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts; c) The condition of the work must be assessed as fair and stable, and any risk of damage or deterioration of the work in the Gallery's storage facility or display should be addressed prior to acquisition; d) Purchases for the Collection must be accompanied by a Certificate of Authentication from the Vendor/Gallery where the work was purchased or an equivalent signed document from the artist; and
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	<p>e) The work, or works, directly purchased by Council (excludes donations, or works purchased by other means) does not exceed the annual acquisition budget (capital budget) set by Council.</p> <p>1.2 Acquisition Criteria - Exceptions</p> <p>a) To provide an opportunity that is outside the Acquisition Criteria, artworks may be acquired where it can be demonstrated that there would be significant value in acquiring a certain artwork due to its cultural relevance, and would need to be assessed as significantly benefiting the Collection and City of Devonport.</p> <p>1.3 Tidal: City of Devonport Art Award To assist building a valued collection of contemporary Tasmanian art, Tidal: City of Devonport Art Award will be presented as an acquisitive award. The entry criteria will align with the acquisition criteria:</p> <p>a) The artist is identified as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with Tasmania for no less than two years, which is evident in their practice; OR the artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work entered in the award;</p> <p>b) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts.</p> <p>1.4 Acquisition Procedure Works for acquisition can be proposed by Gallery staff and/or members of the Special Advisory Committee. Proposals are to be considered and discussed by an Acquisition sub-committee, made up of Gallery Staff and nominated members of the Special Advisory Committee.</p> <p>The sub-committee has the <u>The Committee has the</u> responsibility to assess proposals against the acquisition criteria.</p> <p>As the officer with the financial delegation related to the expenditure of Council Capital budget, only the Convention and Arts Centre Director can provide advice on, and report against, the acquisition budget which is to form part of the assessment procedure.</p> <p>Once a work is identified and recommended by the acquisition sub-committee <u>Committee</u>, the recommendation is to be documented by Gallery Staff, detailing the recommendation's relevance against the Acquisition Criteria.</p> <p>Recommendations then require to the endorsement of the Advisory Committee and are to be co-signed by the Committee Chair and Convention and Arts Centre Director.</p> <p>Proposals endorsed by the Advisory Committee will be reported to Council.</p>
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	<p>The provenance of all artworks approved for acquisition will be checked and approved by Gallery staff prior to purchase.</p> <p>The legal title of all works will remain with Council.</p> <p>Copyright of acquired works remain with the artist. <i>(Generally, copyright is valid for the life of the artist plus 70 years, refer to the Copyright Act 1968).</i> At the time of acquisition, the Gallery will seek the artist's permission to publish images of the work for reasons solely related to the promotion of the Gallery, the Council, and the Collection. This will be undertaken according to the <i>Copyright Act 1968</i>.</p> <p>All artworks approved for acquisition will be officially accessioned into the Collection.</p> <p>1.5 Donations</p> <p>Encouragement of philanthropy is a strategic approach to support the realisation of specific targets and goals of the Collection. The Gallery has Deductible Gift Recipient Status, which assists in encouraging donations of artworks.</p> <p>The <i>Cultural Gifts Program</i> encourages gifts of significant cultural items to public art galleries by offering donors a tax deduction for the market value of their gifts. Artworks accepted as a donation for the Collection must have cultural importance relative to the Collection and therefore meet the Acquisition Criteria. It is the responsibility of the donor to have the artwork assessed by two valuer's and arrive at an average based on these two assessments. This value will be used for the purpose of insurance and recorded on the Collection data base. The donor can use this information to claim an income tax deduction.</p> <p>1.6 Donation Exceptions</p> <p>To provide for the exceptional Gift or opportunity that is outside the acquisition criteria, artworks may be accepted where it will benefit the Collection and the City. Gifts to the Collection will be encouraged with a view to enhancing the congruence of the Collection. The Advisory Committee will assess each exceptional Gift or opportunity that do not meet the acquisition criteria, and will accept or refuse such offers of gifts as they occur and report them to Council.</p> <p>2. Deaccession and Disposal</p> <p>2.1 Deaccessioning</p> <p>'Deaccessioning' is the formal process of removal of an object from the collection register, catalogue or database.</p> <p>'Disposal' is the physical removal of the object from the organisation by the process decided upon by the Advisory Committee.</p> <p>Objects identified and approved for disposal must remain in the Collection for a minimum period of 12 months after the deaccessioning approval has been granted.</p>
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	<p>Deaccession decisions, like acquisition decisions, are based on objective criteria and not personal taste. Gallery staff shall determine whether a work of art should be considered for deaccessioning or disposal of: if the work does not legally belong to the Collection; is damaged or inappropriate for the Collection or does not relate to the Collection Policy. The proceeds from any sale of a deaccessioned work must be reserved and applied only to acquisitions. The proceeds from any sale are to be entered into Council's Assets budget.</p> <p>2.2 Deaccession Criteria</p> <p>The following classes of works may be considered for deaccession:</p> <ul style="list-style-type: none"> a) Works which may not have been lawfully obtained by the Devonport Regional Gallery or the Devonport City Council or which may legitimately be claimed by an individual or their heirs, trustees or representatives, or by an organisation or institution representing a claimant community or nation; b) Works which are in poor physical condition, whether through accidental damage, deterioration or infestation and which are beyond restoration to a level suitable for public display, scholarly use or other appropriate museum purposes; c) Works which have been determined to be forgeries, or which have been falsely or wrongly attributed; and d) Works which fall outside the parameters of the Collection, as defined by the acquisition criteria (refer Section 1.1). <p>2.3 Restrictions</p> <p>Works shall not be deaccessioned which are subject to a trust or other legal impediment which forbids deaccessioning.</p> <p>Works which were acquired less than ten years prior to the time of the proposed deaccession shall not be deaccessioned.</p> <p>2.4 Deaccession Procedure</p> <p>Based on the Collections Policy, and the Significance Assessment of individual collections within the overall Collection a proposal for deaccessioning shall be initiated by Gallery staff, to be considered by the Advisory Committee.</p> <p>Except in the case of returns, the Gallery and Council's clear and unrestricted title in the work shall be established.</p> <p>A written deaccession proposal shall be prepared by Gallery staff for the Advisory Committee, and the proposal is to include:</p> <ul style="list-style-type: none"> a) Accession number; b) Provenance including full details of the circumstances of the work's acquisition, including any prohibitions or restrictions on deaccessioning, including statutory restrictions; c) Reasons for the proposed deaccessioning; d) Recommendations for the means of disposal; and e) Estimated current market value of the work.
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	<p>The work shall be approved in principle for deaccessioning on the absolute majority vote of the Advisory Committee. Works that have the endorsement of the Committee for deaccessioning will be recommended to Council.</p> <p>The object/s identified for deaccession must be placed separately in the storage facility away from the rest of the Collection. All items endorsed for deaccessioning must be set aside for a 12 month 'cooling off period' prior to active disposal.</p> <p>If the object/s is approved for deaccession, the object/s must be removed from the Permanent Collection records including the computer database and hard copy files. The deaccessioning of the object must be recorded in the collection data base. A deaccessioned object's number cannot be used again for another object.</p> <p>If an object is to be sold at auction, and does not possess a current valuation, a certificate of valuation must be sought.</p> <p>2.5 Methods of Disposal</p> <p>Objects identified and approved for disposal must remain in the Collection for a minimum period of 12 months after the deaccessioning approval has been granted. At the end of such period, Gallery staff, in consultation with the Advisory Committee, will determine which of the following methods is most appropriate for disposal of the identified item:</p> <ul style="list-style-type: none"> a) Return the object to the donor, if donor in agreement; b) Transfer to another institution. This will be an institution with a similar collecting area, i.e. if a maritime related object, a maritime museum would be appropriate; c) Exchange with another institution; d) Sale by public art auction or by tender; and e) Destruction – only to be carried out if the object has irreparable damage. <p>2.6 Restrictions</p> <p>Under no circumstance shall a deaccessioned work be purchased by, or transferred or given to any Trustee, Devonport City Council elected member, employee, volunteer or Committee Member, or any member of their immediate family.</p> <p>2.7 Exception</p> <p>Unless purchased in an open and transparent process, which provides fair opportunity to the Community, for example, a public auction.</p> <p>2.8 Recording deaccessioned information</p> <p>Note on the accession register that the object has been deaccessioned; this information must remain on record. A deaccessioned object's number can never be used again.</p> <p>All decisions and actions are to be fully documented and recorded on the Collection database and the object removed from Council's asset management register.</p>
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	<p>3. Collection Management</p> <p>3.1 Storage, Valuation and Insurance</p> <p>Gallery staff will endeavour to ensure each item in the Collection is housed according to international standards and best practice regarding conservation, handling, storage, cataloguing and security.</p> <p>Routine monitoring of the Collection will be conducted and reported in the following ways:</p> <ol style="list-style-type: none"> Weekly facility storage check, this includes atmospheric conditions relating to the Robinson Collection; Biannual assessment of the condition of the Collection, with any identified conservation requirements recorded, prioritized and actioned; and Annual assessment of storage requirements. Improvements identified are to be included for consideration by Council in future capital budget projections. <p>Revaluation of the Collection is recommended every five<u>10</u> years, and not beyond ten years, to ensure works are insured according to value. Changes in status of Artists can and does impact on the value of Art works.</p> <p>The Collection's insurance value is of priority. All works are to be valued by an accredited art valuer. Evidence of the valuer's credentials will be requested and recorded.</p> <p>3.2 Display and Promotion</p> <p>An important part of the exhibition program is the provision of a Collection known both for its quality and diversity.</p> <p>Gallery staff will promote the Collection by curating collection-based exhibitions in accordance with the Gallery's strategic plan.</p> <p>Gallery staff will endeavour to ensure that art works from the Collection are displayed according to international standards and best practice regarding museum and gallery conservation, handling, storage, cataloguing and security.</p> <p>Alternative exhibition spaces to the Devonport Regional Gallery are required to be secure public areas where works can be shown safely. Criteria for public display of the Collection falls part of the Exhibition Policy.</p> <p>3.3 Loans</p> <p>All loans from the Collection will be managed by a formal loan agreement, including information regarding freight arrangements and insurance details, confirmed before art works leave Council premises.</p> <p>Works of art will be available for loans in the order of priority listed below:</p> <ol style="list-style-type: none"> Devonport Regional Gallery exhibitions; Temporary exhibition loans to other galleries and museums, including interstate venues; <u>and</u> Council offices; and
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	<p>d) Public and other suitable spaces.</p> <p>Images and a brief description of selected works of art from the Collection are accessible on www.devonportgallery.com. As an ongoing initiative, Gallery staff will endeavour to upload images to ensure the Collection is represented in the broadest possible context.</p> <p>3.4 Conservation The Gallery will only engage professionally trained or suitably qualified conservators to undertake conservation on any work of art from the Collection.</p> <p>3.5 Record Management and Documentation All items in the Collection will be documented within the Devonport City Council asset management system. Details regarding each item will be as specific as possible, including an image of each item, a brief description, provenance, an accession number, artist details, current location update, and a given value. The following numbering system will be used for accessioned items: year the work is acquired i.e. 2012 then a full stop followed by a number in order of acquisition i.e. 2012.002 – (002 denote the second work acquired in 2012). <u>If an acquisition consists of several parts, a further suffix can be added to create a unique number for each part, i.e. 2012.002.1 (.1 denoting the first part of a multi-part object).</u></p> <p>3.6 Access Gallery staff aim to ensure that, wherever possible, the Collection, and information pertaining to it, is available to researchers requesting access. Any access to the collection/storage facility shall be under the supervision of Gallery staff or nominated Council Officer. Maintenance workers checking equipment and/or building will also need to be accompanied by nominated staff.</p> <p>3.7 Priorities Priorities for managing the Collection are developed in consultation with the Advisory Committee. Budget restraints will determine what can be achieved in particular timeframes:</p> <ol style="list-style-type: none"> Promote the Collection on the Gallery website; Expand the Collection by continued acquisition of new work; Exhibit the Collection; Undertake assessments of the Collection and actions associated with conservation and collection management; Risk management; Undertake regular valuations to provide for appropriate asset and insurance assessments; and De-accession works with no relationship to the Collection criteria.
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LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>Copyright Act 1968</i> <u>Devonport City Council Strategic Plan 2009-2030</u> Asset Management Policy International Council of Museums Code of Professional Ethics Museum Collections Management Standards		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors Staff	Department

	<h2 style="text-align: center;">DIGITAL RECORDING POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	23-September-2019	195/19	D616034
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Corporate Services Deputy General Manager	General Manager	5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2024/2023
PURPOSE	This policy provides Council with adopted guidelines for the transparent management of the digital recording of Council and Council Committee meetings.		
SCOPE	<p>This policy applies to all formal Council meetings (including special meetings) and the following Section 23 Committee meetings):</p> <ul style="list-style-type: none"> • Governance, Finance and Community Services Committee; • Infrastructure, Works & Development Committee; and • Planning Authority Committee. 		
DEFINITIONS	<p>For the purposes of this policy the following definitions apply:</p> <p>'Digital' refers to an audio or visual recording.</p>		
POLICY	<p>1. Recording of Open Council Meetings and Section 23 Committees</p> <p>1.1 All Open Sessions sessions of Council meetings and Section 23 Committee meetings shall be recorded in accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>1.2 At the commencement of each meeting, the Mayor or Chairperson shall notify those present, including members of the public, that <u>the meeting is being live streamed, and</u> a recording of the Open meeting from commencement to conclusion will be captured unless terminated in accordance with this policy.</p> <p>1.2.1 The Mayor or Chairperson has the discretion and authority at any time to direct the termination of the digital recording of the meeting. Such direction however shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the recording).</p> <p>1.2.2 A Council Officer will be responsible for the operation of the digital recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Mayor or Chairperson.</p> <p>2 Retention & Use of Digital Recording of Open Sessions</p> <p>2.1 The Council is required to keep accurate minutes of Council meetings. The Regulations expressly provide that the minutes of a Council meeting, once confirmed, prevail over the recording</p>		

	<p>of the meeting unless the Council has reviewed and amended its confirmed minutes at a subsequent meeting.</p> <p>2.2 Digital recordings of Council meetings are considered temporary records under the <i>Archives Act 1983</i>; however, Council will retain such recordings on a permanent basis.</p> <p>2.3 A compressed version of the digital recording will be made available on Council's website for a minimum period of six months. After this time, requests to access recordings may be made in writing to the General Manager, detailing the reason for the request.</p> <p>2.4 There may be situations where, due to technical difficulties, digital recordings will not be available. If such circumstances are known, at the commencement of a meeting, the Mayor or Chairperson will advise those present that the recording is not available. If a digital recording file becomes corrupt and is therefore not available in Council's archives, this information will be displayed on the website.</p> <p>2.5 The digital recording of a meeting may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor or Chairperson) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed. The digital recording of the previous meeting should therefore be accessible at the meeting where the minutes will be confirmed.</p> <p>2.6 The digital recording of a meeting does not supersede the written minutes, therefore a direct transcript (text version) of the recording will not be prepared.</p> <p>2.7 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission), digital recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.</p> <p>2.8 Unlike Parliament, Council meetings are not subject to parliamentary privilege and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.</p> <p>3. Recording of Closed Council Meetings and Section 23 Committee Meetings</p> <p>3.1 The Closed Session of Council meetings will be recorded.</p> <p>3.2 To facilitate effective security and management of the digital recordings, the Open and Closed Sessions of meetings will be recorded separately.</p> <p>3.3 In accordance with the <i>Local Government (Meeting Procedures) Regulations 2005</i>, s15 (9), the recordings of Closed Session Council meetings are to remain confidential and not be released to the public unless Council resolves to do so. The recordings will be kept in a secure location at the paranapple centre where access is strictly limited to authorised persons.</p>
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	<p>3.4 The Council may determine by simple majority to terminate the digital recording of a meeting that is in Closed Session.</p> <p>4 Guidelines for Accessing Closed Session Recordings</p> <p>4.1 Other than for the purpose of preparing minutes or confirmation of minutes, any request to access the recording of a Closed Session must be made in writing to the General Manager detailing the basis for the request.</p> <p>4.2 Requests to access recordings of Closed Session meetings may be granted by the General Manager for the following reasons:</p> <p>4.2.1 Where a Councillor wishes to review a recording of a Closed meeting for which they were absent, except in the case where the absence was due to a declaration of interest, or where absence due to a declaration of interest would have occurred at that meeting if the Councillor was not absent for other reasons;</p> <p>4.2.2 Where a Councillor wishes to review a recording of a Closed meeting for which they were present;</p> <p>4.2.3 Where a report author or endorser wishes to review the debate leading to a decision/s made about that report; and/or</p> <p>4.2.4 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission, Code of Conduct Panel) providing such requests are permissible under the laws of the State of Tasmania.</p> <p>4.3 The General Manager may access the recordings of Closed Council meetings for any purpose deemed necessary in the performance of their duties, except where the General Manager was excluded from the Closed meeting under s15, 6(b) of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, or was absent due to a declared interest. This exception also applies to Council Officers.</p> <p>4.4 The General Manager must maintain a register of requests for access (whether granted or not) to recordings of Closed Session meetings of Council.</p> <p>4.5 The register must contain the following details:</p> <ul style="list-style-type: none"> • name and position of the person requesting access; • reason for access; • whether access is approved (yes/no); • if not approved, reason why; • date/time of access; • the recording/meeting or item ID accessed; • name of authorising officer. <p>4.6 Access to recordings of a closed session meeting, by authorised persons, will be by appointment at the paranapple centre.</p>
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LEGISLATION AND RELATED DOCUMENTS	<i>Local Government (Meeting Procedures) Regulations 2015 (Regulation 33)</i> <i>Archives Act 1983</i> Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Staff	Department

	<h2 style="text-align: center;">DILAPIDATED BUILDING POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Development Services Manager Permit Authority Coordinator	Deputy General Manager Development Services Manager	2.1.2 – Provide consistent and responsive development assessment and compliance processes	July 2021-2023
PURPOSE	<p>To set a framework for the objective consideration by Council of whether a <u>dilapidated</u> building notice should be issued by the General Manager specifying any building works that are required to be carried out in respect of a “dilapidated” building or buildings.</p> <p>Under the Building Act 2016 (the Act) a dilapidated building is defined as a building “that because of neglect, disrepair, defacement or damage, is of an appearance that is unsightly, particularly in comparison with its surroundings”.</p> <p>A building that is considered to be against the criteria for “dilapidated” may come to the attention of the General Manager by any means, including external notification, observations of Council officers or by a structured building audit program.</p>		
SCOPE	<p>This policy applies to all buildings in the Devonport Municipal area.</p> <p>Before the General Manager may issue a <u>dilapidated</u> building notice, they must consider whether a building or building falls within the definition of “dilapidated”.</p> <p>† <u>This policy</u> defines the considerations that must be made by the General Manager before they are satisfied that a <u>dilapidated</u> building notice should be served on a building owner requiring that specified building works are to be carried out to a building.</p> <p>† <u>This policy</u> sets out the matters about which the General Manager must be satisfied before they issue a <u>dilapidated</u> building notice.</p> <p>This Policy will not apply to buildings listed on the <u>on the</u> <u>Tasmanian Heritage Register</u> State Heritage Building Register or buildings referenced as a local heritage building under Council’s Planning Scheme unless the General Manager first obtains the written approval of the Heritage Council of Tasmania to require specified building works to be carried out to such a building.</p>		


	<p><u>This policy will not apply to buildings subject to the Local Historic Heritage Code of the <i>Tasmanian Planning Scheme – Devonport</i>.</u></p> <p>A <u>dilapidated</u> building notice under the dilapidated buildings provisions will not be served in instances where the General Manager is of the opinion that a threat to life may arise out of the condition or use of a building or temporary structure. In such cases, an emergency order will be issued under the provisions of Section 245 of the <i>Act</i>.</p>
DEFINITIONS	<p><u>For the purposes of this policy, the following definitions apply:</u></p> <p><u>Dilapidated building - Under the <i>Building Act 2016</i> (the <i>Act</i>) a dilapidated building is defined as a building "that because of neglect, disrepair, defacement or damage, is of an appearance that is unsightly, particularly in comparison with its surroundings".</u></p>
POLICY	<p>1. Resolution to Commence a Dilapidated Building Action</p> <p>Before issuing a <u>dilapidated</u> building notice for a <u>dilapidated</u> building, the General Manager is to provide Council with a report that:</p> <ol style="list-style-type: none"> 1.1. reasonably establishes that the building or buildings in question satisfy the definition of "dilapidated"; and 1.2. provides an estimate of the cost to Council to carry out the building works <u>that will be</u> stipulated in the <u>notice</u> in the event that the property owner fails to do <u>the work</u>. <p>The General Manager is not to issue a <u>dilapidated</u> building notice for the remediation of a dilapidated building or building under the provisions of section 242 of the <i>Act</i>, until Council has resolved that both the action and any likely cost to Council for carrying out the works are acceptable in the circumstances.</p> <p>2. Determining whether a Building is a Dilapidated Building</p> <p>In determining whether a building is of an appearance that is prejudicial to the visual amenity of its surroundings, the General Manager may consider, but is not limited to, the following indicators:</p> <ul style="list-style-type: none"> • broken windows, or major damage to window screens/external window frames; • significant damage to roofs, roof coverings or guttering; • significant damage to exterior building surfaces (for example peeling paint); • broken exterior doors or major damage to exterior door frames; • partially completed or partially demolished buildings; or • excessive graffiti. <p><u>Subs</u>Section 241 (1) of the <i>Act</i> provides that if the General Manager is of the opinion that a building may be a dilapidated building, then the General Manager may inspect the building and is to prepare a report on the matter. This process may be initiated when the condition of a building is brought to the General Manager's attention, for example, via a complaint from a member of the community.</p> <p>There is no obligation for the General Manager to act at the behest of community complaints in relation to dilapidated buildings.</p>

	<p>SubsSection 241 (2) provides that the dilapidated building report is to state whether or not the building is a dilapidated building, the building work or other work the General Manager considers necessary to ameliorate the condition of the building and any other relevant matter.</p> <p>SubsSection 241 (3) provides that the General Manager may seek information from any building services provider, or other person, to assist them in preparing the report. Examples of other people that may have relevant skills and therefore be of assistance in preparing a report are:</p> <ul style="list-style-type: none"> • an urban planner who can give advice concerning visual amenity issues; • a valuer who can give advice on relative property values; • a heritage expert; and/or • an Architect, Engineer, Building Surveyor or an accredited builder who can give advice on the building or structure. <p>Section 26 provides that as an authorised person under the <i>Act</i>, the General Manager or their delegate(s) may at all reasonable times, access and enter any building for the purpose of exercising any power or performing any function under the <i>Act</i>.</p> <p>3. Issuing a Dilapidated Building Notice</p> <p>Section 242 provides that if the dilapidated building report states that a building is a dilapidated building, the General Manager may issue a dilapidated building notice to the building owner.</p> <p>A dilapidated building notice is to <u>require the owner to</u> be in the form of a 'show cause' notice which provides the owner with the opportunity to express, in writing and within a time nominated in the notice (usually 20 days), why they should not be required to carry out the proposed building work or other work to ameliorate-restore the dilapidated building.</p> <p>The dilapidated building notice is to be accompanied by a copy of the dilapidated building report.</p> <p>The General Manager and the building owner may be able to negotiate an outcome regarding the building that is satisfactory to both parties, before an order is made.</p> <p>4. Serving a Building Order relating to a Dilapidated Building</p> <p>Section 249 (1) provides that if the General Manager does not revoke the dilapated building notice, then they <u>Council's Permit Authority</u> mustis to are to serve a building order to-on the owner of the dilapidated building.</p> <p>The building order is to require the owner to carry out building work or other work to <u>which the Permit Authority specifies is necessary to restore the building so that it -for the building to ceases to be considered-no longer a be dilapidated building</u> ameliorate the dilapidated building.</p> <p><u>The building order should specify a deadline (after giving a reasonable time) for the owner to complete the work.</u></p>
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	<p><u>Any necessary work should be done in accordance with the <i>Act</i>, the <i>Building Regulations 2016</i> and the <i>National Construction Code</i>.</u></p> <p>A building order relating to a dilapidated building may be combined with another building order under the <i>Act</i>.</p> <p>Some specific examples of building works that may be included in a building order relating to a dilapidated building include:</p> <ul style="list-style-type: none"> • repairing broken windows, roofs or walls; • boarding up access points (windows) to prevent vandalism entry points; or • partial or complete demolition if required and appropriate; <p>A building order can also include other relevant types of work, for example:</p> <ul style="list-style-type: none"> • fencing of a site; • removing graffiti from walls; or • painting. <p>5. Appeal Rights</p> <p><u>Under Section 278 of the <i>Act</i>, the owner may appeal against the issuing of a building order. A building owner may appeal to the Resource Management and Planning Appeal Tribunal, against a building order issued in respect of a dilapidated building (Section 278).</u></p> <p>6. Failure to Comply with a Building Order</p> <p>A building order is a legal order issued under the <i>Act</i> and compliance with the order is mandatory.</p> <p>Under Section 265 of the <i>Act</i>, the <u>Permit Authority</u> is to take all reasonable steps to enforce a building order in the event that a person has failed to comply.</p> <p>If a person fails to comply with a building order, the work may be carried out by the Council.</p> <p>The Council can then recover the costs of carrying out any building works by selling the building for removal or after demolition, any materials on the site (as per pursuant to Sections 269 and 270 of the <i>Act</i>) or recovering expenses as a charge on the land and recoverable as if it were rates or charges under the <i>Local Government Act 1993</i>.</p> <p><u>Council can also issue an order to demolish the building under section 267 of the <i>Act</i>.</u></p> <p><u>Failure to comply with a Building order is an offence under the <i>Act</i> and can result in prosecution and significant fines. can result in significant fines. Councils also have also has the power to issue infringement notices for such an offences.</u></p> <p>7. Amending or Revoking a Building Order relating to a Dilapidated Building</p> <p>Section 274 of the <i>Act</i> provides that if an owner is served with a building order after being issued with a dilapidated building notice and there is a change of circumstances after the original notice was issued, the owner may request the General Manager to amend</p>
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	or revoke the building order. The General Manager may, if he considers it appropriate, then amend or revoke the building order, or revoke or issue an amended dilapidated building notice.		
LEGISLATION AND RELATED DOCUMENTS	<i>Building Act 2016</i> <i>Local Government Act 1993</i> Building Regulation Advisory Note 01/2014 Director's Guideline 2 of 2018 issued 29 May 2018 Land Use Planning and Approvals Act 1993 Devonport City Council Strategic Plan 2009-2030		
ATTACHMENTS (IF APPLICABLE)	Show Cause Notice – Dilapidated Building Notice (Building Act 2016 Section 242)		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department


Show Cause Notice – Dilapidated Building

<p><i>Building Act 2016</i> Section 242 SHOW CAUSE NOTICE – DILAPIDATED BUILDING</p>	
<p>TAKE NOTICE THAT: You (1) Of (2) as owner Of a (3) On (4) Situated at (5) are invited to show cause why you should not be required to carry out the following building works (6)</p> <p>The Council considers these works should be carried out as it reasonably believes, based on the report attached, that the works are necessary to ameliorate the condition of the building so that it is not of an appearance that is prejudicial to the visual amenity of its surroundings.</p> <p>You may send written representations about this Show Cause Notice to the Council at the following address:</p> <p>The General Manager Devonport City Council PO Box 604 DEVONPORT TAS 7310</p> <p>Your written representations should be marked with the following reference number to assist Council in a prompt consideration of your response: <i>Insert TRIM File No.</i></p> <p>Your written representations must be received by Council no later than <i>Insert date.</i></p> <p>You may appeal to the Resource Management and Planning Appeal Tribunal against this building order. An appeal must usually be lodged within 14 days of the date of this notice.</p> <p>In the event that you fail to show cause within the time stipulated in this notice, or to lodge an appeal with RMPAT, Council may carry out, or cause to be carried out, the work stipulated in the notice. Council is entitled to recover the costs involved by either sale of materials on site or by levying a charge against the property recoverable as if it were a rate or charge as set out in section 197 of the <i>Local Government Act 1993</i>.</p> <p>Failure to comply with a building order is an offence pursuant to Section 246 of the <i>Building Act 2016</i> and prosecution may result in significant fines. Council is also empowered to issue an infringement notice for such an offence.</p>	
<p>DATED THIS DAY OF 20.....</p> <p>.....</p> <p>General Manager</p>	

Show Cause Notice – Dilapidated Building

Instructions to complete

- (1) Insert the name of the owner of the land
- (2) Insert the last known address of the owner from a title search, rates record etc
- (3) Insert a description of the building or structure eg "building being a class 1a single detached dwelling
- (4) Insert the real property description of the land on which the building or structure is erected
- (5) Insert the street address of the land on which the building or structure is standing
- (6) Insert brief general description of building works required to be carried out (based on the building report) eg
 - Repair all broken windows to the dwelling
 - Repair all broken roof sheeting to prevent water entry
 - Secure the building by replacing lockable doors to all entries
 - Refix loose, and replace missing weatherboards to prevent water and vermin entry
 - Repaint the exterior of the building to an acceptable standard
 - Obtain a report from a qualified person about any asbestos in the building, and then engage a suitably licensed contractor to demolish the building and remove all resultant building rubble


	<h2 style="text-align: center;">DRIVEWAY POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
City Engineer	Infrastructure & Works Manager	2.1.2 – Provide consistent and responsive development assessment and compliance processes	July 2021 <u>2023</u>
PURPOSE	The purpose of this policy is to clearly define the ownership and maintenance responsibility for the various components of a driveway.		
SCOPE	This policy applies to all driveways on Council roads and State Government roads where Council has maintenance responsibility (refer to <i>Roads and Jetties Act 1935</i>).		
DEFINITIONS	<p>For the purposes of this policy, the following definitions will apply:</p> <p>Driveway: the vehicular path that connects the public road with a private property. A driveway may be bitumen sealed, gravel, pavers, concrete or other material.</p> <p>Vehicle Crossing: the section of kerb that is laid back to allow vehicles to drive from the road into the driveway. Also known as the kerb crossover or layback.</p> <p>Table drain: the drain, usually a v-shape that runs parallel to the road.</p> <p>Culvert: a pipe used to convey stormwater underneath a road or driveway.</p> <p>Footpath: a narrow path designed for use by pedestrians, usually parallel to a road that may be directly beside the kerb or at the property boundary.</p> <p>Urban: areas that have kerb at the road edge.</p> <p>Rural: areas that have a table drain at the road edge, not a kerb.</p> <p>Endwall (or headwall): interchangeable terms for the structure that retains fill at either end of the culvert. Many designs and materials are in use.</p>		
POLICY	<p>1. Ownership and Maintenance – Urban</p> <p>In urban areas, there are up to three distinct parts to a driveway:</p> <p>1.1. Vehicle Crossing (sometimes known as kerb crossover or layback) – The vehicle crossing serves two purposes. It allows vehicles to safely access the driveway and conveys stormwater along the kerb. The vehicle crossing is a Council asset, the same as the upstream and downstream kerb. Council maintains the vehicle crossing so that it can effectively convey stormwater.</p> <p>1.2. Driveway – The driveway is a private asset and the property owner is responsible for its maintenance.</p>		

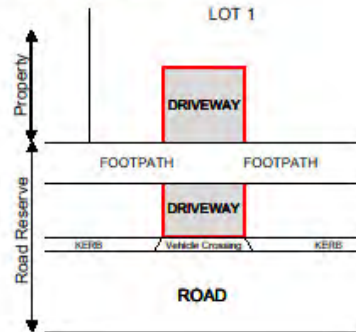
	<p><u>1.3.</u> Footpath (if footpath is present) – The section where the driveway crosses the footpath is considered to be part of the footpath. This is a Council asset and Council is responsible for its maintenance. If no footpath exists, then the property owner has full responsibility for the driveway.</p> <p>1.3.1.4. <u>The property owner is responsible for any debris transferred from the driveway to the road. Debris may be considered a 'nuisance' under the <i>Local Government Act 1993</i>.</u></p> <p>2. Ownership and Maintenance – Rural In rural areas there are up to three distinct parts to a driveway:</p> <p>2.1. Driveway Culvert - Driveway culverts are private assets required to allow access over the table drain. The property owner is responsible for its maintenance.</p> <p>2.2. Endwalls - Endwalls are private assets required to retain fill at the ends of culverts. The property owner is responsible for maintenance of these items. Council is responsible for maintenance of the table drain upstream and downstream of the endwalls.</p> <p><u>2.3.</u> Driveway - The driveway is a private asset and the property owner is responsible for its maintenance.</p> <p>2.3.2.4. <u>The property owner is responsible for any debris transferred from the driveway to the road. Debris may be considered a 'nuisance' under the <i>Local Government Act 1993</i>.</u></p> <p>3. Council Projects that affect Driveways If Council undertakes road works which change the level of the footpath or road, then Council is responsible to change any components of the driveway necessary to suit the new levels. The new construction material will be the greater of the existing materials or the minimum standard required by the Tasmanian Standard Drawings. Decorative patterns and finishes will not be replaced within the road reserve. A property owner can request to upgrade their driveway at this time, although all additional costs must be borne by the property owner.</p> <p>If a Council project increases flow to a driveway culvert by the redirection of drainage paths, then Council is responsible for upgrading driveway culverts to suit.</p> <p>4. Private Projects that affect Driveways Any person wishing to undertake construction or modification works to a driveway or property access within the road reserve must obtain a Road Reserve Permit. All works must be completed by a suitably qualified and experienced contractor to Council standards, to ensure that it is capable of withstanding vehicle loads and to minimise future maintenance and risk to the public.</p> <p>Generally the number of driveways per property will be restricted to one. However, any person wishing to construct an additional driveway to a property must demonstrate to the satisfaction of Council that the driveway can be used safely, will not increase risk to the public and will not adversely impact parking in the local area.</p> <p>All costs for construction of new driveways are to be borne by the property owner. This may include replacement of the footpath</p>
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	<p>section and utility covers to ensure that the area is suitable for vehicle loads. This may also include construction of a new crossover and reinstatement of kerb to replace a redundant crossover.</p> <p>5. Existing Driveways</p> <p>Some existing driveways have grades that make access difficult or cause 'scraping'. Addressing this issue is the responsibility of the property owner. Council approval is required prior to any works.</p> <p>The only exception is when the road crossfall is greater than 5%. In these cases, Council may install an 'asphalt wedge' or other improvement in accordance with the Tasmanian Standard Drawings, if Council believes it will assist in resolving the reported issue.</p> <p>Steel plates or similar devices will not be approved for use. Devices that pose a safety risk may be removed.</p> <p>Some existing property accesses have limited sight distance. Council does not supply, install or maintain mirrors as a sight distance improvement device and does not approve the installation of mirrors by others in the road reserve.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993 – Section 199</i> <i>Local Government (Highways) Act 1982 – Section 35</i> <i>Roads and Jetties Act 1935 – Section 11</i> Tasmanian Standard Drawings (IPWEA/LGAT) <i>Devonport City Council Strategic Plan 2009-2030</i></p>		
ATTACHMENTS (IF APPLICABLE)	<p>Diagrams</p> <ul style="list-style-type: none"> • Urban Driveway, Footpath at Boundary • Urban Driveway, Footpath at Kerb • Rural Driveway 		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES
	Training required by:	Councillors	NO
		Staff	Department

URBAN DRIVEWAY, FOOTPATH AT BOUNDARY




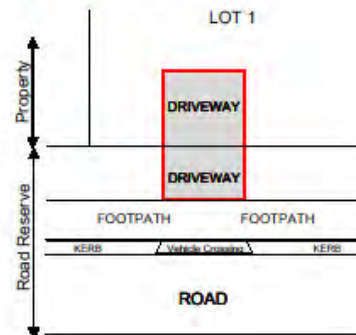
 Private ownership and maintenance



URBAN DRIVEWAY, FOOTPATH AT KERB




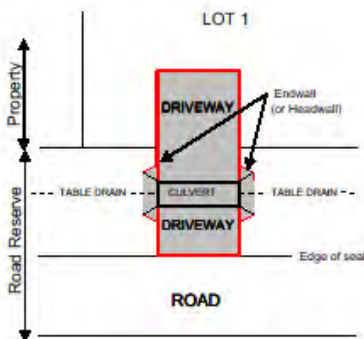
 Private ownership and maintenance




RURAL DRIVEWAY




 Private ownership and maintenance




	ELECTORAL SIGNAGE POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	25 March 2019	58/19 (GFC-16/19)	D574478
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
General Manager	General Manager	5.3 Council employs best practice governance	July 2021
PURPOSE	To ensure that any form of electoral campaign advertising on Council owned and Council or controlled land is prohibited, to enable the Council to retain its a-political status and to ensure that all candidates are <u>treated equitably and transparently in the displaying of electoral signage.</u> subject to the same level of opportunity to display election signage.		
SCOPE	This policy applies to candidates in all Federal, State and local government elections.		
<u>DEFINITIONS</u>	<u>For the purposes of this policy, the following definitions will apply:</u> <u>Apolitical – not connected to any political party</u> <u>Election Campaign Period - (i) For Federal and State elections: from the date on which the election writ is issued until 14 days after the election day; and</u> <u>(ii) For local government elections: from the date of publication of the Notice of Election until 14 days after the close of poll.</u> <u>Location - Any one property</u> <u>Electoral Signage - Any graphic (including electronic), pictorial or written display that promotes a candidate or political party vying for election in a Federal, State or local government election or any other elections that may conducted. (Does not include signage displayed as part of a sponsorship agreement between a member of a political party and a sporting/community club or organisation.)</u>		
POLICY	1. Definitions: Election Campaign Period (i) For Federal and State elections, from the date on which the election writ is issued until 14 days after the election day; and (ii) For local government elections, from the date of publication of the Notice of Election until 14 days after the close of poll. Location — Any one property Electoral Signage — Any graphic, pictorial or written display that promotes a candidate or political party vying for election in a Federal, State or local government election or any other elections that may conducted. (Does not include signage displayed as part of a sponsorship		

	<p>agreement between a member of a political party and a sporting/community club or organisation.)</p> <p>2. Placement of electoral signage during an election campaign period in the Devonport municipal area is subject to the following:</p> <p>1.1 the length of display of any sign at one location does not exceed the defined election campaign period;</p> <p>1.2 signs are to be properly installed and secured;</p> <p>1.3 signs are not to project over footpaths;</p> <p>1.4 prior permission for the placement of signs must be obtained by the sign owner from the relevant property owner; and</p> <p>1.5 no sign is to be placed on Council owned or Council controlled property or infrastructure. Any signs that are placed on property owned or controlled by the Council will be removed. <u>The candidate will be directed to remove the signage, and if the signage is not removed within the specified timeframe provided, Council will arrange for removal and on-charge the cost of the removal to the candidate.</u></p> <p>3. The Devonport City Council does not permit any election advertising signage to be affixed to any Council owned or Council controlled land or building save and to <u>except</u> that election candidates will be permitted to display election signage on registered vehicles <u>and trailers</u> on Council controlled highways (including metered spaces) and car parks. <u>Trailers not attached to vehicles are prohibited.</u></p> <p>4. Electoral signage must comply with the Devonport Interim Planning Scheme 2013 <u>Tasmanian Planning Scheme – Devonport 2020</u></p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i></p> <p><u>Land Use Planning and Approvals Act 1993</u></p> <p>Devonport Interim Planning Scheme 2013 <u>Tasmanian Planning Scheme – Devonport 2020</u></p> <p><u>Devonport City Council Strategic Plan 2009-2030</u></p>		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff Department

	EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND DIVERSITY POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Human Resources Coordinator	Executive Manager Organisational Performance People & Finance	5.7.3 Ensure Human Resource policies, procedures and management systems support effective Council service delivery	July 2021-2023
PURPOSE	<p>The purpose of this policy is to ensure that Council has a workplace which provides equality of opportunity and makes employment decisions which are free from unlawful discrimination. Everyone regardless of gender, gender identity, intersex variations of sex characteristics, industrial activity, irrelevant criminal records, irrelevant medical record, lawful sexual activity, marital status, relationship status, parental status, political belief or affiliation, pregnancy, -age, disability, family responsibilities, breastfeeding, race, ethnicity, age, religious activity, religious belief or affiliation, political activity, sexual orientation, association with a person who has, or is believed to have, any of these attributes or identities, marital or parental status, sexual preference, disability or cultural background and beliefs, among other attributes, have the right to be given fair consideration for employment or employee related benefits.</p>		
SCOPE	<p>This policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor and contractor) and potential applicants for employment at Council.</p>		
DEFINITIONS	<p>Equal Employment Opportunity refers to employment practices that are designed so that existing and potential employees are able to compete for, or be awarded, employment, promotions, transfers, training and other employment related benefits on their merits without reference to irrelevant characteristics.</p> <p>Diversity is about inclusiveness. It means understanding that each individual is unique and recognising their individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs or political beliefs. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, personality and marital status.</p>		
POLICY	<p>1. Policy Statement</p> <p>1.1. The EEO and Diversity Policy is a commitment by the Council to create a workplace that is fair and inclusive and to build a workforce which reflects the diversity of the Devonport community.</p>		

	<p>1.2. Council recognises that in order to be successful, it must attract and retain a variety of people with diverse skills, experience or backgrounds. Council's commitment and awareness of diversity is reflected in its values, policies and practices.</p> <p>1.3. Council acknowledges and is committed to fostering good internal and external relationships by ensuring that the diversity and equal employment opportunity that exists among the workforce, clients and the community is safeguarded and acknowledged.</p> <p>1.4. The principles of EEO and underpinning legislation will ensure that people are selected for positions on merit, as well as being provided with equitable access to employment, professional development and workplace participation.</p> <p>1.5. The EEO and Diversity Policy provides a framework for Council to achieve:</p> <ul style="list-style-type: none"> • A skilled workforce that reflects the diversity of the Devonport community and leads to continuous improvement in service delivery. • A work environment that values and utilises the contributions of workers with diverse skills, backgrounds and experiences through improved awareness of the benefits of workforce diversity and successful management of diversity. • Awareness for all workers of their rights and responsibilities with regards to fairness, equity and respect for all aspects of diversity. • Its core organisational values of continuous improvement and innovation; customer satisfaction; leadership; results and accountability. <p>2. Procedure</p> <p><u>2. Roles and Responsibilities</u></p> <p>2.1. Roles and Responsibilities:</p> <p><u>2.1</u> Council is committed to achieving fair and equitable practices in all areas of employment including:</p> <ul style="list-style-type: none"> • Recruitment, selection and promotion practices which are open, competitive and based on merit; • Access for workers for training and development; • Grievance handling procedures that are accessible and deal with workplace complaints promptly, fairly and confidentially; • Communication processes which give workers access to information and allow their view to be heard; and • Management decisions which are fair and reasonable. <p>Council is also committed to ensuring that:</p> <ul style="list-style-type: none"> • Workplace policies and practices are fair and equitable; • All workers are valued and respected and have opportunities to achieve their full potential; • The workforce reflects the diversity of the community; and • The EEO and Diversity Policy and Procedures are communicated to all workers as appropriate.
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	<p>2.2 Managers and Supervisors are responsible for creating a working environment where:</p> <ul style="list-style-type: none"> • EEO principles and underpinning legislation are applied in the workplace; • There is acceptance of difference, ensuring all workers are treated fairly, with respect and dignity; • Ensuring all decisions relating to appointment, promotion and career development are made without regard to any matters other than the individual's inherent ability to carry out the job; • Reasonable accommodations are considered and provided where necessary; and • Inappropriate attitudes or behaviours are confronted; Council will treat seriously any instance of inappropriate behaviour and confront attitudes based on inappropriate stereotypes. The Disciplinary Procedure outlines the process for managing inappropriate behaviour. <p>2.3 Employees are responsible for:</p> <ul style="list-style-type: none"> • Behaving in a manner which is consistent with the Council's Values and Staff Code of Conduct at all times; • Complying with the terms of this EEO and Diversity Policy; • Respecting individual differences and contributions to a workplace that are fair and equitable; and • Promptly informing their manager if there has been a potential breach of the EEO and Diversity Policy (workers are encouraged to address the matter at the local level before it escalates and/or report the matter to the appropriate person). 		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Fair Work Act 2009</i> (Commonwealth) <i>Anti-Discrimination Act 1998</i> (Tasmania) <i>Sex Discrimination Act 1984</i> (Commonwealth) <i>Racial Discrimination Act 1975</i> (Commonwealth) <i>Human Rights and Equal Opportunity Commission Act 1986</i> (Commonwealth) <i>Disability Discrimination Act 1992</i> (Commonwealth) Harassment, Bullying & Anti-Discrimination Policy Staff Code of Conduct Policy Devonport City Council Enterprise Agreement 2020-21 Health & Safety Policy Devonport City Council Strategic Plan 2009-2030 Recruitment and Selection Policy Harassment, Bullying and Anti-Discrimination Policy Gender Equity policy</p>		
ATTACHMENTS (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
		Staff	Department

	<h2 style="text-align: center;">FINANCIAL ASSISTANCE POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Community Services Manager	General Manager Deputy General Manager	4.7.3 – Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes	July 2024 2023
PURPOSE	To provide Council with <u>a</u> framework to deal manage with any approach requests by a person, group or body for financial assistance. It aims to provide clear guidance to Councillors, staff and those making <u>an a approach request</u> for financial assistance and supports the consistent management of the various Grants, Donations and Remissions provided by Council.		
SCOPE	<p>This policy applies to Council as a whole in the provision and representation to any person, group or body approaching making a request of Council for financial assistance. Financial assistance is taken to mean the provision of any financial benefit; including but not limited to:</p> <ul style="list-style-type: none"> • A grant of funds: <ul style="list-style-type: none"> ◦ Minor Community Grants; ◦ Major Community Grants; and ◦ Individual Development Grants. • Rate remissions. • Donations. • Subsidised costs. • <u>Any reduction or waiving of Council's adopted fees or charges.</u> • Any write-down or write-off of an applied rate, fee or charge. • Provision of plant or equipment. • In the absence of a defined fee or charge, the provision of services or use of facilities at a cost below what would otherwise be commercially provided; or • Any in kind contribution such as works or infrastructure. <p>The following are outside the scope of this policy:</p> <ul style="list-style-type: none"> • Procurement of goods and services from incorporated organisations, other businesses or individuals; • Concessions for Council rates and charges (e.g. pension rates); • <u>Negotiated sponsorship arrangements and/or deals;</u> • <u>Reduction of waiving of Council's adopted fees or charges (e.g. building and planning fees)</u> • Fees and Charges adopted by Council identifying any one group as a discount beneficiary; and • Statutory contributions. 		
DEFINITIONS	<p>To assist in interpretation, the following definitions shall apply:</p> <p>Acquittal: shall mean the process by which a recipient demonstrates in writing to the Council that it has expended the funds in accordance with the</p>		

	<p>terms and conditions of the funding agreement on completion of the activity or project.</p> <p>Auspicings: shall mean that an organisation takes responsibility for ensuring the funds are used as specified in the grant allocation. An auspicings organisation will be responsible for:</p> <ul style="list-style-type: none"> (a) The receipt, banking and administration of all moneys; (b) Project monitoring and completion; (c) Ensuring the applicant acquits the funding within allocated timeframe; and (d) Sign off on the acquittal form. <p>Business: shall mean a person, partnership or organisation which is not a Community organisation, and is engaged in a profit-seeking enterprise or activity.</p> <p>Community Organisation: shall mean an entity that carries on activities for a public purpose; or an entity whose primary objective is not directed at making a profit.</p> <p>Donation: shall mean a cash and/or non-cash contribution to an organisation that may be associated with a particular activity/event/program, purpose or project but does not carry with it any specific requirements for use. In addition, the contribution does not seek benefits in exchange.</p> <p>Grant: a sum of money given to organisations or individuals for a specified purpose.</p> <p>In-Kind Contribution: shall mean the provision of paid and volunteer labour, administrative support, hire-free facilities or donations of materials, equipment or services.</p>
POLICY	<p>1. Objective To provide guidance, clarity and transparency in the application, assessment and provision of financial assistance to any person, group or body who approaches makes a request of Council for financial assistance. This includes any grants, donations and rate remissions programs Council offers annually.</p> <p>2.1. Policy Statement In adopting the annual budget, Council may approve an allocation of funds and/or in-kind contribution to support a range of Grants, Donations and Rate Remissions Schemes for eligible community organisations and individuals.</p> <p>Relevant guidelines will be established for each Grant, Donations or Rate Remissions defining eligibility, assessment and acquittal criteria under which Council funding will be considered.</p> <p>Council may contribute to business or other partnerships where projects, events or activities will contribute significantly to individual, community, cultural, social, economic, recreational and environmental development.</p> <p>Organisations and individuals are expected to apply responsible management of any financial assistance received from Council, which may include acquittal of funds received.</p>

	<p>Where funding is provided to an individual, the recipient should reside permanently within the Devonport municipal area.</p> <p>Council will only consider applications from organisations or individuals outside the Devonport municipal area where it can be demonstrated that the project, activity or initiative will benefit the community of Devonport.</p> <p><u>3.2. Requirements</u></p> <p>The activity/program/event must contribute to and align with the goals and strategies outlined in the Annual Plan for the year in which the financial assistance is proposed to be given.</p> <p>The activity/program/event is accessible to all persons within the municipality or to a significant group of persons within the area. (Charging a fee to participate does not preclude the event being accessible to all persons).</p> <p>Requests are to be submitted in the manner and timeframe prescribed by Council.</p> <p><u>4.3. Assessment Process</u></p> <p>A proposal to provide or request financial assistance will not be actioned, reported to Council or decided upon unless:</p> <ul style="list-style-type: none"> • Clear and detailed information on all assistance that is proposed or requested is provided in the manner prescribed by Council; • Current financial statements, (and where one should reasonably be available, an audit opinion on these statements), are provided to assist Council in assessing the needs of the proposed/requesting beneficiary. This does not apply to donations and/or Sports Travel Assistance Grants; • The details of any recipients that stand to benefit from the activity/program/event including donations to be made to groups from the proceeds of activity/program/event, are identified in the application. <p>The total amount of assistance provided to any organisation/ group/person/ project/event in each financial year is not to exceed, the budgeted financial assistance amount unless otherwise determined by Council. The request can be a mix of cash donation and in-kind support.</p> <p>Staff delegations are in place to simplify the process of approving applications that comply with the principles outlined in the policy. All applications that exceed delegation are to be presented to the relevant Council Committee for assessment, before being presented to Council for consideration.</p> <p>Once the budgeted amount allocated for Financial Assistance has been distributed no further allocations will be made available in that financial year – even if the applicant meets all eligibility requirements, without the approval from Council. Requests may be considered if they form part of a program budget and can demonstrate how they meet the objectives of the funding.</p> <p><u>5.4. Conditions</u></p> <p>The following conditions apply to assistance issued under this policy:</p>
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	<ul style="list-style-type: none"> • The use of any part of the financial assistance for purposes other than specified in the letter of approval and/or funding contract is not permitted without prior approval in writing by Council; • Where specified, successful applicants must ensure that Council is appropriately recognised as a partner; • Any approved assistance will lapse if not claimed within three months following the date of approval; • Assistance to community organisations does not include GST; • No retrospective funding will be granted. <p>6.5. Notification Applicants determined as successful/unsuccessful in accordance with the guidelines will be advised accordingly in writing.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> Rates and Charges Policy Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff Department


	FINANCIAL HARDSHIP ASSISTANCE POLICY			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Manager People and Finance	General Manager	27 April 2020	July 2021
PURPOSE	The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.			
SCOPE	<p>This policy applies to individual ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council.</p> <p>It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.</p> <p>This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the <i>Local Government Act 1993</i>. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the <i>Local Government Act 1993</i>, such as fire service contributions collected pursuant to section 79B of the <i>Fire Service Act 1973</i>.</p>			
POLICY	<p>1. Background</p> <p>This Policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship Policy.</p> <p>Despite this, serious financial hardship can occur at any time and this Policy is designed to address a range of circumstances.</p> <p>2. Principles</p> <p>This policy will be applied in accordance with the following principles:</p> <ol style="list-style-type: none"> (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances. (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating. (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) Ensuring that those able to contribute to local services, continue to do so. 			


	<p>(5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.</p> <p>(6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.</p> <p>3. Genuine Financial Hardship</p> <p>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:</p> <ol style="list-style-type: none"> 1. Food; 2. Accommodation; 3. Clothing; 4. Medical treatment; 5. Education; and 6. Other basic necessities. <p>A number of factors can contribute to, or trigger, serious financial hardship, including:</p> <ol style="list-style-type: none"> 1. Loss of employment of the property owner, family member or household primary income earner; 2. Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member; 3. A natural disaster; 4. A public health emergency or declared state of emergency; 5. Family tragedy; 6. Family breakdown; 7. Financial misfortune; 8. Other serious or complicating circumstances. <p>Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances. Applicants should include information regarding eligibility or non-eligibility for existing Government subsidies.</p> <p>Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence, or a business's 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.</p> <p>4. Evidence of Financial Hardship</p> <p>Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will depend on individual circumstances and may include, for example, one or more of the following:</p>
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	<ul style="list-style-type: none"> • Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment; • A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. an accountant, family doctor for health-related evidence, a bank official, insurance policy manager, etc.); • Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills); • Notice of impending legal action; • Letter from charitable organisation regarding loss of employment and the subsequent inability to provide for basic necessities. • Bank notice for example, overdraft call or mortgaged property repossession; • Employer notice of redundancy or termination of employment; • Overdue medical bills; • Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member; • Final notice from school regarding payment of mandatory fees; • Funeral expenses; • Repossession notice of essential items, like a car or motorcycle. <p>5. How Council can Help</p> <p>The <i>Local Government Act 1993</i> provides Council with three methods of rate relief:</p> <ol style="list-style-type: none"> 1. Postponing rate payments (sections 125-127) 2. Remission of late payment penalties or interest (section 128) 3. Remission of rates (section 129) <p>5.1. Postponing Rate Payments – Deferral Arrangements</p> <p>In confirmed cases of financial hardship, 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 Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.</p> <p>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.</p> <p>Rate payment deferrals approved under this section are typically deferred by 3 months. However, rate deferral arrangements can defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.</p>
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	<p>In response to the COVID-19 pandemic, Council will generally approve deferral arrangements for 6 months for ratepayers meeting hardship requirements.</p> <p>All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.</p> <p>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.</p> <p>Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the <i>Local Government Act 1993</i>, by giving 60 days notice in writing to the ratepayer.</p> <p>5.2. Remitting Late Payment Penalties and Interest</p> <p>For typical circumstances that are not of financial hardship, rates must be paid by the due date and Council may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.</p> <p>Council will not charge any late payment penalties or interest for late rate payments during the 2020 COVID 19 state of emergency until 30 June 2020.</p> <p>5.3. Remitting Rates</p> <p>Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.</p> <p>After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:</p> <ol style="list-style-type: none"> 1. Financial hardship; 2. Exceptional and serious circumstances; 3. How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 2.3.1 unfeasible and unreasonable to fulfil; and 4. 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,
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	<p>accommodation, clothing, medical treatment) of the applicant and dependents.</p> <p>In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:</p> <ol style="list-style-type: none"> 1. Deferral arrangements are preferable to rates remission; 2. Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50% of each instalment; the remainder subject to payment arrangements; 3. Instances of rates remission are to be minimised to no more than one rates remission per applicant. <p>6. Applications</p> <p>6.1. Applying for Financial Hardship Assistance</p> <p>To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:</p> <ul style="list-style-type: none"> • Submitted via online form at: www.devonportcitycouncil.tas.gov.au/onlineform • Emailed to: rates@council.tas.gov.au • Mailed to: PO Box 604 Devonport 7310. <p>Applications must:</p> <ul style="list-style-type: none"> • Demonstrate and provide evidence for financial hardship and circumstances (see section 2.2 – Evidence of Financial Hardship); • Describe the type of assistance sought, being: <ul style="list-style-type: none"> ◦ Postponing rate payments (a deferral arrangement); ◦ Postponing or waiving late payment penalties or interest; ◦ Remitting rates, late payment penalties or interest, in part or in full; • Address the requirements of the relevant subsections of section 2.3 – How Council can Help. <p>6.2. Assessing Applications</p> <p>Applications for deferral arrangements are to be approved by:</p> <ol style="list-style-type: none"> 1. For amounts less than \$2,500 the Executive Manager People & Finance <u>for amounts less than \$2,500</u>; or 2. For amounts of \$2,500 or greater the General Manager <u>for amounts of \$2,500 or greater</u>. <p>Remission of late payment penalties or interest are to be approved by the General Manger.</p> <p>Applications for remission of any rates is to be decided by Council and requires an absolute majority to be approved.</p>
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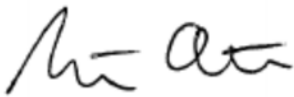
LEGISLATION AND RELATED DOCUMENTS	This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including: <ul style="list-style-type: none">• <i>Local Government Act 1993</i>, Part 9 – Rates and Charges, particularly:<ul style="list-style-type: none">o Section 86A – General principles in relation to making or varying rateso Sections 125-127 – Postponement of paymento Section 128 – Late paymentso Section 129 – Remission of rates• <i>COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020</i>• Rates and Charges Policy• Devonport City Council Strategic Plan 2009-2030			
ATTACHMENTS (IF APPLICABLE)	N/A			
STRATEGIC REFERENCE	5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances			
MINUTE REFERENCE	72/20			
OFFICE USE ONLY	Update Register	Y	Training/Communication	Y
	Advise Document Controller	Y	Advise HR / MCO	Y
	Management Sign Off:  Date: 27 April 2020			


	COMMERCIAL ADDENDUM TO FINANCIAL HARDSHIP ASSISTANCE MODEL POLICY			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Manager People & Finance	General Manager	22 June 2020	July 2022 ¹
PURPOSE	<p>The Financial Hardship Assistance Policy ('Hardship Policy') enables Council to assist community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.</p> <p>This Addendum to the Hardship Policy has been provided to achieve a consistent approach to rates assistance for commercial ratepayers across the Devonport municipality.</p> <p>This Addendum is intended to be supplementary to any other public benefit concessions policy or any other economic relief measure that Council may implement.</p>			
SCOPE	<p>This Addendum applies to commercial/business ratepayers within the Commercial Land Use Category 11C, who are experiencing hardship due to the loss of operating revenue or reduced income due to the impacts of the COVID-19 pandemic. The Land Use Category can be found on the rates notice.</p> <p>The Addendum is only applicable for rates payable during the 2019/20₂₀, and 2020/21 and 2021/22 financial years.</p> <p>The Hardship Policy applies to rates levied in accordance with the <i>Local Government Act 1993</i>. The policy does not apply to any rate or charge collected on behalf of other authorities in accordance with section 88 of the <i>Local Government Act 1993</i>, such as fire service contributions collected pursuant to section 79B of the <i>Fire Service Act 1973</i>.</p> <p>Both the Policy and the Addendum are not intended to be used to maintain financial positions for those who do not require assistance, but rather are intended to support those genuinely impacted by serious financial hardship.</p>			
PRINCIPLES	<p>The principles as outlined in the Hardship Policy apply to applicants under this Addendum as well as the additional principles shown below:</p> <ol style="list-style-type: none"> <li data-bbox="542 1545 1369 1682">1. The support provided by Council is generally intended for the business operator rather than the landlord. Evidence must be provided that the business has been impacted and that any support will be passed on to the tenant <u>(if applicable)</u>. <li data-bbox="542 1696 1369 1797">2. An exception for landlord support will generally only be considered for properties 100% owned by an individual or family. 			

	<p>3.2. Any agreed arrangements will take into account both individual <u>business</u> and community wide circumstances (such as the COVID-19 pandemic) on commercial ratepayers, with specific regard to their revenue, expenses, and profitability.</p>
POLICY	<p>1. Addendum</p> <p>1.1. Council Assistance The <i>Local Government Act 1993</i> provides Council with three methods of rate relief:</p> <ol style="list-style-type: none"> 1) Postponing rate payments (sections 125-127); 2) Remission of late payment penalties or interest (section 128); and 3) Remission of rates (section 129). <p>Remission of any rates is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered – refer to Hardship Policy for further information.</p> <p>1.2. Options for Implementation The Hardship Policy and Addendum were developed and implemented in response to the 2020 COVID-19 pandemic. The circumstances surrounding the pandemic were unprecedented. As in all cases, Council will allow a ratepayer to enter into a payment arrangement with the aim to recover the total outstanding amount by the end of the financial year. Council will support a payment arrangement for commercial ratepayers that will accommodate the businesses' anticipated cashflow.</p> <p>1.2.1. Postponement/deferral of rates Upon acceptance of an application for hardship assistance, Council will initially consider deferral of 100% of the general rate for up to 9 months or until 31 March 2021. If at the end of this period, the applicant is unable to make a payment, Council will again review the applicant's financial situation before taking further action.</p> <p>1.2.2. Remission of late payment penalties An applicant who has deferred their rates may also apply for a remission/waiving of any applicable late payment penalties.</p> <p>Other commercial ratepayers will be able to apply for a remission of late payment penalties. These cases will be assessed in accordance with their individual circumstances.</p>


	<p>1.2.3. Rates remission</p> <p>At the expiration of the deferral period, Council will request the ratepayer pay the outstanding general rate in full by 30 June 2021. Council will work with the ratepayer to create a payment plan to clear the debt. If the ratepayer is unable to make payment, Council will consider a remission of whole or part of the outstanding amount.</p> <p>Remission will typically only be considered if the ratepayer can provide evidence that the business revenue for the 12 months up until 31 March 2021 is 50% or less when compared to the same period in the previous year.</p> <p>1.2.4. Approval of rates remission</p> <p>The General Manager has delegation to remit rates up to the value of \$5,000 in accordance with the policy guidelines.</p> <p>Approval for rates deferral arrangements, remission of late payment penalties or interest and remission of rates is in accordance with the Financial Assistance Hardship Policy.</p> <p>Any application for rate remission relief over \$5,000 will be referred to the Council for consideration.</p> <p>The value of any remission will typically be capped at \$25,000 per ratepayer.</p> <p>2. Applications</p> <p>To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:</p> <ul style="list-style-type: none"> Submitted via online form at: www.devonportcitycouncil.tas.gov.au/onlineform www.devonport.tas.gov.au/council/forms-and-payments/rate-relief/ Emailed to council@devonport.tas.gov.au; or Mailed to PO Box 604 Devonport Tasmania 7310. <p>Applications must:</p> <ul style="list-style-type: none"> Demonstrate and provide evidence for financial hardship and circumstances; (see examples of evidence below) Describe the type of assistance sought, being: <ul style="list-style-type: none"> Postponing rate payments (a deferral arrangement); Remission of late payment penalties or interest; and/or Remission of rates (in the most serious and exceptional of financial hardship cases).
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	<p>Applicants must provide evidence of financial hardship. Evidence may include, for example, one or more of the following:</p> <ul style="list-style-type: none"> • Details of closure - including Government enforced closure as a requirement of COVID-19; • Tenant correspondence requesting relief (if applicable); • Eligibility for the COVID-19 JobKeeper Program <u>Eligibility for Government assistance programs;</u> • Accountant Statement; • Statutory Declaration; and • Other documentation demonstrating that the business is experiencing financial hardship. <p>All arrangements to support businesses will be proportionate to the evidence of hardship provided.</p>	
LEGISLATION AND RELATED DOCUMENTS	<p>This Addendum relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i>, Part 9 – Rates and Charges¹, particularly: <ul style="list-style-type: none"> ○ Section 86A – General principles in relation to making or varying rates ○ Sections 125-127 – Postponement of payment ○ Section 128 – Late payments ○ Section 129 – Remission of rates • <i>COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020</i> • <i>COVID-19 Disease Emergency (Commercial Leases Code) Act 2020</i> • Rates and Charges Policy (pursuant to section 86B of the <i>Local Government Act 1993</i>). <p>¹ See: https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN Devonport City Council Strategic Plan 2009-2030</p>	
ATTACHMENTS (IF APPLICABLE)	N/A	
STRATEGIC REFERENCE	5.3.1 - Review and amend structures, policies and procedures to adapt to changing circumstances	
MINUTE REFERENCE	20/12	
OFFICE USE ONLY	Update Register	Y
	Advise Document Controller	Y
	Management Sign Off:	
	Training/Communication	Y
	Advise HR / MCO	Y

	 Date: 22/06/2020
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	FITNESS FOR WORK POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Risk & Compliance Coordinator	Development Services Manager General Manager	5.6.1 – Ensure safe work practices through adherence to Work Health and Safety Standards	July 2021
PURPOSE	To ensure that the health and safety of all persons is not at risk or adversely affected by anyone attending the workplace while not fit for work.		
SCOPE	<p>This Policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, sub-contractor, contractor and consultants) employed or engaged by Council at any of its workplaces.</p> <p>The Policy will also apply to Councillors when attending a Council workplace as part of their role as an elected representative of the community.</p>		
POLICY	<p>1. Responsibility</p> <p>All workers have a responsibility to ensure that they are fit to perform their duties without risk to the health and safety of themselves and others.</p> <p>Managers, coordinators, supervisors and team leaders are expected to ensure that all employees, contractors, volunteers and students abide by this Policy at all times.</p> <p>Council fully supports and endorses the purpose and scope of this Policy and associated procedures. Council, in managing this Policy, will ensure, wherever possible, that confidentiality is maintained at all times.</p> <p>Everyone working at or attending any Devonport City Council workplace must abide by this Policy and supporting procedures to ensure they maintain the capacity to safely perform work.</p> <p>A person's fitness for work may be compromised by:</p> <ul style="list-style-type: none"> • inadequate or insufficient quality of sleep over an extended period; • the type of work performed and/or the work environment; • consumption of alcohol; • the use of drugs (prescription, non-prescription, illicit or other); • general level of fitness and/or medical condition; and • mental health conditions. <p>To meet the Policy objectives, Council will:</p> <ul style="list-style-type: none"> • aim to provide a safe and healthy working environment free of work-related injury or illness; • minimise the risks of persons presenting for work or conducting work while impaired; 		

	<ul style="list-style-type: none"> establish appropriate steps to manage persons who are affected by mental health conditions, alcohol, drugs or other personal concerns; and encourage persons who are not fit for work for any reason to independently seek assistance. <p>Council will also:</p> <ul style="list-style-type: none"> maintain appropriate health and fitness standards to enter the workforce and provide encouragement for employees to sustain their fitness for work; promote and assist the physical, mental and emotional health of people so they can safely undertake and sustain their work requirements; provide the resources necessary to allow for monitoring, testing, education and counselling services within the workplace; and encourage behaviour and attitudes that are conducive to a healthy and safe workplace. 		
LEGISLATION AND RELATED DOCUMENTS	<p>Local Government Act 1993 Code of Conduct Policy Rehabilitation Policy Work Health and Safety Act 2012 Work Health and Safety Regulations 2012 Fair Work Act 2009 Fitness for Work Procedure (Management Procedure) Devonport City Council Strategic Plan 2009-2030 Devonport City Council:</p> <ul style="list-style-type: none"> Risk Management Framework Vehicle Policy Devonport City Council Enterprise Agreement Health and Wellbeing Program Recruitment and Selection Policy Disciplinary Procedures Harassment, Bullying & Anti-Discrimination Policy Employee Assistance Program Health and safety Policy Rehabilitation Policy Code of Conduct Policy 		
ATTACHMENT/S (IF APPLICABLE)	Fitness for Work Procedure		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES
	Training required by:	Councillors	NO
		Staff	Department

	<p style="text-align: center;">FITNESS FOR WORK PROCEDURE</p> <p style="text-align: center;"><u>Consider an index</u></p>
<p>This Procedure should be read and applied in conjunction with the Fitness for Work Policy.</p> <p>1. Overview</p> <p>The term 'Fit for Work' means that an individual is in a state of mental, physical and emotional health to complete their assigned tasks competently and in a manner, which does not negatively affect or threaten the safety of themselves or others.</p> <p>An individual's fitness for work can be affected in a variety of ways including, but not limited to:</p> <ul style="list-style-type: none"> • illness; • injury; • mental health conditions; • alcohol; • drugs; and • emotional or behavioural issues. <p>This Procedure provides the framework for caring and compassionate management processes that assists workers to address issues of concern and dealing with these difficult and often sensitive issues <u>in a confidential manner</u>.</p> <p>Council believes that early intervention can assist people to deal with situations which may otherwise place at risk their own, or others health and safety.</p> <p>2. Responsibilities</p> <p>Under work health and safety legislation both the employer and workers have "duty of care" obligations.</p> <p>2.1. Duty of Employer – Council</p> <p>Council has a duty of care to ensure, as far as reasonably practicable, that all individuals are fit for work to minimise risk to both themselves and others whilst on Council work sites or undertaking duties on behalf of Council.</p> <p>2.2. Duty of Workers</p> <p>Workers have a 'duty of care' to take reasonable care as to not expose themselves or others to risks.</p> <p>Workers are required to pro actively address non work related issues if these issues have the potential to impact on their ability to perform the inherent duties of their position.</p> <p>Workers who believe another worker is at work, or who witness a co worker, who is not 'fit for work' are required to report the situation to their Manager or Coordinator.</p> <p>No person is to start work or return to work at a Council workplace while affected by alcohol or other drugs (including intoxication, withdrawal or 'hangover' effects).</p> <p>All workers are required to:</p> <ul style="list-style-type: none"> • Maintain their individual fitness to allow them to meet the requirements of their position; • Attend work in a state which enables them to meet the requirements of their position. 	

FITNESS FOR WORK PROCEDURE

If a worker believes prior to commencing work or during any part of the day they have become 'unfit', they are required to report the situation immediately to their Manager or Coordinator.

~~2.3. Duty of Managers and Coordinators~~

Managers and Coordinators, under work health and safety legislation, have a responsibility for the health, safety and well being of all individuals under their control.

Should a Manager or Coordinator believe that a worker is 'unfit for work' or at risk of injuring themselves or others, the Manager or Coordinator should take action that may include:

- Discussing with the worker his/her behaviour, and seek information as to a possible cause of the concerns and effects it may be having;
- Taking immediate and appropriate action to prevent injury to the worker or others (e.g. removing workers from the immediate risk or stopping the activity);
- Contacting the Risk Management Department or Human Resources for direction;
- Providing information in relation to Employee Assistance Program (EAP);
- Arranging alcohol and other drug testing in accordance with these procedures (if this is appropriate);
- Implementing appropriate other work duties;
- Maintaining confidentiality of the situation.

~~2.4. Contractors (includes, contractors, sub-contractors, consultants, labour hire personnel)~~

Each contractor is responsible for ensuring workers are aware of Council's procedures for fitness for work assessment and are aware they must participate in any random alcohol and other drugs testing.

A contractor, consultant or labour hire staff returning a positive alcohol or drug test will immediately be asked to leave the work site. Council will advise the respective contractor/individual's employer of the positive test results and request that they address the issue.

~~3. Education and Training~~

Education and training is vital to ensuring that everyone has an understanding of their role and responsibility in respect to this Procedure.

Council's annual Health and Wellbeing Program will include educational sessions designed to raise worker awareness about fitness for work.

Training programs will be provided to all workers covered under this Procedure, as required, to ensure compliance of these procedures is maintained.

~~4. Assessment of Fitness for Work~~

The primary method for assessing an individual's fitness for work environment is through face-to-face discussion between Managers and/or Coordinators and individuals. Guidance and assistance from the Risk Management Department is available as to when and how to undertake such assessment.

~~5. Managing Fit for Work~~

~~5.1.~~ An individual's personal problems or behaviour outside work is considered a private matter. Council will only become involved when:

- Personal issues have the potential to interfere with job performance;
- An individual's behaviour warrants intervention;

- Due to safety concerns; or
- A worker requests assistance.

A mental health condition (illness) can be defined as a health condition that changes a person's thinking, feelings, or behaviour (or all three) and that causes the person distress and difficulty in functioning.

Where a person has been diagnosed with a mental health condition, they should advise their Manager or Coordinator of the nature of the condition and discuss any changes in their work tasks or attendance that may be required to assist the worker based on the information provided in a medical certificate.

The type of condition may dictate additional management processes to be initiated such as a Case Management Plan, or a requirement for further independent medical examination.

5.2. **Workers taking Pharmaceutical Medication**

Consumption of legal prescription drugs including over the counter pharmaceutical medicines must be in accordance with the recommended dose or the prescribed dose by the person's doctor.

This does not imply that a person may take prescribed drugs regardless of their impact. They may only attend work where whilst on the medication does not cause them to react unsafely when safe to do so.

Particular attention should be paid to the appropriate use of medication.

This requires that individuals:

- Discuss with the prescribing medical practitioner the nature of their duties and ascertain any side effects of the prescribed medication which may impact on their safety or performance at work;
- Notify their Manager or Coordinator of any medication they are using or failing to use, that could affect their safety or performance at work;
- Take any medication strictly in accordance with the medical practitioner's or manufacturer's recommendations; and
- Report any side effects that may impact on their safety or performance at work to their medical practitioner and their supervisor.

Managers or Coordinators shall inform Human Resources for notation on an individual's personnel file in cases of an emergency situation arising and specific treatment is required.

5.3. **Alcohol and Other Drugs**

5.3.1. **Alcohol**

The use of alcohol may affect a worker's ability to work safely through the loss of motor control, coordination, judgement, alertness and concentration which may lead to increased risk of injury to themselves and others.

While a 0.00 Blood Alcohol Content (BAC) reading would be an ideal level of acceptance, Council is aware that society and personal lifestyle choices do allow certain levels of tolerance.

As a consequence, Council has determined the (BAC) readings that shall be monitored and applied within the workplace and associated activities of Council are set out in Section 7 of this Procedure.

5.3.2. **Illicit Drugs**

Possession and consumption of illicit drugs shall be deemed to be a breach of the Fitness for Work Policy.

FITNESS FOR WORK PROCEDURE

~~No person shall commence work or return to work at a Council workplace while under the influence of an illicit drug.~~

~~Illicit drugs (including, but not restricted to, marijuana, amphetamines, cocaine, hallucinogens, synthetic drugs and heroin) must not be brought onto, consumed or be offered to other workers, at a Council site or facility.~~

~~6. Implementation~~

~~The following defines the methods used to manage alcohol and other drugs testing and results:~~

- ~~• Drug tests screening and when required confirmation tests, will be undertaken using an oral swab and analysed in an accredited laboratory in accordance with AS4760 Procedures for the collection detection and quantification of drugs in oral fluid.~~
- ~~• Alcohol tests will be undertaken using alcohol breath analysers in accordance with AS/NZS 3547:1997 Breath Alcohol testing devices for personal use.~~

~~6.1. General Alcohol Testing~~

~~Anyone who refuses to be tested or leaves the workplace without undertaking a test or tampers with a sample or falsifies a test will be managed as if they have a positive result.~~

~~The A respective Manager will be notified of any positive results but will not include any reading or details of substance found.~~

~~Alcohol Testing Steps:~~

- ~~• Prior to a test, workers will be requested to provide some identification which could include Council ID card or driver's license plus the name of their Manager or Coordinator;~~
- ~~• The person being tested must refrain from taking any fluid or substance during the waiting period and 15 minutes prior to a test this includes smoking;~~
- ~~• The person being tested will be required to supply an air sample from their lungs directed into an approved breath analysis instrument (Mobile Hand Unit). The sample shall be sufficient to obtain a valid reading on the instrument;~~
- ~~• A worker may request the presence of, and consult with an employee representative or a colleague at any stage prior to, during or post testing;~~
- ~~• Management of positive results are covered in Section 8.3 of these procedures.~~

~~6.2. Pre-Employment~~

~~The preferred candidates are required to undertake a pre-employment health assessment including a urine sample system for drug screening and a breath test for alcohol.~~

~~The candidate will be advised of the results at the time, and the testing organisation will advise a Human Resource Officer as soon as practicable.~~

~~6.3. With Cause Reasonable Suspicion~~

~~"With Cause" (including notifiable incidents) testing shall be undertaken following a serious incident, or where required by legislation, or as part of an incident investigation, or it has been determined a possible root cause of the incident can be associated with alcohol or other drugs by the worker.~~

~~Testing for alcohol and other drugs will be arranged by the Risk Management Department.~~

FITNESS FOR WORK PROCEDURE

~~"With Cause" testing shall be carried out by the approved testing organisation.~~

~~6.3.1. Reasonable Suspicion Impairment~~

~~Where anyone is concerned that a person may be impaired by a personal issue or by the consumption or use of alcohol or drugs, they must immediately notify their Manager or Coordinator.~~

~~Reasonable suspicion includes where any evidence is found that possible alcohol or other drugs has contributed to an incident, or drug paraphernalia or alcohol containers have been found at the workplace or in work vehicles.~~

~~Initially a Manager or Coordinator should talk to/observe the worker in question.~~

~~"Reasonable Suspicion" can also be established through an observation of the impairment.~~

~~Observations of impairment may include one or more of the following:~~

- ~~• A smell of alcohol.~~
- ~~• Suffering a hangover or signs thereof are displayed.~~
- ~~• Slurred, confused or incoherent speech.~~
- ~~• Enlarged, pinpoint pupils, watery/bloodshot eyes.~~
- ~~• Irregular breathing with no medical related reasons.~~
- ~~• Flushed, pale or sweaty skin.~~
- ~~• Abnormal balance or other movements; including swaying, staggering, clumsiness or deliberate/slow movements.~~
- ~~• Abnormal attitude or behaviour such as aggressive, hostile, abnormally quiet or subdued.~~

~~Where a worker has been observed under the above reasonable suspicion guide, the Manager or Coordinator shall arrange any follow up tests or investigations with the Risk Management or Human Resources Department.~~

~~For reasonable suspicion testing, the Risk Management Department can carry out a BAC breath test.~~

~~Management of positive results are covered in Section 8.3 of these procedures.~~

~~6.4. Random Testing~~

~~Random alcohol and other drug testing will be conducted by an independent, appropriately qualified and competent service provider ("the Tester").~~

~~A non-discriminatory program will randomly select when testing will occur, and which random job site/group/individuals will be tested. Council will provide the names and site locations of all persons to the testing organisation.~~

~~The organisation will ensure the complete random selection of any work group or persons to be tested at any Council work site.~~

~~Random selection may, for operational purposes, be a work group or number of smaller work groups on a day that is tested.~~

~~The random testing could be conducted on a 24 hour per day basis in the workplace.~~

~~The testing will be done privately and with due respect and professionalism to the worker.~~

~~Testing will include breath for alcohol and / or saliva sampling for drugs.~~

FITNESS FOR WORK PROCEDURE

~~Random testing will be conducted in an appropriate area which contains adequate facilities for testing.~~

~~The Risk Management Department shall coordinate all random testing and liaison liase with the testing organisation.~~

~~Management of positive results are covered in Section 8.3 of these procedures.~~

~~6.4.1. How Workers are selected for Random Testing~~

~~The external testing organisation will manage the random selection process using data supplied by Council.~~

~~Selected workers will be notified and be required to attend the designated area for the tests to be undertaken. Workers may request a support person to accompany them, i.e. a Health and Safety Representative, or a work colleague.~~

~~Workers will be required to enter the testing area one at a time to undertake the test.~~

~~Prior to the test, workers will be requested to provide some identification which could be their Council ID card or driver's license or the name of their Coordinator or responsible Manager, so they can confirm ID.~~

~~Workers should declare any prescription or over the counter medication that they may be taking to the tester before taking the test.~~

~~The Tester will advise each person of their tests results prior to them leaving the testing area.~~

~~The random selection process will be reviewed regularly by the Safety Committee to ensure that its application meets the impartiality and non-selective requirements for random testing.~~

~~7. Alcohol Limits & Testing~~

~~The following limits apply in relation to alcohol:~~

- ~~● Heavy Vehicle Plant & Equipment use:~~

~~Drivers of vehicles with gross vehicle mass exceeding 4.5 tonnes such as trucks, backhoes, excavators and all provisional licence drivers by law must have a 0.00 BAC level whilst at work.~~

- ~~● Marine Vessels – Julie Burgess:~~

~~Master and crew of the Julie Burgess or any other marine vessel by law must have a 0.00 BAC level whilst at work or operating the vessel.~~

- ~~● Motor Vehicle use:~~

~~It is acknowledged that current Tasmanian laws allows for motor vehicle to be operated on Tasmanian roads with a BAC of 0.05, therefore when operating any Council motor vehicle, the same level of 0.05 BAC applies.~~

~~**Alcohol & Drugs Act 1970 Section 6(1)** (Driving with excessive concentration of breath or blood alcohol) conditions apply at all times when operating a Council vehicle.~~

~~Other activities:~~

~~Because Council has a diverse range of work activities with varying levels of risk, the following BAC reading applies:~~

- ~~● A BAC reading of 0.02 will be the base level that applies to normal work activities;~~

- ~~● Where a BAC reading is between 0.02 and 0.05 it shall be the respective Manager or Coordinators responsibility to allocate the worker to a reduced risk~~

FITNESS FOR WORK PROCEDURE

~~work task until the worker records a BAC at 0.02 or lower. Example: A worker may use an item of plant such as lawn mower/brush cutter/chain saw etc, as part of their normal work task, a less risk task would mean not using any items of plant until such time as a 0.02 BAC reading has been achieved;~~

- ~~• Once the BAC level has been recorded at 0.02 or below the worker can resume normal work duties.~~

~~Where a worker has a BAC reading of 0.05 or above, it would be deemed a breach of the Fitness for Work Policy and additional consultation and appropriate management will be implemented with the worker.~~

~~7.1. Voluntary Self Testing Alcohol~~

~~A person can measure their alcohol BAC level with a simple handheld device.~~

~~Council will provide an alcohol self testing breathalyser at the following locations with instructions and training in their use:~~

- ~~• Works Depot~~
- ~~• Administration Building~~

~~Where practicable, Council will provide facilities for other workers to self test prior to presenting for work.~~

~~A worker makes use of a Council approved hand held breathalyser and takes note of the reading from the breath sample provided.~~

~~The reading should be checked against the following guide and actions noted should be followed.~~

~~The worker has the choice of not attending work, (chooses to go home), or is allocated to a reduced risk work task by their Manager or Coordinator.~~

~~Workers must seek assistance to be transported home where a reading of 0.05 or above is recorded.~~

~~If the worker does not report the reading and continues to work, and a random or reasonable suspicion test confirms a breach of the Policy, they will be subject to disciplinary processes.~~

~~8. Drug Testing~~

- ~~• Workers must inform the tester if they are taking any prescription or over the counter medication, and shall have it recorded on the Chain of Custody/Consent form;~~
- ~~• The person being screened will be required to supply an oral swab sample from the mouth in the appropriate testing device provided to them by the Tester. The sample shall be sufficient to obtain a valid reading on the instrument;~~
- ~~• If a negative screen result is returned, the collected specimen will be disposed of and the person may return to their normal duties;~~
- ~~• Where the initial test is positive, the sample shall be forwarded to a qualified external testing facility for verification and confirmation;~~
- ~~• A worker may request the presence of, and consult with, an employee representative or a colleague at any stage prior to, during or post testing.~~

~~Management of positive results are covered in Section 8.3 of these procedures.~~

FITNESS FOR WORK PROCEDURE

8.1 — Drug Testing Guide**Positive Reading Actions****Council Workers:**

- Where a worker returns a positive screening result, they will be required to remain with the Tester.
- The tester will contact the person's Manager or Coordinator if a worker.
- The tester will contact the General Manager if it is a Manager or Coordinator.

Contractors:

- The tester will notify the Risk Management Department who will then manage the situation in accordance with this Procedure part 2.4.
- The Risk Management Department will notify the General Manager of the reading and that breach of the Policy has occurred.

Visitors:

- The tester will notify the Risk Management Department who will then manage the situation by removal of the visitor from the worksite.
- The Risk Management Department will notify the General Manager of the reading and breach of the Policy has occurred.

8.1.1. — Medication — Positive Test Results

When a positive reading is recorded and the person had declared prior to the sample being taken that they are on medication, the results will await confirmation from an external testing facility.

- The Tester will advise the Risk Management Department that the results are either in agreement with the medication drug classification or not;
- Where the drug identified is within the drug classification of the medication noted by the worker, and confirmed by the Tester, the worker shall return to normal duties and the results will be recorded as pending confirmation;
- The sample shall be sent for further confirmation;
- Should the confirmation results indicate that the drug was not within the medication classification, (different to what was declared by the worker); the Risk Management Department shall contact Human Resources and the worker's Manager and will be subjected to Council's disciplinary procedures. A breach shall be recorded on the worker's personnel file.
- Should the medication be confirmed then no further action will be required, and nothing recorded.

An appropriate chain of custody procedure will be followed in the administration of the tests by the Tester and confirmation with the results provided to the Risk Management Department.

Where the results of the drugs test are found to be positive, the results will be placed on the respective workers' personnel file by Human Resources.

8.2. — Other Alcohol or Drug Concerns

Where, on a first occasion, a worker "self declares" to Council that they have a concern relating to alcohol or drugs, which places them in contravention of this Policy/Procedure, Council may offer assistance to address their issues through a Case Management Plan process.

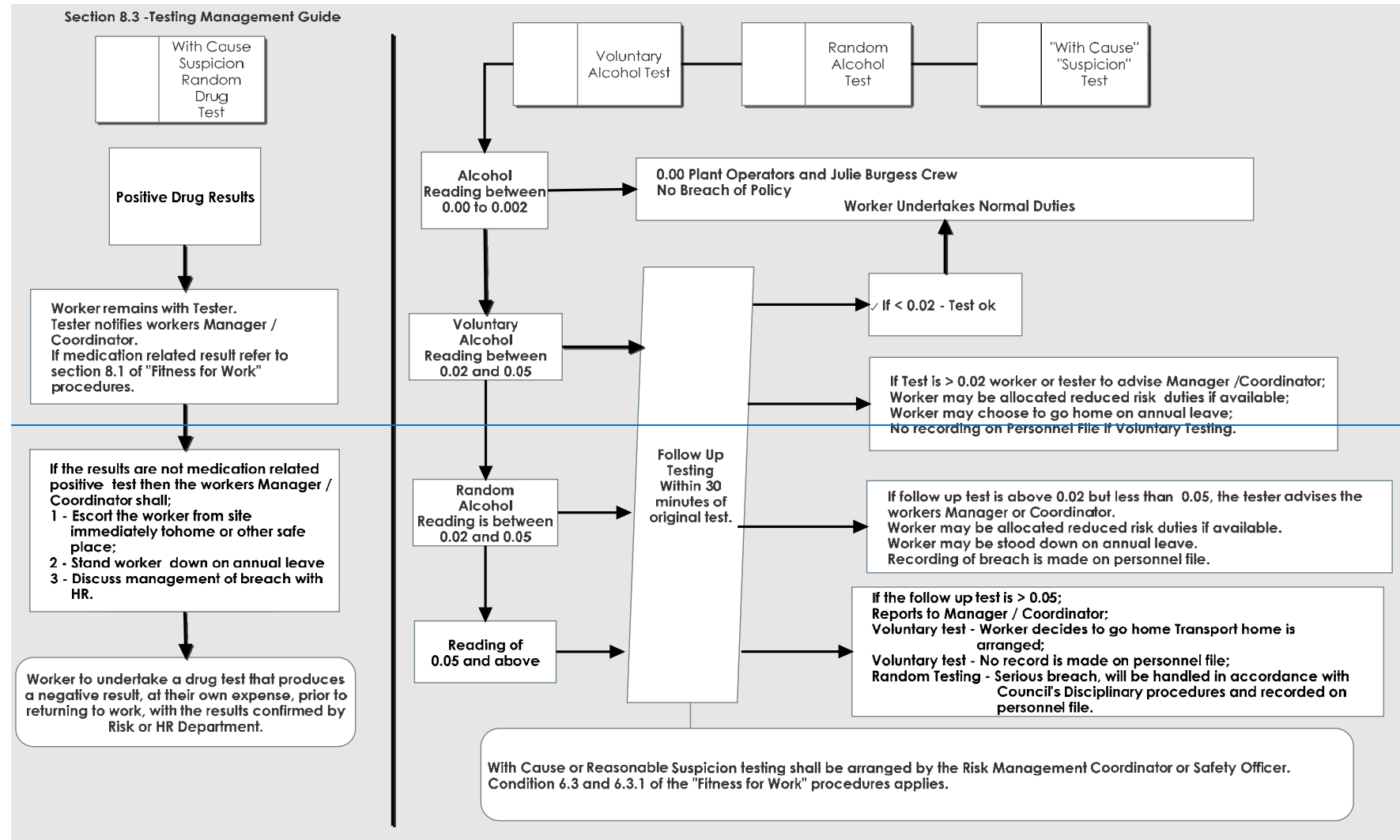
In cases of continual breaches occurring, they will be covered under the Council's Disciplinary Procedures.

FITNESS FOR WORK PROCEDURE

~~Anyone who returns a positive confirmation test result for drugs will be subject to additional follow up random testing for drugs over the next twelve month period.~~

~~If no further positive results are reported in the follow up period of twelve months, the worker will be placed back into the usual random selection pool of all workers.~~

TESTING MANAGEMENT GUIDE



~~8.3.1 Testing Results Management~~

~~Where an initial screening test returns a non-negative (positive) recording for drugs and the worker has incurred a penalty as set out in Section 8.3 (i.e. stood down on annual leave), and the confirmation results from the independent laboratory confirms that the initial screening was incorrect, any penalty imposed will be reversed.~~

~~9. Managing Fit for Work – People Issues~~

~~Council's desire is to assist workers to address their fit for work concerns, this involves open communication, honesty and collaboration by each party.~~

~~9.1. Mental Health and Personal Conditions~~

~~When an individual presents with a mental health or personal condition or impairment which is covered by the Fitness for Work Procedure, consideration may be given to use any annual leave entitlements available or, depending on the nature of the concern, to provide alternative duties whilst being reviewed.~~

~~Consultations shall take place between the worker, their respective Manager and Human Resources to determine how to manage the worker's personal condition.~~

~~The condition may dictate additional management processes to be initiated such as a Case Management Plan and referred to external medical providers.~~

~~Where appropriate the worker may be referred to other organisations such as "Beyond Blue" or "Life Line" or Council's EAP provider.~~

~~10. Case Management Plan and Rehabilitation Policy~~

~~A Case Management Plan can be initiated by a Coordinator, Manager or Human Resources in consultation with a worker.~~

~~If assistance is required, and with the consent of the worker, Human Resources will facilitate a Case Management Plan in consultation with the Worker's Manager or Coordinator, and medical practitioners.~~

~~Development of a Case Management Plan should be considered where:~~

- ~~• Any initial consultation and agreed actions do not achieve a satisfactory result;~~
- ~~• A worker requests for a Case Management Plan through their relevant Manager.~~

~~The Plan should set out agreed goals and outcomes, acceptance of responsibilities and accountabilities and shall be signed by the worker and the relevant Manager.~~

~~Development and implementation of any rehabilitation process should be referenced with Council's Rehabilitation Policy.~~

~~11. Employee Assistance Program~~

~~Council provides a voluntary and confidential Employee Assistance Program (EAP).~~

~~The program provides employees and members of their immediate family with counselling and support relating to personal, family or work-related work-related problems which may affect their work performance or quality of life.~~

~~12. Zero Tolerance~~

~~This Policy/Procedure provides for zero tolerance of illicit drugs which constitutes a criminal offence that has potential to adversely affect the health and safety of Council's workers and others in the workplace or the conduct of Council's operations.~~

~~13. Disciplinary Procedures~~

~~A breach of this Procedure or a Case Management Plan, may have disciplinary consequences.~~

~~Discipline will be handled in accordance with Council's Disciplinary Procedure.~~

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14. Employee Social Functions and the Responsible Serving of Alcohol

Alcohol is not to be consumed by workers at any Council work site or facility without the prior approval of the General Manager or Deputy General Manager.

As an employer, Council will implement controls to ensure responsible consumption of alcohol at council approved social functions.

Controls may include:

- Alcohol to be served by a person with RSA Certificate;
- Non alcoholic drinks including water will be available;
- Food may also be served;
- Time limits may apply.

It is expected that all workers attending any approved function/event where alcohol is served will ensure they act in a responsible and reasonable manner at all times.

15. Retaining Records – Confidentiality

Management safeguard for testing information to protect the privacy of the individual(s) is paramount.

Type of records:

- Information recorded of a personal nature that should be placed on a workers personnel file by Human Resources. i.e. breaches of policy or procedures including Case Management Plans.
- Information collected as part of the implementation of this Policy and Procedure that is of a management nature (i.e. number of test completed and results).

Records from the testing organisation shall be maintained by the Risk Management Department but does not include information that will be attached to a worker's personnel file.

Individual test results shall not be released to anyone who is not directly involved in the testing process.

Exceptions may be:

- The worker authorises the transfer of information in writing;
- The worker has signed a release form for rehabilitation or a case management plan in which the results of the test must be known to facilitate further action concerning the worker;
- When the results of the test become the subject of a dispute, the information may be released to other parties on a "need to know" basis;
- When complying with any legal requirement;
- The worker's manager may require access to information pertinent to likely management issues such as duty of care to the individual and other workers and required knowledge to assist in the decision making process.

Every effort will be made to carry out all actions under this Policy/Procedure in a manner which respects the dignity and confidentiality of those involved.

16. Disputes

Any disputes in the implementation of this Procedure should in the first instance be referred to Risk Management Department.

The Risk Management Department shall notify the General Manager and the Human Resource Coordinator of the reasons and issues that may be in dispute.

17. Associated Council Policies and Procedures

Risk Management Framework

Vehicle Policy

Devonport City Council Enterprise Agreement

Health and Well Being Program

FITNESS FOR WORK PROCEDURE

~~Staff Code of Conduct Policy~~
~~Recruitment and Selection Policy~~
~~Disciplinary Procedure~~
~~Harassment, Bullying & Anti-Discrimination Policy~~
~~Employee Assistance Program~~
~~Health and Safety Policy~~
~~Rehabilitation Policy~~


~~18. Document Review~~

~~The Policy/Procedure should be reviewed every two years.~~

~~19. Communication~~

~~Should policies, procedures or forms be updated, created or altered, this must be communicated to relevant audiences.~~

~~The Risk Management Department will oversee the Fitness for Work Policy and Procedure.~~

	<h2 style="text-align: center;">FRAUD & CORRUPTION CONTROL POLICY</h2>			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Manager - <u>Organisational Performance, People & Finance</u>	General Manager	29 January 2019	July 2023 ³¹
PURPOSE	To demonstrate Council's commitment to the prevention, detection, reporting and response to any fraudulent activity.			
SCOPE	<p>This policy summarises the responsibilities and expected behaviours of Councillors, employees, volunteers, work experience students, contractors, labour hire staff and all other associated external parties of the Devonport City Council in relation to fraud and corruption prevention.</p> <p>Devonport City Council has a zero tolerance of fraud and corruption. Fraudulent or corrupt behaviour of any kind, including activities that are to the benefit of Council or are advantageous to Council, will not be tolerated. Individuals must, at all times, conduct themselves in a manner consistent with the law and Devonport City Council regulations, policies and procedures.</p>			
DEFINITIONS	<p><u>For the purposes of this policy, the following definitions will apply:</u></p> <p><u>Fraud</u> - Australian Standard 8001-2008 Fraud and Corruption Control defines fraud as:</p> <p><i><u>"dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud' for the purposes of this Standard".</u></i></p> <p><u>Corruption</u> - Australian Standard 8001-2008 Fraud and Corruption Control defines corruption as:</p> <p><i><u>"dishonest activity in which a director, executive, manager, employee or contractor for an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly."</u></i></p>			

POLICY	<p>1. Definition:</p> <p>1.1. Fraud Australian Standard 8001-2008 Fraud and Corruption Control defines fraud as: "dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud' for the purposes of this Standard".</p> <p>1.2. Corruption Australian Standard 8001-2008 Fraud and Corruption Control defines corruption as: "dishonest activity in which a director, executive, manager, employee or contractor for an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly."</p> <p>2.1. Responsibilities The General Manager has primary responsibility for ensuring this Policy is complied with. The General Manager may appoint a dedicated Fraud Control Officer to assist in this responsibility.</p> <p>1.1. Elected Members Elected members shall be aware of and comply with this Policy. Councillors must also be aware of and adhere to the provisions of the <i>Local Government Act 1993</i> and <u>the</u> Code of Conduct. Council will support policies and measures taken to prevent, detect and resolve suspected instances of fraud.</p> <p>1.2. Audit Panel The role of the Audit Panel is to assist Council in providing a transparent and independent process in its financial and risk management practices to ensure accountability to the community in the governance, management and allocation of resources.</p> <p>The Audit Panel will review the risk management framework and ensure that procedures exist for the effective identification and management of Council's financial, governance, business and environmental risks,</p>
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	<p>including fraud and corruption.</p> <p>1.3 Executive Leadership Team</p> <p>The Executive Management<u>Leadership</u> Team is responsible for ensuring there are adequate controls to provide reasonable assurance for the prevention and detection of fraud which will be achieved through:</p> <ul style="list-style-type: none"> • Compliance with Council policies and plans • Fostering a high standard of ethical behaviour throughout the organisation • Ensuring Councillors are aware of their obligations as included in Council's Code of Conduct for Councillors • Ensuring staff are aware of their responsibilities through adequate induction, training, supervision and written policies and procedures • Responding to issues raised by both the External Auditors and the Audit Panel <p>1.4 Senior Management</p> <p>Senior Management and any other person supervising employees or contractors carry a shared responsibility and accountability to actively support and implement the Policy and Plan. Detailed responsibilities are included in the Fraud and Corruption Control Plan.</p> <p>1.5 Employee/Contractor/Volunteer/Other</p> <p>Employees and others engaged to work for Council have a responsibility to demonstrate fairness, integrity and sound professional and ethical practice at all times in every aspect of their engagement.</p> <p>Employees have a responsibility to understand and comply with Council's Code of Conduct and related policies and procedures.</p> <p>Council employees are encouraged to report all incidents of suspected fraudulent or corrupt conduct, serious mismanagement or substantial waste of public resources.</p> <p>1.6 Fraud Control Officer</p> <p>The Fraud Control Officer (if appointed) has responsibility for the development and review of Council's Fraud and Corruption Control Plan and ensuring that the Plan requirements are implemented and functioning at Council. The Fraud Control Officer will conduct preliminary investigations into reports of fraud and corruption, for the purpose of deciding further action.</p> <p>2. Prevention</p> <p>The most effective way to prevent the occurrence of fraud and corruption is to promote an ethical environment fully supported and demonstrated by management and in which strong and effective internal controls have been implemented. Council's fraud and corruption prevention strategies include the following</p>
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	<p>elements:</p> <ul style="list-style-type: none"> • Maintenance and communication of a Code of Conduct for Councillors and staff; • Training in relation to fraud awareness and prevention for staff and managers; • Maintenance of an effective internal control system and internal control culture; • Development of a fraud risk assessment process; • Assessing and documenting fraud risk as part of the Risk Register; • Employment screening; • Robust IT security policies and processes; • Effective policies relating to the use of Council assets; • Appropriate Human Resource policies dealing with annual leave, secondary employment and conflict of interest; and • Appropriate purchasing policies and practices. <p>The Fraud & Corruption Control Plan provides management with more detailed information in relation to prevention and detection of fraud and corruption.</p> <p>3. Detection & Reporting</p> <p>Council has established internal controls and systems that enable <u>contemporary and</u> post-transaction review and monitoring to identify suspicious transactions and/or instances of fraud and corruption. The monthly porting process involves reconciliations and review and analysis of financial data by multiple levels of management.</p> <p>The Fraud Control Officer (FCO) will be responsible for developing systems to investigate and detect fraud and corruption. The FCO will work with management and internal audit in applying the findings from the fraud and corruption risk assessment process to formulate effective fraud and corruption detection systems and procedures.</p> <p>3.1. Reporting</p> <p>3.1.1 Where to Report</p> <p>Disclosures of improper conduct or detrimental action by a member, officer or employee of Council may be made to the following officers:</p> <ul style="list-style-type: none"> • the General Manager – who is the “Principal Officer” of the public body, within the terms of <i>Public Interest Disclosures Act 2002</i> • a Public Interest Disclosure Officer. <p>The Principal Officer has delegated the Executive <u>Manager Organisational Performance Coordinator and the Governance Officer</u> to act as a Public Interest Disclosure Officers. This delegation enables the officer to receive public interest disclosures under the Act.</p> <p>Furthermore, an employee may report action to the Ombudsman or Integrity Commission. Contact details</p>
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	<p>for these organisations are listed in the Devonport City Council Public Interest Disclosure Act Model Procedures and Whistleblower Policy located on the Council website.</p> <p>Suspensions should be reported only to those people who are required to know. This protects people from allegations that may not be proven and prevents the possible destruction of evidence.</p> <p>4.1.1 Protected Disclosures</p> <p>If suspected fraudulent or corrupt conduct is reported through the appropriate channels, as set out above, the reporter will be protected from detrimental action by legislation. Information received as a protected disclosure is strictly confidential and includes the:</p> <ul style="list-style-type: none"> • identity of the person making the disclosure • nature of the disclosure • identity of the person or persons against whom the disclosure has been made. <p>Consequently, employees wishing to report fraud are encouraged NOT to make anonymous complaints.</p> <p>The Public Interest Disclosures Act 2002 commenced operation on 1 January 2004. Section 60 of the Public Interest Disclosures Act 2002 Act requires Council to establish written procedures to facilitate the making of disclosures, for investigations of disclosed matters and for the protection of persons from reprisals for making the disclosure. These procedures establish a system for reporting disclosure of improper conduct or detrimental action by Devonport City Council or its employees. The procedures must comply with the Act and Guidelines prepared by the Ombudsman's Office.</p> <p>Council must receive and assess disclosures about improper conduct in accordance with the Act, investigate disclosed matters and take appropriate action when improper conduct has been found to have occurred.</p> <p>4. Response</p> <p>All allegations or suspicions of internal or external fraud or corruption raised must be reported to the General Manager or delegate immediately. No attempt should be made by any other employee to conduct any formal investigations or interviews in order to determine if fraudulent and/or corrupt behaviour has occurred or is suspected.</p> <p>4.1. Investigating Fraud</p> <p>Investigations into alleged fraud will be conducted according to natural justice principles, which mean people subject to the allegations:</p> <ul style="list-style-type: none"> • are presumed to be innocent until proven guilty; • have a right to respond to allegations; and
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	<ul style="list-style-type: none"> • have a right to be represented during any formal disciplinary proceedings. <p>Council's Public Interest Disclosure Officers or Human Resources team will ensure investigations into allegations of suspected fraud that concern Council staff are undertaken confidentially and carried out within the prescribed framework. External assistance may be required for the purpose of the investigation.</p> <p>4.2. Internal Reporting and Escalation of Issues</p> <p>Council's Fraud Control Officer will maintain a fraud and corruption incident register which will include information in relation to all reportable fraud and corruption incidents.</p> <p>The FCO will regularly present the register to the Executive Leadership Team.</p> <p>The General Manager will report fraud and corruption events to Council or to the appropriate Council Committee and the Audit Panel.</p> <p>4.3. External Notifications</p> <p>The General Manager may report suspected fraud to the Police when sufficient information has been obtained to confirm the likelihood of fraud.</p> <p>4.4. Disciplinary Action</p> <p>At the conclusion of an investigation, if it is found an individual is guilty of fraudulent activity, appropriate action will be taken in accordance with Council's Disciplinary Procedure.</p> <p>4.5. Civil Proceedings to Recover the Proceeds of Fraud or Corruption</p> <p>Recovery actions will be undertaken at the discretion of the General Manager. The General Manager will make a notification to the Council in relation to the action to be undertaken.</p> <p>4.6. Internal Control Review</p> <p>Following an investigation where fraud is substantiated, the General Manager and/or Fraud Control Officer will conduct a review of the relevant controls and determine the level of corrective action to be undertaken.</p> <p>4.7. Maintaining and Monitoring Adequacy of Insurance</p> <p>Insurance will be obtained and maintained to safeguard against loss and ensure continuation of business processes. Adequacy of insurance policies is to be assessed by management at least annually.</p>
LEGISLATION AND RELATED DOCUMENTS	<p>Fraud & Corruption Control Plan</p> <p>Staff Code of Conduct Policy</p> <p>Model Code of Conduct Policy</p> <p>Cash Handling Policy</p> <p>Credit Card Policy</p> <p>Gifts and Donations Policy</p> <p>Induction Policy</p> <p>Secondary Employment Policy</p>

	Travel & Accommodation Policy Code for Tenders & Contracts Purchasing Policy Australian Standard 8001-2008 Fraud and Corruption Control Risk Management Framework Disciplinary Procedure <i>Public Interest Disclosures Act 2002</i> Public Interest Disclosures Procedure Whistleblower Policy Devonport City Council Strategic Plan 2009-2030	
ATTACHMENTS (IF APPLICABLE)	Nil	
STRATEGIC REFERENCE	For both Council and Management Policies, insert the relevant strategic plan reference.	
MINUTE REFERENCE	If a Council Policy, insert the resolution number where the policy was approved. If a Management Policy insert 'N/A'	
OFFICE USE ONLY	Update Register	Training/Communication
	Advise Document Controller	Advise HR / MCO
	Management Sign Off: Date:	

	GIFTS AND DONATIONS POLICY		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	453/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance Executive Coordinator	General Manager	5.3.1 – Review and amend structures, policies and procedures to adapt to changing circumstances	July 2021
PURPOSE	<p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> outline obligations and responsibilities relating to the receipt of gifts or donations; and assist both Councillors and staff to avoid being placed in a situation where they may become vulnerable to undue influence or threaten community confidence in the fairness, impartiality and integrity of the Council. <p>Council officials are defined as the Mayor, Councillors, staff (including staff engaged through an employment agency), Council committee members and volunteers.</p> <p>The policy applies to all gifts and donations offered to or received by all Council officials in their respective role.</p> <p>In a private context gifts are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.</p> <p>Gifts and donations may also be offered to individuals in the course of business relationships. Such gifts and donations are often given for commercial purposes and serve to create a feeling of obligation in the receiver. Gifts and donations given in the course of business relationships is the focus of this policy.</p>		
SCOPE	<p>The policy applies to all gifts and donations offered to or received by all Council officials in their respective role.</p> <p>In a private context, gifts are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.</p> <p>Gifts and donations may also be offered to individuals in the course of business relationships. Such gifts and donations are often given for commercial purposes and serve to create a feeling of obligation in the receiver. Gifts and donations given in the course of business relationships is the focus of this policy.</p> <p>The policy is to be applied in conjunction with provisions of Council's Code of Conduct and other relevant Council policies and procedures.</p>		

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DEFINITIONS	<p><u>The following definitions will apply for the purposes of this policy:</u></p> <p><u>Council official – Mayor, Councillor, Council staff (including staff engaged through an employment agency), Council Committee members and volunteers.</u></p> <p><u>Gift – is 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, clothes, products, invitations to social functions and tickets to sporting, theatrical or music events.</u></p> <p><u>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.</u></p> <p><u>Donation – an act or instance of presenting something as a gift, grant or contribution.</u></p> <p><u>Gift of influence – a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future</u></p> <p><u>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 staff who speak at official functions may be considered an example of gifts of gratitude.</u></p> <p><u>Benefit – a non-tangible item which is believed to be of value to the receiver (i.e. preferential treatment such as queue jumping, access to confidential information and hospitality).</u></p> <p><u>Hospitality – the provision of accommodation, meals, refreshments or other forms of entertainment.</u></p> <p><u>Bribe – a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.</u></p> <p><u>Cash – money or vouchers which are readily convertible.</u></p> <p><u>Nominal value – is the monetary limit of the value of gifts or donations that may be accepted (i.e. total value of gift or donation received). A gift or donation is of nominal value when it has no significant or lasting value.</u></p> <p><u>Significant value – a gift or donation that has a value above the nominal value limit.</u></p> <p><u>Token - often mass produced (i.e. 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.</u></p> <p><u>Non-token – 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.</u></p> <p><u>Conflict of interest – any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.</u></p> <p><u>Public perception – the perception of a fair-minded person in possession of the facts.</u></p> <p><u>Gifts and Donations Declaration Form – a form to be completed (refer</u></p>
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	<p><u>Attachment 1), when an individual receives a gift or donation of a non-token nature above the nominal limit or receives a series of token gifts or donations in a specified time that may have significant aggregate value (Cumulative Gift).</u></p> <p><u>Gifts and Donations Register – a register maintained by Council of all declared gifts and donations (Attachment 2).</u></p> <p><u>Specified Period – refers to financial year.</u></p>
POLICY	<p>1. Definitions</p> <p>Council official – Mayor, Councillor, Council staff (including staff engaged through an employment agency), Council Committee members and volunteers.</p> <p>Gift – is 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, clothes, products, invitations to social functions and tickets to sporting, theatrical or music events.</p> <p>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.</p> <p>Donation – an act or instance of presenting something as a gift, grant or contribution.</p> <p>Gift of influence – a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future</p>

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	<p>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 staff who speak at official functions may be considered an example of gifts of gratitude.</p> <p>Benefit—a non tangible item which is believed to be of value to the receiver (i.e. preferential treatment such as queue jumping, access to confidential information and hospitality).</p> <p>Hospitality—the provision of accommodation, meals, refreshments or other forms of entertainment.</p> <p>Bribe—a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.</p> <p>Cash—money or vouchers which are readily convertible.</p> <p>Nominal value—is the monetary limit of the value of gifts or donations that may be accepted (i.e. total value of gift or donation received). A gift or donation is of nominal value when it has no significant or lasting value.</p> <p>Significant value—a gift or donation that has a value above the nominal value limit.</p> <p>Token—often mass produced (i.e. 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.</p> <p>Non-token—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.</p> <p>Conflict of interest—any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.</p> <p>Public perception—the perception of a fair minded person in possession of the facts.</p> <p>Gifts and Donations Declaration Form—a form to be completed (refer Attachment 1), when an individual receives a gift or donation of a non-token nature above the nominal limit or receives a series of token gifts or donations in a specified time that may have significant aggregate value (Cumulative Gift).</p> <p>Gifts and Donations Register—a register maintained by Council of all declared gifts and donations (Attachment 2).</p> <p>Specified Period—refers to financial year.</p> <p>1. General</p> <p>Council officials at all times and in all circumstances must be seen to be fair, impartial and unbiased.</p> <p>Council officials should actively discourage offers of gifts and donations and must not solicit gifts or donations.</p> <p>Council officials must not take advantage of their official position to secure an unreasonable personal profit or advantage.</p> <p>People doing business with the Council should be encouraged to understand that they do not need to give gifts or donations to Council officials to get receive high quality service.</p>
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	<p>From time to time, Council officials may be offered gifts or donations. In some limited circumstances gifts and donations may be accepted. Token gifts of nominal value may generally be received. Non-token gifts of significant value should not be accepted.</p> <p>Council officials should at all times <u>should always</u> be aware of the wider situation <u>broader context</u> in which an offer of a gift or donation is being made. For example, Council officials should consider whether the donor is in or may be seeking to enter into a business relationship with Council or may be applying to Council in relation to the exercise <u>exercising</u> of Council's functions.</p> <p>Council officials must avoid situations that suggest that a person or body, through the provision of gifts or donations, is attempting to secure favourable treatment from Council.</p> <p>When deciding whether to accept or decline a gift or donation, consideration should be given to both the value of the gift or donation and also <u>and</u> the intent of the gift or donation being offered.</p> <p>As education programs are identified to be relevant to this policy, they will be offered to Council officials.</p> <p>2. Acceptable Gifts and Donations</p> <p>Gifts or donations of a token nature at or below nominal value may generally be <u>be</u> accepted by Council officials without the need for formal disclosure.</p> <p>That said, Council officials who receive a series of token gifts or donations from the same donor where the aggregated monetary value is equal to or more than the nominal value, in a specified period, must disclose that fact in the Gifts and Donations Register.</p> <p>If a Council official has any doubt if a gift or donation is token or of nominal value, they should discuss it with the General Manager or Mayor (in the case of Councillors).</p> <p>2.1. Token Gifts and Donations</p> <p>Gifts or donations of a token nature do not create the appearance of a conflict of interest and include:</p> <ul style="list-style-type: none"> • Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, 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 Council officials who formally represent 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.
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	<p>2.2. Nominal Value For the purpose of this policy, the current nominal value limit is identified in Section 12.</p> <p>3. Non-acceptable Gifts and Donations Accepting gifts of money is prohibited.</p> <p>Council officials should not accept gifts or donations that appear to be non-token in nature or above nominal value.</p> <p>If a gift or donation of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or donation must be declared by completion of a Gifts and Donations Declaration Form (refer to clause 7), (at Attachment 1) (obtained from the Councillor Teams Site for Councillors; the Intranet for Council staff), within 14 days of receipt, and the details must be recorded on there then automatically uploaded to Council's Gifts and Donations Register (refer Attachment 2).</p> <p>If a Council official refuses a gift or donation because they believe that the gift was a deliberate attempt to receive "special treatment", then such instances are to be reported immediately to the General Manager or Mayor.</p> <p>3.1. Non-token Gifts and Donations Gifts or donations of a non-token nature include:</p> <ul style="list-style-type: none"> • 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; • Goods and services provided via a determination in a Will. <p>At times, a gift of a non-token nature may be given from one authority 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.</p> <p>3.2. Significant Value For the purpose of this policy a gift or donation with significant value has a value above the specified nominal value limit.</p> <p>4. Actual or Perceived Effect of the Gift or Donation Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or donation is prohibited (gift of influence).</p> <p>Where it is suspected that a gift or donation has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or donation must be declined and the matter should be reported immediately to the General Manager or Mayor.</p>
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	<p>5. Bribes Council officials must not offer or seek a bribe. A person offered a bribe should refuse it and report the incident immediately to the General Manager or the Mayor. Council will take steps to report the matter to Police immediately.</p> <p>Receiving a bribe is an offence under both the common law and Tasmanian Legislation.</p> <p>6. Family Members Council officials must take all reasonable steps to ensure that immediate family members do not receive gifts or donations of a non-token nature or gifts or donations above the nominal value. Immediate family members include parents, spouses, children and siblings.</p> <p>7. Records – Gifts and Donation Register Council officials, who receive a series of token gifts or donations near the nominal value limit from the same person or organisation, (cumulative gift), <u>or those who accept a non-token gift or one above the nominal value in accordance with clause 3,</u> must disclose that fact on the Gifts and Donations Declaration Form (<u>Attachment 1 available via the Councillor Teams Site or the intranet for staff</u>) and forward it to the Governance Department within 14 days of receipt of the final gift. <u>Governance will add the These details are then automatically uploaded</u> to the Gifts and Donations Register. <u>(Attachment 2).</u></p> <p>If a Council official receives a non-token gift or donation in circumstances where it cannot reasonably be refused or returned, the receipt of the gift or donation should be disclosed using the Gifts and Donations Declaration Form available on the Intranet, which should be forwarded to the Governance Department within 14 days of the receipt of the gift or donation (Attachment 1). The Governance Department will then record these details are automatically uploaded in the Gifts and Donations Register (at Attachment 2).</p> <p>The Register of gifts and donations received by Councillors will be available on Council's website for public inspection.</p> <p>The content of the Register will be monitored by the General Manager on a quarterly basis.</p> <p>8. Disposal of gifts The General Manager will determine whether a gift or donation of a non-token nature should be disposed of.</p> <p>There are options for the disposal of gifts that have been accepted because they could not reasonably be refused but should not be retained by an individual. Examples of such circumstances where gifts or donations may be received include:</p> <ul style="list-style-type: none"> • 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; • A gift or donation of significant value provided to a Council official through a Will, where the relationship between the giver and recipient was essentially a council related business relationship.
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	<p>Options for disposal include:</p> <ul style="list-style-type: none"> • surrendering the gift to Council for retention; • distributing the gift or donation amongst a selection of Council's officials - where a reasonable person would agree that the allocation was appropriate (public perception); or • donating the gift to an appropriate charity. <p>10. Breaches of Policy</p> <p>All Council officials are obliged to comply with this policy and sanctions may be applied apply if the policy is breached. <u>Sanctions may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.</u></p> <p>Any person may report an alleged breach of this policy by an official of the Council to the General Manager or Mayor as appropriate, who shall investigate any report received and take such action as is considered necessary.</p> <p>If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.</p> <p>11. Review process and endorsement</p> <p>This policy, including the amounts and frequencies specified, may be varied by resolution of the Council. When varied, the amounts and frequencies that apply to the policy must be updated and included in Section 12.</p> <p>This policy should be reviewed as required, but at least every four years following the conduct of Local Government elections.</p> <p>12.11. Details of amounts and frequencies specified in the policy</p> <p>For the purpose of this policy, the current nominal value limit is \$50.00. <u>(In accordance with section 29(A) of the Local Government (General) Regulations 2015).</u></p> <p>Council officials who receive a series of gifts or donations from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50.00 or more, must disclose the receipt of each gift, regardless of the individual monetary value.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> (\$339A specifies penalties in relation to the misuse of office by Councillors and employees; \$28E deals with the Code of Conduct for Councillors; and \$62 identifies the functions and powers of the general manager)</p> <p><u><i>Local Government (General) Regulations 2015</i></u></p> <p><u><i>Local Government (General) Amendment Regulations 2018</i></u></p> <p><u><i>Devonport City Council Strategic Plan 2009-2030</i></u></p>		
ATTACHMENT/S (IF APPLICABLE)	<p>Gifts & Donations Declaration Form (Councillors and Staff)</p> <p>Gifts & Donations Register</p>		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as a result of this Policy	YES	NO
	Training required by:	Councillors Staff	Department

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~~ATTACHMENT 1 – Gifts & Donations Declaration Form – Councillors~~



GIFTS AND DONATIONS DECLARATION FORM - COUNCILLOR

RECIPIENT DETAILS:

Name: Position:

Relationship to Donor:

DETAILS OF THE GIFT OR DONATION:

Name of Donor:

Suburb or locality where donor resides (if known):

Date received:

Value (Estimate if unknown) (\$):

Description of gift/donation:

Circumstances of gift/donation (reason/s for granting):

Was gift/donation received or declined? (please circle)

Reasons for determination (why received or declined)?

If gift/donation accepted, was gift/donation retained by the Councillor or the organisation?
(please circle)

Name and position who authorised acceptance of gift/donation:

Signature: (Recipient of gift/donation)

Date:

Signature: (Person authorising receipt of gift/donation)

Date:

Please forward completed form to Governance Officer or Executive Officer, within 14 days of receipt of
gift or donation

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~~ATTACHMENT 1 – Gifts & Donations Declaration Form – Staff~~



GIFTS AND DONATIONS DECLARATION FORM - STAFF

RECIPIENT DETAILS:

Name: Position:

Department:

Relationship to Donor:

DETAILS OF THE GIFT OR DONATION:

Name of Donor:

Suburb or locality where donor resides (if known):

Date received: Date notified Manager/Supervisor:

Value (Estimate if unknown) (\$):

Description of gift/donation:

.....

Circumstances of gift/donation (reason/s for granting):

.....

Was gift/donation received or declined? (please circle)

Reasons for determination (why received or declined)?

.....

.....

If gift/donation accepted, was gift/donation retained by employee or the organisation? (please circle)

Name and position who authorized acceptance of gift/donation:

.....

Signature: (Recipient of gift/donation)

Date:

Signature: (Person authorizing receipt of gift/donation)


Date:

Please forward completed form to Governance Officer or Executive Officer within 14 days of receipt of gift or donation

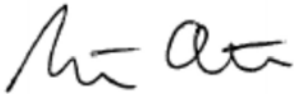
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Agenda - COUNCIL MEETING - 23 AUGUST 2021 ATTACHMENTS

	<h2 style="text-align: center;">GOVERNANCE POLICY</h2>			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Coordinator	General Manager	28 September 2020	July 2021
PURPOSE	This policy sets out the governance standards expected at the Devonport City Council.			
SCOPE	The Policy outlines governance standards applicable to Council as a collective and as such applies to all Elected Members and staff <u>employees</u> of the organisation.			
POLICY	<p>The Devonport City Council is committed to good governance practices and recognises the following eight major characteristics of good governance.</p> <ol style="list-style-type: none"> Good governance is accountable Accountability is a fundamental requirement of good governance. Council has an obligation to report, to explain and to be answerable for the consequences of decisions it has made on behalf of the community it represents and serves. Good governance is transparent People should be able to follow and understand the decision-making process. This means that they are able to clearly see how and why a decision was made – what information, advice and consultation Council considered, and which legislative requirements (where<u>when</u> relevant) were followed. Council is committed to considering business in open session <u>of meetings</u> where<u>when</u> possible. Good governance is law-abiding Decisions must be consistent with relevant legislation or common law and be within the powers of local government. Good governance is responsive Council always try<u>endeavours</u> to represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner. Good governance is equitable A community's wellbeing depends on all of<u>all</u> its members feeling that their interests have been considered by their council in the decision-making process. All members of the community should have opportunities to participate in the decision-making process. Good governance is participatory and inclusive Anyone affected by, or interested in, a decision should have the opportunity to participate in the process for making that decision. 			

	<p>Participation can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process. Any community consultation will be undertaken in accordance with Council's Community Engagement Policy.</p> <p>7. Good governance is effective and efficient Council will implement decisions and follow processes that make the best use of the available resources and time, to ensure the best possible results for the community.</p> <p>8. Good governance is consensus oriented Wherever possible, good governance involves taking into account considering the different views and interests to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.</p> <p>Council recognises the '<i>Good Governance Guide for Local Government in Tasmania</i>' produced by the Local Government Division and is committed to complying with the guidelines outlined in this document.</p> <p>Roles and Responsibilities Elected representatives, in partnership with the Executive Leadership Team, play a key role in leading the direction of Council through the demonstration of ethical behaviour and positive reinforcement of accountability and transparency through adherence to Council policies and procedures. They are responsible for promoting good governance practices and embedding good governance in the organisation's culture.</p> <p>All employees are responsible for, and supported in, seeking to embed good governance practices while carrying out their roles and functions.</p>	
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> Staff Code of Conduct Model Code of Conduct Policy Community Engagement Policy Good Governance Guide for Local Government in Tasmania Devonport City Council Strategic Plan 2009-2030</p>	
ATTACHMENTS (IF APPLICABLE)	Good Governance Guide for Local Government in Tasmania	
STRATEGIC REFERENCE	<p>5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances</p> <p>5.3.2 Provide appropriate support to elected members to enable them to discharge their functions</p>	
MINUTE REFERENCE	20/90	
OFFICE USE ONLY	Update Register	¥ Training/Communication ¥
	Advise Document Controller	¥ Advise HR / MCO ¥

	Management Sign Off:
	 Date: 28 September 2020

	<h2 style="text-align: center;">HARASSMENT, BULLYING AND ANTI-DISCRIMINATION POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Human Resource Coordinator	Executive Manager <u>Organisational Performance</u> <u>People & Finance</u>	5.7.3 – Ensure Human Resource policies, procedures and management systems support effective Council service delivery	July 2021/2023
PURPOSE	<p>Council values diversity in the workplace and as such is committed to ensuring it provides and maintains a safe and positive workplace, free from unlawful discrimination, harassment and bullying. Council is committed to compliance with the provisions of the <i>Anti-Discrimination Act 1998 (Tas)</i>, the anti-discrimination provisions of relevant legislative instruments and the provisions of Section 63 (2) of the <i>Local Government Act 1993</i> which states:</p> <ol style="list-style-type: none"> The general manager of a council may: <ol style="list-style-type: none"> appoint persons as employees of the council; and allocate duties to employees; and control and direct employees; and suspend or dismiss employees. The general manager is to develop human resource practices and procedures in accordance with policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination. 		
SCOPE	<p>This policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor, and contractor) and Councillors of the Council.</p>		
POLICY	<ol style="list-style-type: none"> In committing to this policy, Council aims to: <ul style="list-style-type: none"> Create a working environment which is free from discrimination, harassment and bullying and where all workers and Councillors are treated with dignity, courtesy and respect; Continue training and awareness sessions to ensure that all workers and Councillors know their rights and responsibilities; Encourage the reporting of behaviour which breaches this policy; Provide an effective procedure for complaints based on the principles of natural justice; Treat all complaints in a sensitive, fair, timely and confidential manner; Protect workers and Councillors from victimisation and reprisals for making complaints; and Promote appropriate standards of conduct at all times. <p>Council is an Equal Opportunity Employer. Council promotes a working environment where equality of access is merit based, and the recognition and acceptance of diversity within the workplace is facilitated. Principles of Equal Opportunity are embedded in internal employment practices, from training, promotion and recruitment, and</p>		

	<p>an environment where workers can work effectively without fear of discrimination, bullying or harassment is fostered. Whilst roles within the Council and their intrinsic requirements vary, an inherent component of each role is the expectation that all workers be treated with dignity and respect. As an Equal Opportunity Employer, the Council acknowledges its responsibility in ensuring the rights of everyone within the workplace is protected. The expectation includes, but is not limited to, the right to be physically and psychologically safe within the workplace, and to be treated equally, fairly and respectfully.</p> <p>2. Definitions</p> <p>2.1. Bullying</p> <p>Workplace bullying occurs when:</p> <ul style="list-style-type: none"> • an individual or group of individuals repeatedly behaves unreasonably towards a worker or a group of workers at work, AND • the behaviour creates a risk to health and safety. <p>Reasonable management action conducted in a reasonable manner does not constitute workplace bullying.</p> <p>2.2. Discrimination on ground of attribute: A person must not discriminate against another person on the ground of any of the following attributes:</p> <ul style="list-style-type: none"> • race; • age; • sexual orientation; • lawful sexual activity; • gender; • gender identity; • intersex variations of sex characteristics; • marital status; • relationship status; • pregnancy; • breastfeeding; • parental status; • family responsibilities; • disability; • industrial activity; • political belief or affiliation; • political activity; • religious belief or affiliation; • religious activity; • irrelevant criminal record; • irrelevant medical record; • association with a person who has, or is believed to have, any of these attributes. <p>2.2.1 Direct Discrimination</p> <p>Discrimination to which the <i>Anti-Discrimination Act 1998</i> applies is direct or indirect discrimination on the grounds of any prescribed attribute.</p> <p>Direct discrimination takes place if a person treats another person on the basis of any prescribed attribute, imputed prescribed attribute or a characteristic imputed to that</p>
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	<p>attribute less favourably than a person without that attribute or characteristic.</p> <p>For direct discrimination to take place, it is not necessary-</p> <ol style="list-style-type: none"> that the prescribed attribute be the sole or dominant ground for the unfavourable treatment; or that the person who discriminates regards the treatment as unfavourable; or that the person who discriminates has any particular motive in discriminating. <p>2.2.2 Indirect Discrimination</p> <p>Indirect discrimination takes place if a person imposes a condition, requirement or practice which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who -</p> <ul style="list-style-type: none"> share, or are believed to share, a prescribed attribute; or share, or are believed to share, any of the characteristics imputed to that attribute - <p>more than a person who is not a member of that group.</p> <p>For indirect discrimination to take place, it is not necessary that the person who discriminates is aware that the condition, requirement or practice disadvantages the group of people.</p> <p>2.3. Defamation</p> <p>Defamation occurs when a person or group of people intentionally damage a person or group's reputation by stating or writing derogatory or negative things about them which are untrue or baseless.</p> <p>2.4. Harassment</p> <p>Harassment is defined as behaviour that makes someone feel intimidated, insulted or humiliated because of certain attribute they possess - including ethnicity, gender, disability, sexual preference. It can be intentional or unintentional. Harassment is also said to occur if the environment in which the person is working is 'hostile' or intimidating.</p> <p>Harassment may include behaviour, such as:</p> <ul style="list-style-type: none"> Telling insulting jokes about particular racial groups; Sending explicit or sexually suggestive emails or text messages; Displaying racially offensive or pornographic posters or screen savers; or Making derogatory comments or taunts about someone's race or religion. <p>Harassment can range from serious to less severe levels; however one-off incidents can still constitute harassment. Where behaviour is persistent, such behaviour can undermine the standard of conduct within a work area, eroding the well-being of the individual or group being targeted. Workplace harassment must not be confused with respectfully delivered</p>
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	<p>legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work related behaviour of an individual or group.</p> <p>2.5. Prohibition of Certain Conduct and Sexual Harassment</p> <p>A person must not engage in any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of an attribute referred to in section 16(e), (a), (b), (c), (d), (ea), (eb) and (k), (f), (fa), (g), (h), (i) or (j) of the <i>Anti-Discrimination Act 1988</i>, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.</p> <p>A person must not sexually harass another person.</p> <p>The <i>Anti-Discrimination Act 1988</i> stipulates that sexual harassment has taken place if a person:</p> <ul style="list-style-type: none"> • Subjects another person to an unsolicited act of physical contact of a sexual nature –; or • Makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or • Makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence; or • Makes an unwelcome gesture, action or comment of a sexual nature; or • Engages in conduct of a sexual nature in relation to another person that is offensive to that person - in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, insulted or ridiculed. <p>Mutual and welcome attraction of a sexual nature between consenting adults does not constitute sexual harassment.</p> <p>2.6. Intimidatory Harassment</p> <p>Intimidatory harassment occurs when there is deliberate and intentional use of physical or operational power to coerce a person to perform a particular task, subjecting them to a feeling of humiliation or intimidation. The scope of Intimidatory harassment does not include legitimate comment or feedback regarding work performance or behaviour from a supervisor, if given in a reasonable and fair manner. Intimidatory harassment may manifest itself as coercive behaviour, persistent following or stalking, and incessant, unjustified and unnecessary comments regarding a person's capabilities within the workplace.</p> <p>2.7. Prohibition of Victimisation</p> <p>A person must not victimise another person because that other person:</p> <ol style="list-style-type: none"> a) made, or intends to make, a complaint under the <i>Anti-Discrimination Act 1988</i>; or
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	<p>b) gave, or intends to give, evidence or information in connection with any proceedings under the <i>Anti-Discrimination Act 1998</i>; or</p> <p>c) alleged, or intends to allege, that any person has committed an act which would amount to a contravention of the <i>Anti-Discrimination Act 1998</i>; or</p> <p>d) refused or intends to refuse to do anything that would amount to a contravention of the <i>Anti-Discrimination Act 1998</i>; or</p> <p>e) has done anything in relation to any person under or by reference to the <i>Anti-Discrimination Act 1998</i>.</p> <p>Victimisation takes place if a person subjects, or threatens to subject, another person or an associate of that other person to any detriment.</p> <p>2.8. Inciting Hatred</p> <p>A person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of:</p> <p>a) the race of the person or any member of the group; or</p> <p>b) the religious belief or affiliation or religious activity of the person or any member of the group; or</p> <p>c) any disability of the person or any member of the group; or</p> <p>d) the sexual orientation or lawful sexual activity of the person or any member of the group; or</p> <p>e) the gender identity or intersex variations of sex characteristics of the person or any member of the group</p> <p>2.9 Disability</p> <p>Disability means any of the following that presently exists, previously existed but no longer exists, may exist in the future, whether or not arising from an illness, disease or injury or from a condition subsisting at birth:</p> <p>a) a total or partial loss of the person's bodily or mental functions;</p> <p>b) total or partial loss of a part of the body;</p> <p>c) the presence in the body of organisms causing or capable of causing disease or illness;</p> <p>d) the malfunction, malformation or disfigurement of a part of a person's body</p> <p>e) disorder, malformation, malfunction or disfigurement that results in the person learning differently from a person without the disorder, malformation, malfunction or disfigurement;</p> <p>f) a disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour;</p> <p>g) reliance on a guide-dog, wheelchair or other remedial or therapeutic device.</p> <p><u>3. Roles and Responsibilities</u></p> <p><u>3.1. The Councillors will:</u></p>
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	<p><u>Ensure that discrimination does not arise from decisions with respect to their practices and policies and will adhere to policy, their relevant code of conduct and any relevant legislation.</u></p> <p><u>3.2. The General Manager will:</u></p> <ul style="list-style-type: none"> • <u>Ensure that discrimination does not arise from decisions with respect to policies, practices, training, promotion, remuneration and general conditions of employment.</u> • <u>Guarantee Ensure that the selection and recruitment processes provide for equal opportunity and comply with relevant legislation.</u> • <u>Provide adequate resources and procedures to effectively administer reports of alleged discrimination, harassment and bullying.</u> • <u>Ensure workers understand Section 104 of the Anti-Discrimination Act 1998 to communicate rights and responsibilities to staff and to act on any complaints as quickly as possible.</u> • <u>Ensure all complaints are treated seriously and managed in a timely and equitable manner.</u> • <u>Ensure, as far as practicable, that all workers adhere to the policy and Staff Code of Conduct.</u> • <u>Ensure reasonable steps to ensure the safety and health of workers in any work related context, including but not limited to conferences, work functions or social functions. This includes a duty of care under Health and Safety and Equal Employment Opportunity legislation to provide an environment free from discrimination, harassment and bullying whether or not the function is held in an offsite or onsite location.</u> • <u>Be proactive by communicating clearly the appropriate standards of behaviour expected during work functions.</u> • <u>Ensure resource materials are made available and promote Council's nominated Contact Officers to ensure workers have access to information and support needed to prevent harassment, bullying and discrimination in the workplace or to deal with it appropriately if it occurs.</u> • <u>Integrate relevant training regarding harassment, bullying and discrimination into all levels of training including inductions, awareness sessions and recruitment practices.</u> • <u>Management will appoint and provide training to Contact Officers. The Officers are trained to provide workers with support and confidential information about their options to deal with work-related discrimination, harassment or bullying.</u> <p><u>3.3. Supervisors and Managers are responsible for:</u></p> <ul style="list-style-type: none"> • <u>The recruitment, promotion, training, development and transferring of staff based exclusively on merit and performance, and free from any discrimination or bias.</u> • <u>Guaranteeing Ensure that all Human Resources practices, including recruitment, are applied equitably, consistently and free of bias.</u>
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	<ul style="list-style-type: none"> • <u>Implementing reasonable measures to prevent discrimination, harassment, bullying and victimisation in the workplace.</u> • <u>Treating grievances with the utmost seriousness, confidentiality and immediacy in rectifying.</u> • <u>Providing confidential guidance, advice and information to workers, including the investigation of grievances, complaints or disputes that have been made by a worker in accordance with Council's Complaint Handling Policy and Disciplinary Procedure.</u> • <u>Treating all workers involved in a complaint or dispute impartially and equitably.</u> <p><u>3.4. Workers are responsible for:</u></p> <ul style="list-style-type: none"> • <u>Understanding, respecting and complying with this policy and Council's Staff Code of Conduct.</u> • <u>Ensuring discrimination, harassment and bullying are not tolerated within the workplace and informing the relevant Supervisor if such behaviour occurs.</u> • <u>Ensuring they do not partake in behaviour that could be considered as discriminatory, harassment or bullying and discourage others from behaving in such ways.</u> • <u>Attempting to amicably resolve any personal harassment or discrimination issues with the worker/s or Supervisor/s involved in the matter prior to raising it with management, if practical.</u> • <u>Supporting anyone who is being subjected to harassment, bullying or discrimination and directing them to where they can obtain advice and assistance.</u> • <u>Ensuring that confidentiality is maintained if they are in any way involved in the investigation of a complaint.</u> • <u>Report any concerns or issues to relevant Supervisor.</u> • <u>Report any issues or concerns with discrimination, bullying and harassment from members of the public towards fellow staff members or themselves.</u> <p><u>3.5. Contact Officers have a responsibility to:</u></p> <ul style="list-style-type: none"> • <u>Provide workers whom have a grievance relating to discrimination, harassment and/or bullying with an opportunity to discuss their grievance informally, in private and confidentially.</u> • <u>Provide workers with information relating to discrimination, harassment and bullying.</u> • <u>Provide support to the complainant and/or respondent through listening and informing, advising of the complaints procedure, informing them of the Employee Assistance Provider and seeking further information, as deemed necessary.</u> • <u>Ensure information collated from the complainant/respondent is compiled in a non-judgemental way.</u> • <u>Ensure confidentiality of records of discussion, and forwarding information on to relevant parties if a complaint is lodged.</u>
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	<ul style="list-style-type: none"> • <u>Ensure follow up with complainant/respondent is made in regards to outcomes/resolution.</u> <p><u>4. Investigation and Breaches of Policy</u></p> <p><u>Council has a duty of care to take a pro-active approach to managing disputes regarding discrimination therefore any reports of discrimination or harassment will be treated seriously and investigated promptly, confidentially and impartially:</u></p> <ul style="list-style-type: none"> • <u>Any person, who without authorisation from the General Manager, passes on confidential information, to a third party, regarding an investigation under this policy may face disciplinary action.</u> • <u>As part of the resolution of any dispute regarding discrimination Council will seek, where possible, to resolve it in the least adversarial way.</u> • <u>Council accepts that in some cases the parties may wish to meet and discuss the dispute in an attempt to resolve the matter. Council will accommodate this in a professional and non-judgemental manner.</u> • <u>All complaints received will be treated confidentially and with serious consideration. If a worker is found to have made false accusations or a vexatious complaint for malicious reasons, they will be subjected to disciplinary action, which may include termination of employment.</u> • <u>Any worker who engages in discriminatory practices, bullies or harasses, will be subjected to disciplinary action which may include termination of employment.</u> • <u>Any actions which are of a criminal nature may be reported immediately to the police, regardless of whether an internal investigation is to eventuate.</u> <p><u>5. Confidentiality</u></p> <p><u>Allegations of discrimination, harassment, bullying or victimisation will be treated confidentially. Any records or evidence produced or made during the investigatory process will be stored securely. Investigatory recordings will not be placed on an worker's personnel file, unless a formal investigation process has identified a breach of this policy which has resulted in the undertaking of disciplinary action.</u></p> <p><u>6. Conflict of Interest</u></p> <p><u>It is imperative that the person involved in dealing with a matter relating to harassment, bullying or discrimination under this policy, not expose them self to a conflict of interest. If a conflict of interest arises, they must immediately advise the most senior person dealing with the complaint or human resources of the conflict and remove themselves from the process. This will ensure that faith in the process is guaranteed.</u></p> <p style="text-align: center;"><u>67</u></p>
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LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993 (in particular S63(1) & 63(2))</i> <i>Anti-Discrimination Act 1998</i> <i>Equal employment Opportunity Act 1984 (Commonwealth)</i> <i>Racial Discrimination Act 1975 (Commonwealth)</i> <i>Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)</i> <i>Disability Discrimination Act 1992 (Commonwealth)</i> <i>Fair Work Act 2009 (Commonwealth)</i> <i>Sex Discrimination Act 1984 (Commonwealth)</i> <i>Work Health and Safety Act 2012</i> Equal Employment Opportunity (EEO) and Diversity Policy Code of Conduct Policy Devonport City Council Enterprise Agreement 2020-21 Recruitment and Selection Policy Gender Equity Policy Complaint Handling Policy Employee Declaration of Interest Policy Public Interest Disclosure Model Procedures Council's Disciplinary Procedure Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)	Harassment, Bullying and Anti-Discrimination Procedure		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	<h2 style="text-align: center;">HARASSMENT, BULLYING AND ANTI-DISCRIMINATION PROCEDURE</h2>
	<p>1. Roles and Responsibilities:</p> <p>1.1. The Councillors will: Ensure that discrimination does not arise from decisions with respect to their practices and policies and will adhere to policy, their relevant code of conduct and any relevant legislation.</p> <p>1.2. The General Manager will:</p> <ul style="list-style-type: none"> • Ensure that discrimination does not arise from decisions with respect to policies, practices, training, promotion, remuneration and general conditions of employment. • Guarantee <u>Ensure</u> that the selection and recruitment processes provide for equal opportunity and comply with relevant legislation. • Provide adequate resources and procedures to effectively administer reports of alleged discrimination, harassment and bullying. • Ensure workers understand Section 104 of the <i>Anti Discrimination Act 1998</i> to communicate rights and responsibilities to staff and to act on any complaints as quickly as possible. • Ensure all complaints are treated seriously and managed in a timely and equitable manner. • Ensure, as far as practicable, that all workers adhere to the policy and Staff Code of Conduct. • Ensure reasonable steps to ensure the safety and health of workers in any work related context, including but not limited to conferences, work functions or social functions. This includes a duty of care under Health and Safety and Equal Employment Opportunity legislation to provide an environment free from discrimination, harassment and bullying whether or not the function is held in an offsite or onsite location. • Be proactive by communicating clearly the appropriate standards of behaviour expected during work functions. • Ensure resource materials are made available and promote Council's nominated Contact Officers to ensure workers have access to information and support needed to prevent harassment, bullying and discrimination in the workplace or to deal with it appropriately if it occurs. • Integrate relevant training regarding harassment, bullying and discrimination into all levels of training including inductions, awareness sessions and recruitment practices. • Management will appoint and provide training to Contact Officers. The Officers are trained to provide workers with support and confidential information about their options to deal with work related discrimination, harassment or bullying. <p>1.3. Supervisors and Managers are responsible for:</p> <ul style="list-style-type: none"> • The recruitment, promotion, training, development and transferring of staff based exclusively on merit and performance, and free from any discrimination or bias. • Guaranteeing <u>Ensure</u> that all Human Resources practices, including recruitment, are applied equitably, consistently and free of bias.

APPENDIX – PROCEDURE

- ~~Implementing reasonable measures to prevent discrimination, harassment, bullying and victimisation in the workplace.~~
- ~~Treating grievances with the utmost seriousness, confidentiality and immediacy in rectifying.~~
- ~~Providing confidential guidance, advice and information to workers, including the investigation of grievances, complaints or disputes that have been made by a worker in accordance with Council's Complaint Handling Policy and Disciplinary Procedure.~~
- ~~Treating all workers involved in a complaint or dispute impartially and equitably.~~

1.4. Workers are responsible for:

- ~~Understanding, respecting and complying with this policy and Council's Staff Code of Conduct.~~
- ~~Ensuring discrimination, harassment and bullying are not tolerated within the workplace and informing the relevant Supervisor if such behaviour occurs.~~
- ~~Ensuring they do not partake in behaviour that could be considered as discriminatory, harassment or bullying and discourage others from behaving in such ways.~~
- ~~Attempting to amicably resolve any personal harassment or discrimination issues with the worker/s or Supervisor/s involved in the matter prior to raising it with management, if practical.~~
- ~~Supporting anyone who is being subjected to harassment, bullying or discrimination and directing them to where they can obtain advice and assistance.~~
- ~~Ensuring that confidentiality is maintained if they are in any way involved in the investigation of a complaint.~~
- ~~Report any concerns or issues to relevant Supervisor.~~
- ~~Report any issues or concerns with discrimination, bullying and harassment from members of the public towards fellow staff members or themselves.~~

1.5. Contact Officers have a responsibility to:

- ~~Provide workers whom have a grievance relating to discrimination, harassment and/or bullying with an opportunity to discuss their grievance informally, in private and confidentially.~~
- ~~Provide workers with information relating to discrimination, harassment and bullying.~~
- ~~Provide support to the complainant and/or respondent through listening and informing, advising of the complaints procedure, informing them of the Employee Assistance Provider and seeking further information, as deemed necessary.~~
- ~~Ensure information collated from the complainant/respondent is compiled in a non judgemental way.~~
- ~~Ensure confidentiality of records of discussion, and forwarding information on to relevant parties if a complaint is lodged.~~
- ~~Ensure follow up with complainant/respondent is made in regards to outcomes/resolution.~~

2. Investigation and Breaches of Policy:

~~Council has a duty of care to take a pro-active approach to managing disputes regarding discrimination therefore any reports of discrimination or harassment will be treated seriously and investigated promptly, confidentially and impartially:~~

- ~~Any person, who without authorisation from the General Manager, passes on confidential information, to a third party, regarding an investigation under this policy may face disciplinary action.~~

APPENDIX – PROCEDURE


- ~~As part of the resolution of any dispute regarding discrimination Council will seek, where possible, to resolve it in the least adversarial way.~~
- ~~Council accepts that in some cases the parties may wish to meet and discuss the dispute in an attempt to resolve the matter. Council will accommodate this in a professional and non judgemental manner.~~
- ~~All complaints received will be treated confidentially and with serious consideration. If a worker is found to have made false accusations or a vexatious complaint for malicious reasons, they will be subjected to disciplinary action, which may include termination of employment.~~
- ~~Any worker who engages in discriminatory practices, bullies or harasses, will be subjected to disciplinary action which may include termination of employment.~~
- ~~Any actions which are of a criminal nature may be reported immediately to the police, regardless of whether an internal investigation is to eventuate.~~

3. Confidentiality:

~~Allegations of discrimination, harassment, bullying or victimisation will be treated confidentially. Any records or evidence produced or made during the investigatory process will be stored securely. Investigatory recordings will not be placed on an worker's personnel file, unless a formal investigation process has identified a breach of this policy which has resulted in the undertaking of disciplinary action.~~


4. Conflict of Interest:

~~It is imperative that the person involved in dealing with a matter relating to harassment, bullying or discrimination under this policy, not expose them self to a conflict of interest. If a conflict of interest arises, they must immediately advise the most senior person dealing with the complaint or human resources of the conflict and remove themselves from the process. This will ensure that faith in the process is guaranteed.~~

	HEALTH & SAFETY POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	DATE OF NEXT REVIEW	MINUTE NUMBER
Council	26 November 2019	July 2021/2023	248/19
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	
Risk & Compliance Coordinator	General Manager	5.6.5 – Ensure compliance with all relevant legislative requirements, standards, policies and procedures	
PURPOSE	Devonport City Council is committed to providing a workplace that minimises risks to health and safety by implementing best practice standards and embedding risk and safety into our culture to protect workers' health, safety, mental and social wellbeing. Council will appropriately manage and promote work health, welfare and safety by engaging and consulting with workers to ensure hazards and risk are identified, health and safety issues are raised, and processes implemented to reduce the impact.		
SCOPE	This Policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work placement participant, sub-contractor, contractor and consultants employed or engaged by Council at any of its workplaces, and Councillors when attending a Council workplace as part of their role as an elected member).		
POLICY	The health and safety of workers is an overriding consideration in all Council's activities. Our Council's approach is based on instilling a safety focused culture across the organisation in which we all personally share a responsibility for the health, welfare and safety of our people. Without exception, no activity is to be attempted unless it can be done safely. 1. Towards Zero-Harm Council aims to achieve a zero-harm outcome by: 1.1 embedding a culture that champions positive attitudes to health and safety outcomes; 1.2 supporting and committing to delivering health and wellbeing programs; 1.3 ensuring a system that delivers a consistent approach to documentation; 1.4 establishing, improving and monitoring identified objectives, targets and measures relating to health and safety; and		

	<p>1.5 removing or reducing the risks to the health, safety and welfare of all workers, contractors and visitors, and anyone else that may be affected by our business operations.</p> <p>2. Responsibilities</p> <p>Council recognises its responsibilities under the <i>Work Health & Safety Act 2012</i> and the <i>Work Health & Safety Regulations 2012</i>.</p> <p>To achieve our objectives, Council applies and upholds our corporate values, ensuring workers have a clear understanding of all elements of their role in promoting and managing health, welfare and safety.</p> <p>2.1 Each worker will have the leadership to accept responsibility for health and safety in their area of work and behave in a manner that is caring and mindful of the health and safety of employees, stakeholders and others in our workplace.</p> <p>2.2 Each worker will be respectful and honest, creating a place where everybody has the courage to express themselves and can feel safe at work.</p> <p>2.3 Encourage and sustain a culture of authenticity that holds health, welfare and safety paramount, and ensures all workers choose to do the right thing every time.</p> <p>2.4 Focus on solutions and the energy to improve the workplace health, welfare and safety, celebrating success in achieving our commitment of:</p> <ul style="list-style-type: none">• managing and monitoring of the Health & Safety Management System;• the provision and maintenance of a safe environment including plant, equipment, structures and substances;• providing any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety;• undertaking consultation with workers when identifying hazards and risks, making decisions about ways to eliminate or minimise those risks and the adequacy of facilities for the welfare of workers and proposing changes that may positively affect the health and safety of workers;• providing adequate resources, including finances, to facilitate the fulfilment of Council's health and safety responsibilities;• encouraging and promoting a greater understanding of the benefits of health and safety management;
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	<ul style="list-style-type: none"> • supporting and operating a proactive and fully representative Health & Safety Committee; • reviewing the key performance indicators, annually, to evaluate the organisation's health and safety performance; • ensuring health and safety compliance is an essential component of an employee's annual performance review, where applicable; and • providing a comprehensive Health & Wellbeing Program, including an employee assistance program, that is suitable and accessible to employees. <p><u>2.5</u> All workers are responsible for ensuring that their work area is without risk to the health and safety of themselves and others and will be encouraged to actively participate in promoting and adhering to this policy and to make full use of our open communication.</p> <p><u>2-52.6</u> All workers are responsible for ensuring hazards are reported using the electronic Hazard and Incident Reporting form on Council's intranet. When employees spot hazards, it is important that they are reported using the Hazard and Incident reporting form on Council's Intranet. Incident & Hazard Report (office.com)</p> <p><u>2-62.7</u> The General Manager is responsible for the implementation and review of Council's Health & Safety Policy and delegation of health and safety management, as appropriate. Managers and supervisory officers are accountable for day-to-day health and safety practices within their areas and have the authority to fulfil those duties.</p>	
LEGISLATION AND RELATED DOCUMENTS	<i>Work Health & Safety Act 2012</i> <i>Work Health & Safety Regulations 2012</i> Devonport City Council Strategic Plan 2009-2030 Risk Management Framework Safety Management Plan	
ATTACHMENT/S (IF APPLICABLE)	N/A	
OFFICE USE	Register Updated	✕
	Document Controller Advised	✕
	Training/Communication	✕
	HR Advised	✕


	INFORMATION DISCLOSURE & RIGHT TO INFORMATION POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance Executive Coordinator	General Manager	5.8.2 – Ensure access to Council information that meets user demands.	July 2021
PURPOSE	To ensure the consistent and transparent management of public requests for information held by Council, in line with legislated disclosure provisions of the <i>Right to Information Act 2009</i> (primarily) and <i>Personal Information Protection Act 2004</i> .		
SCOPE	This policy applies to all requests for information made by the public in respect of information held by Council as a public authority.		
POLICY	<p>1. <i>Right to Information Act 2009</i> The <i>Right to Information Act 2009</i> ("the Act") seeks to facilitate greater access to information held by public bodies, including councils, by:</p> <ul style="list-style-type: none"> • Approving and encouraging greater routine disclosure of information without the need for formal request or application; • Authorising and supporting greater active disclosure of information in response to requests without requiring applications; and • Providing the public with the right to request information it holds held by Council. <p>As a public authority, Council is bound by the <i>Act</i> and its requirements.</p> <p>2. <i>Provision of Information</i> Council is committed to the provision of information and ease of access, as far as practical and legal. Council discloses information, both actively and mandatorily, to support information disclosure.</p> <p>Information is made available to the public by way of:</p> <ul style="list-style-type: none"> • Council Reports and Minutes • Annual Reports (including Budget/Financial Statements) • Annual Plan & Estimates • Fact Sheets • Media Releases • Council Website • Social Media • Council Policies, Plans, Procedures, Strategies and Guidelines • Registers • Financial Reports <p>Council endeavours to make available information that is both valuable and in the public interest. Applications for information under</p>		

	<p>the <i>Act</i> are encouraged as a <u>"last resort"</u> option where Council has not or cannot make available specific information.</p> <p>3. Roles and Responsibilities</p> <p>Under the <i>Act</i>, the General Manager is recognised as the 'Principal Officer' and is <u>ultimately</u> responsible for determining the outcomes of Right To Information (RTI) applications. The General Manager is able to delegate the powers of the <i>Act</i>, by instrument of delegation in writing, to an employee to perform the role of 'Right to Information Officer'. The RTI Officer is responsible for making initial decisions regarding the release of information within the parameters of the <i>Act</i>, and may contact the applicant for clarification or further information in respect of the application they are assessing.</p> <p>The Principal Officer is responsible for internal reviews of decisions made by the RTI Officer, if requested by the applicant.</p> <p><u>Further-External</u> review is available via the Ombudsman.</p> <p>4. Disclosure Principles</p> <p>4.1. Required Disclosure</p> <p>Required Disclosure includes documentation and publications including strategic plans, annual plans, annual reports, and other documents mandated <u>for disclosure</u> under legislation, specifically the <i>Local Government Act 1993</i>. Information classified as required disclosure is widely available and can be accessed and viewed at Council's offices or on its website.</p> <p>4.2. Routine Disclosure</p> <p>Routine disclosure relates to information that Council determines is in the public interest and where the disclosure would not be made under required, active or assessed disclosure principles. Routine disclosures consider what information is deemed significant, relevant, meaningful or in the community's interest, and whether it would be reasonably expected to be accessible.</p> <p>4.3. Active Disclosure</p> <p>Active disclosure is information disclosed in response to a request from a person - voluntarily releasing information upon request. Active disclosure must consider factors including third parties (is the information provided to Council subject to commercial in confidence or provided strictly in confidence by third parties); personal privacy (in accordance with Council Policy and legislation); confidential information (commercial or otherwise); subject to copyright or ownership of material rights; relates to contractual obligations in respect of the information; or is information subject to an investigation or legal proceedings.</p> <p>4.4. Assessed Disclosure</p> <p>Assessed disclosure relates to information that is disclosed in response to a formal application made under <u>Section 13</u> of the <i>Act</i>, following assessment of the request for information in accordance with the <i>Act</i>, and a determination that the information requested be disclosed.</p>
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	<p>5. Applications and Assessment</p> <p>Applications may be made to the Principal Officer. They must be made in writing, either by the completion of the Right to Information Application form – https://www.devonport.tas.gov.au/council/governance/transparency-accountability/access-to-council-information/ or in writing addressed to the Principal Officer, clearly detailing the applicant's details and information sought.</p> <p>The RTI Officer may provide assistance to applicants in completing a request for information.</p> <p>The RTI Officer will assess the application for assessed disclosure in line with the provisions of the <i>Act</i>.</p> <p>6. Provision of Information</p> <p>Information assessed as approved for disclosure will be provided to the applicant either through:</p> <ul style="list-style-type: none"> • the applicant inspecting the information in person; or • providing being sent a hard copy of the information; or • in the case of recorded or audio information, as a transcript; <ul style="list-style-type: none"> ○ as an electronic copy of the information requested; or ○ for information where sounds or visual images can be reproduced, by providing the applicant with an opportunity to hear the sound or view the images. <p>7. Exemptions</p> <p>The <i>Act</i> contains exemptions to access of information that would be considered prejudicial to essential public interests or the personal or business affairs of individuals, authorities or agencies to release.</p> <p>Under Part 3 of the <i>Act</i>, exempt information not subject to the public interest test includes information related to closed meetings of Council (determined under sSection 15 <i>Local Government (Meeting Procedures) Regulations 2015</i>).</p> <p>Under Part 3, Division 2 of the <i>Act</i>, exempt information subject to the public interest test includes:</p> <ul style="list-style-type: none"> • information communicated by other jurisdictions; • iinternal deliberative information; • personal information of person; • information relating to business affairs of third party; • information relating to business affairs of public authority; • information obtained in confidence; and • information on procedures and criteria used in certain negotiations of public authority; <p>8. Charges</p> <p>Fees apply to information sought under the assessed disclosure provisions of sSection 13 of the <i>Act</i>. The Fee is set annually in accordance with the <i>Fee Unit Act 1997</i> set by the Department of Treasury and Finance.</p> <p>Application for the fee to be waived may be made and may be accepted if:</p>
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	<ul style="list-style-type: none"> • you arethe applicant is experiencing financial hardship (e.g. on income support payments – evidence will be required by the RTI Officer); or • you arethe applicant is a member of parliament and the application is in connection with performing your official duties; or • you arethe applicant is a journalist acting in connection with your professional duties; or • you arethe applicant is able to provide information that demonstrates that the information sought is intended to be used for a purpose that is of public interest or benefit. <p>9. Review and Appeal</p> <p>If it is determined that information requested cannot be disclosed under the <i>Act</i>, the applicant will be provided with the reason/s for determination. The applicant can request an internal review of the decision which will be undertaken by the Principal Officer. A further external review may be undertaken bysubmitted to the Ombudsman upon request by the applicant, if they are not satisfied with the outcome following the internal review process.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>Right to Information Act 2009</i> <u><i>Right to Information Regulations 2021</i></u> <i>Right to Information Guidelines</i> <i>Personal Information Protection Act 2004</i> Personal Information Protection Policy <u><i>Right to Information Application Form</i></u> <u><i>Devonport City Council Strategic Plan 2009-2030</i></u>		
ATTACHMENT/S (IF APPLICABLE)	Right to Information Application Form		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

APPENDIX – RIGHT TO INFORMATION APPLICATION FORM – ~~**remove form~~

	DEVONPORT CITY COUNCIL RIGHT TO INFORMATION ACT 2009 APPLICATION FOR ASSESSED DISCLOSURE	
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APPLICANT'S DETAILS:

Name:		Title:	
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Postal Address:

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POSTCODE:

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DAYTIME CONTACT INFORMATION:

Telephone	Business:	Home:	Mobile:
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Email:

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PUBLIC AUTHORITY OR MINISTER APPLIED TO:

Devonport City Council

GENERAL TOPIC OF INFORMATION APPLIED FOR:
(One sentence summary of information requested)

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DEVONPORT CITY COUNCIL - RIGHT TO INFORMATION ACT 2009 - APPLICATION FOR ASSESSED DISCLOSURE	
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APPENDIX – RIGHT TO INFORMATION APPLICATION FORM – ~~**remove form~~

DESCRIPTION OF EFFORTS MADE PRIOR TO THIS APPLICATION TO OBTAIN THIS INFORMATION:

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APPLICATION FEE OR APPLICATION TO WAIVE FEE:

Application Fee included (please tick) Application Fee \$40.50 (25 fee units @ \$1.62 per unit) (Fee current as at 1 July 2019)	
Office Use: Fee Received and Receipted	YES/NO

OR

Application for Waiver: (please indicate category)	Member of Parliament in relation to official business		Financial Hardship (eg holder of a Commonwealth Health Care Card)		General public interest or benefit (you will need to show that you intend to use the information for this purpose)	
Reason Application Fee should be waived						

(If there is insufficient room in the space provided, please attach further details)

PROOF OF IDENTITY:

If application form is for release of your personal information you must provide proof of identity before we can release the information - if lodging by email or mail you will need to provide certified copies (Please tick if this applies to you).	YES/NO
Office Use: Proof of Identity Sighted/Received and Acceptable	YES/NO

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APPENDIX – RIGHT TO INFORMATION APPLICATION FORM – ~~**remove form~~

DETAILS OF INFORMATION SOUGHT:

(If there is insufficient room in the space provided please attach further details)

Applicants Signature:		Date:	
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APPENDIX – RIGHT TO INFORMATION APPLICATION FORM – ~~**remove form~~

Information about assessed disclosure under the

Right to Information Act 2009

Object of the Act

Section 3 of the Act includes this statement of the objects of the Act:

- (1) The object of this Act is to improve democratic government in Tasmania –
 - (a) by increasing the accountability of the executive to the people of Tasmania; and
 - (b) by increasing the ability of the people of Tasmania to participate in their governance; and
 - (c) by acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.
- (2) This object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers.
- (3) This object is also to be pursued by giving members of the public the right to obtain information about the operations of Government.
- (4) It is the intention of Parliament –
 - (a) that this Act be interpreted so as to further the object set out in subsection (1); and
 - (b) that discretions conferred by this Act be exercised so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information.

Applications for assessed disclosure


- Applications are to be addressed to:
Right to Information Officer
Devonport City Council
PO Box 604
DEVONPORT TAS 7310
- Applications are to be made in writing and include the information required by Regulation 4 of the Right to Information Regulations 2010.
- Applications are to be accompanied by the application fee. This fee is 25 units, which is \$40.50 at 1 July 2019 and is indexed annually.
- An applicant can apply for the application to be waived where the applicant is a Member of Parliament in the pursuit of their official duty; where the applicant is impecunious; and where the information sought is intended to be used for a purpose that is of general public interest or benefit.

Responsibilities of the public authority

- Applicants are to be notified of the decision on an application for assessed disclosure within 20 working days of the application being accepted by the public authority
- Before the application is accepted, the public authority has a maximum of 10 working days to negotiate with the applicant to further define the application.
- If a need to consult with a third party arises, a further 20 working days will be allowed in addition to the original 20 days.
- If these time limits are not conformed with, the application will be deemed to be refused and the applicant may apply to the Ombudsman for a review of that decision.

Proof of Identity

- If you are applying for personal information related to you which is held by a public authority you will need to provide proof of identity prior to any information being released to you. This should be done at the time of making your application.
- Photo identification or a copy of photo identification which has been certified as a true copy by a Justice of the Peace or a Commissioner for Declarations is the minimum acceptable.

	<h2 style="text-align: center;">INVESTMENT POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager - <u>Organisational</u> <u>Performance</u> <u>People &</u> <u>Finance</u>	General Manager	5.5.1 – Provide financial services to support Council's operations and meet reporting and accountability requirements	July 23+
PURPOSE	The purpose of this Policy is to authorise and regulate the investment of Council's surplus funds so as to maximise earnings from investments whilst ensuring security of fund placement.		
SCOPE	This Policy applies to all activities undertaken by Council involving the investment of funds surplus to immediate operational requirements. It is not intended to cover interests in associated entities such as joint ventures.		
POLICY	<p>1. Delegation of Authority Authority for the implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the <i>Local Government Act 1993</i>.</p> <p>The General Manager may in turn delegate the day-to-day management of Council's investments. An Officer delegated authority to manage Council's investments shall be required to acknowledge that they have received a copy of this Policy and understand their obligations in relation to it.</p> <p>2. Direct Investments Council may deposit funds with any Australian authorised deposit-taking institution having a rating as prescribed in Section 6.</p> <p><u>Quotations on Investments:</u> At least three comparisons shall be obtained from relevant institutions whenever an investment is proposed. The quote should take into account minimum and maximum balances, interest rate, term of investment, administrative and banking costs as well as the limits set in the Policy when determining the most favourable quote. Rates and terms supplied by an investment broker will constitute one quote for the purposes of this Policy. Another two quotes from institutions will be required to fulfil the Policy requirements.</p> <p>Council shall only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:</p> <ul style="list-style-type: none"> (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory; (b) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the <i>Banking Act 1959</i> (Cwth)), but excluding subordinated debt obligations; (c) A deposit with the Tasmanian Public Finance Corporation. 		

3. Prohibited Investments

This Policy prohibits any investment carried out for speculative purposes, including but not limited to:

- (a) Derivative based instruments;
- (b) Principal only investments or securities that provide potentially nil or negative cash flow;
- (c) Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind; and
- (d) The use of leveraging (borrowing to invest) of any investment.

4. Prudent Person Standard

The investments shall be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

5. Ethics and Conflict of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager. If engaged, independent advisors shall also be required to declare that they have no actual or perceived conflicts of interest.

6. Risk Management Guidelines

Investments are to comply with the following criteria:

- (a) **Preservation of Capital** - all reasonable measures are to be taken to prevent losses in portfolio value (considering the time value of money);
- (b) **Institutional Diversification**
 - i. Not less than three (3) quotations shall be obtained from authorised institutions when an investment is proposed.
 - ii. All term deposit investments are to be made with authorised deposit taking institutions authorised under the Banking Act 1959 and with an investment grade credit rating.
 - iii. The maximum holding limit in each rating category and the target credit quality weighting for Council's total portfolio shall be:


Total Portfolio Limits		
Long Term credit Rating (or Moody's, Fitch, S&P or equivalent)	Short Term Credit (S&P or Equivalent)	Maximum Holding
AAA-AA category	A1+	100%
A Category	A1-A2	80%
BBB Category	A2-A3	40%

- (c) **Maturity Risk** - the investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity		
Portfolio % < 1 Year	Min 40%	Max 100%
Portfolio % > 1 Year	Min 0%	Max 60%
Portfolio % > 3 Year	Min 0%	Max 30%
Portfolio % > 5 Year	Min 0%	Max 20%

	<p>(d) Liquidity Risk -</p> <ul style="list-style-type: none"> i. Matching investments with cash flow requirements. ii. Ensure access is available within seven (7) days to at least \$1,000,000 or 10% of value of total investments, whichever is greater. <p>If any of Council's investments are downgraded such that they no longer fall within the investment policy requirements, they will be divested as soon as practicable but in a manner that does not give rise to an unnecessary loss to Council.</p> <p>Investments for greater than 12 months are to be approved by Council and reviewed on a regular term and invested for no longer than 5 years.</p> <p>7. Performance Benchmarks</p> <p>The performance of the investment portfolio shall be against the industry standard 11am Cash Rate for cash investments and BBSW 90 Day Swap Rate for direct investments.</p> <p>8. Reporting and Responsibilities of Council Officers</p> <ul style="list-style-type: none"> (a) The Responsible Accounting Officer shall reconcile the investment register on a monthly basis ensuring sufficient records are maintained, including: <ul style="list-style-type: none"> i. the source and amount of money invested; ii. particulars of the security or form of investment in which the money was invested; iii. the term of the investment; and iv. if appropriate, the rate of interest to be paid, and the amount of money earned, in respect of money invested. (b) A report shall be provided to the Governance & Finance Committee of Council, detailing the investment portfolio in terms of performance, investment institution and amount of each investment. (c) The report should also detail each actual percentage against the performance benchmark rates. (d) For audit purposes, certificates must be obtained from financial institution confirming the amounts of investment held on the Council's behalf at 30th June each year. (e) The documentary evidence must provide Council legal title to the investment. <p>9. Investment Advisor</p> <p>Should Council engage an investment advisor, the advisor must be approved by the General Manager and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.</p> <p>The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.</p>
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	10. Review of Policy This policy shall be reviewed every two years and any amendments, if necessary, shall be approved by resolution of Council.		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>The Trustee Amendment (Investment Powers) Act 1997</i> <i>Local Government (General) Regulation 2015</i> <i>Australian Accounting Standards</i> Employee Declaration of Interest Policy Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	<h2 style="text-align: center;">PERSONAL INFORMATION PROTECTION POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance Executive Coordinator	General Manager	5.3.1 – Review and amend structures, policies and procedures to adapt to changing circumstances	July 2021
PURPOSE	This policy demonstrates Council's commitment, as a personal information custodian, to protecting individual personal privacy rights, and compliance with relevant legislative and internal policies that support and enforce personal information protection. This policy is in accordance with the Personal Information Protection Principles as outlined in Schedule 1 of the <i>Personal Information Protection Act 2004</i> (the "Act").		
SCOPE	This Policy applies to all employees, elected members, contractors, work place participants and volunteers of the Devonport City Council, and covers all personal information held by Council.		
POLICY	<p>1. Collection (Principle 1)</p> <p>Council collects and requests information when it is required to carry out its functions and activities. Personal information shall be obtained from the individual when it is reasonable and practicable to do so, and will be collected by lawful, reasonable and unobtrusive means.</p> <p>There may be circumstances where Council is required or obligated by law to collect personal information. Sensitive information will only be obtained where an individual provides consent or where it is permitted under the <i>Act</i>.</p> <p>Information may include:</p> <ul style="list-style-type: none"> • Name • Address • Telephone contact/s • Date of birth • Occupation • Bank Details • Vehicle Registration details • ABN details <p>There are various purposes for obtaining of personal information which may include:</p> <ul style="list-style-type: none"> • To provide services, as requested by the individual; • To follow up on complaints/issues; • To confirm attendance at meetings, functions etc; • Where an individual is included on a mailing or distribution list; • To facilitate the collection of fees and charges; • To facilitate payments; • To undertake law enforcement activities. 		

	<p>When collecting personal information, Council will take steps to guarantee the individual is made aware of:</p> <ul style="list-style-type: none"> • Council's identity and how to contact it; • The individual's rights in regard to accessing information collected; • The purpose for collecting the information; • The intended recipient/s of the information; • Legislation that requires the information to be collected; and • The consequences, if any, of not providing all or part of that information. <p>Any information collected by a third party will require Council to take reasonable steps to ensure the individual concerned is informed of the commitment above, unless there is a situation whereby doing so could pose a serious threat to the life, safety, health or welfare of any individual, or where it could be prejudicial to an investigation.</p> <p>2. Use and Disclosure (Principle 2)</p> <p>Council will utilise information obtained only for the purpose for which it was collected.</p> <p>Council will only disclose personal information to a third party or external organisation with the express consent of the individual concerned, or where it is permitted by law. Council must ensure that any external or third party in receipt of personal information complies with provisions of the <i>Act</i>, to the extent that it can. In respect to contractors engaged by Council, it is Council's responsibility to ensure that they are aware of, and comply with the <i>Act</i> (as far as it is reasonably practicable for Council to do so) and other privacy and confidentiality provisions.</p> <p>A personal information custodian may use or disclose personal information about an individual for a purpose other than the purpose for which it was collected if:</p> <ol style="list-style-type: none"> a) both of the following apply: <ul style="list-style-type: none"> o That purpose is related to the primary purpose and if the personal information is sensitive information, that information is directly related to the primary purpose; and o the individual would reasonably expect the personal information custodian to use or disclose that information for that purpose; OR b) the individual has consented to the use or disclosure; OR c) the personal information custodian reasonably believes that the use or disclosure is necessary to lessen or prevent – <ul style="list-style-type: none"> o a serious threat to an individual's life, health, safety or welfare; or o a serious threat to public health or public safety; OR d) the personal information custodian has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; OR e) the use or disclosure is required or authorised by or under law; OR
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	<p>f) the personal information custodian reasonably believes that the use or disclosure is reasonably necessary for any of the following purposes by or on behalf of a law enforcement agency;</p> <ul style="list-style-type: none"> o the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction; the prevention, detection, investigation or remedying of conduct that is in the opinion of the personal information custodian seriously improper conduct; or o the preparation for, or conduct of, proceedings before any court or tribunal or implementation of any order of a court or tribunal; OR <p>g) the personal information is to be used as employee information in relation to:</p> <ul style="list-style-type: none"> o the suitability of the individual for appointment; or o the suitability of the individual for employment held by the individual; OR <p>h) the personal information is employee information which is being transferred from one personal information custodian to another personal information custodian for use as employee information relating to the individual.</p> <p>If a personal information custodian uses or discloses personal information for purposes on behalf of a law enforcement agency, it must make written note of the use or disclosure.</p> <p>Other third parties who Council is authorised to disclose personal information to include:</p> <ul style="list-style-type: none"> • Service providers (i.e. TasWater, TasGas - where works requests have been initiated); • Banking and financial institutions or government bodies (i.e for bank account details; direct debit purposes; Centrelink; Housing Tasmania); • Office of the Valuer-General, Australian Bureau of Statistics (valuation or statistical purposes) • MPES, Tasmania Police (debt collection , law enforcement) <p>3. Data Quality (Principle 3) Council seeks to ensure that personal information held by it is accurate, complete and current, and has been provided by the individual or other reliable source. Council provides a simple process for information to be updated or corrected. Reference to amendments and correction of information is included in "Access and Correction (Principle 6)".</p> <p>4. Data Security (Principle 4) Council follows all necessary procedures to ensure personal information it holds is stored safely and securely and is accessed only by those requiring it or authorised to use the information.</p> <p>Employees and elected members are required to protect personal information that they have access to, and ensure that it is kept securely<u>secure</u> and used for authorised purposes only. Confidentiality must be maintained at all times when handling personal or sensitive information and must not be disclosed to any unauthorised parties.</p>
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	<p>Both employees and elected members are bound by ssSection 339 of the <i>Local Government Act 1993</i>, whereby they “<i>must not make improper use of any information acquired</i>”.</p> <p>Council files are strictly confidential; are stored securely; and can only be accessed by authorised officers. An employee failing to meet confidentiality and privacy conventions may be subject to disciplinary action, in accordance with Council policy.</p> <p>Council ensures the maintenance of privacy and confidentiality through the provisions of physical or building security; computer and network security; communications security; and personnel security; in addition to policy and procedures that are compatible with principles of confidentiality and privacy.</p> <p>Any personal information in the possession of Council that is no longer required will be disposed of by secure means, generally via confidential shredding <u>of documents or permanent deletion of electronic records</u>.</p> <p>Council also complies with the provisions of the <i>Archives Act 1983</i>, and its legal obligations to retain information for a set period or permanently.</p> <p>5. Openness (Principle 5) Council will make this policy available upon request. Upon request, Council will take all reasonable steps to provide the individual with the personal information it holds, and collects (and for what purpose/s the information is collected, held, used and disclosed).</p> <p>6. Access and Correction (Principle 6) In accordance with Principle 6 of the Personal Information Protection Principles, an individual may access personal information about them that is in Council’s possession. Some basic information may be accessed or provided upon request (subject to proof of identity requirements) and some information may be released upon completion of an information request and release form (i.e Immunisation details). More sensitive information, for example, relating to complaints or neighbourhood disputes, must be applied for under the <i>Right to Information Act 2009</i>. These requests are managed in line with the provisions of this <i>Act</i>.</p> <p>A request for information, clearly stating the information required, must be made in writing and addressed to:</p> <p>The Principal Officer Devonport City Council PO Box 604 DEVONPORT TAS 7310</p> <p>If upon accessing their personal information, the individual believes the personal information is incorrect, inaccurate, out of date or misleading, the individual can request the information be corrected or amended. Amendments to personal information are established under the <i>Act</i>. A request to amend information under this <i>Act</i> must be in writing and addressed to the Principal Officer (mailing details listed above).</p>
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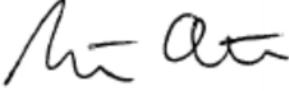
	<p>The request must specify an address to which the notice is to be sent; give particulars of the information the person believes is incomplete, incorrect, out of date or misleading; and specify the amendments that the person wants made to that information.</p> <p>If the individual is not satisfied with the outcome of the request or handling of the request for access, they may lodge a formal complaint with the Ombudsman.</p> <p>7. Unique Identifiers (Principle 7) Unique identifiers are assigned to individuals only in circumstances where it is necessary to perform Council's functions and is permissible by law. A unique identifier is a reference that enables identification of an individual, for example a driver's licence number. Council will not adopt as its own a unique identifier, any unique identifier assigned to the individual by another personal information custodian, unless adoption is required in carrying out its functions efficiently, or it has obtained the consent of the individual to use of the unique identifier.</p> <p>8. Anonymity (Principle 8) Individuals have the right to remain anonymous when supplying personal information as part of dealings with Council, however this is only feasible when it is lawful and practical to do so. Remaining anonymous in many cases inhibits Council's ability to process a complaint or follow up on a matter. Council therefore reserves the right not to act upon matters or complaints where the supply of relevant personal information has not been provided to Council, or is insufficient.</p> <p>9. Disclosure of Information outside of Tasmania (Principle 9) Information requested by an individual or organisation outside of Tasmania will only be transferred with the individual's consent or if authorised under legislation. This Principle is designed to protect the privacy of personal information if it is sent to a third party outside of Tasmania.</p> <p>10. Sensitive Information (Principle 10) The collection of sensitive information will only occur with the individual's consent, or in circumstances where it is permitted or required under the <i>Personal Information Protection Act 2004</i> or other legislation. Council will ensure that sensitive information or data is treated with the greatest security and confidentiality restrictions, to ensure information is used exclusively for the purpose for which it was collected.</p> <p>Sensitive information may include:</p> <ul style="list-style-type: none"> • opinions or information relating to ethnicity or racial background; • political opinions or associations; • religious beliefs or affiliations; • trade union membership; • criminal record; • health information; and/or • financial status.
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	<p>11. Confidentiality Agreement Devonport City Council employees, contractors and work placement participants are encouraged to sign Council's Confidentiality Agreement. This agreement stipulates various confidentiality clauses, including:</p> <ul style="list-style-type: none"> • That all information obtained, which may be confidential, harmful or discriminatory in nature must be respected and must not be unduly exposed or leaked; • Employees must adhere to all relevant Council policies, in particular those regarding personal, private and/or harmful information; • Confidential information obtained must be gathered for a specific purpose; • All information obtained must be kept safe and must not be subject to unauthorised access; and • Employees must not leak any private information regarding Council or any aspect of its administration. <p>Furthermore, Council staff must comply with the provisions of the Code of Conduct, which details that employees must respect confidentiality and privacy and only use such information for Council purposes including the accessing confidential information for authorised work-related tasks.</p> <p>12. Privacy Officer The Council has appointed a Privacy Officer to oversee the operation of the Personal Information Protection Policy. The Privacy Officer will liaise with customers in respect to requests, enquiries, and complaints regarding personal information kept by the Council. It is appropriate that the Principal Officer, appointed under the <i>Right to Information Act 2009</i>, be appointed Privacy Officer. This officer will receive customer requests for access to personal information and action these requests; respond to requests in writing; amend personal information; and liaise with relevant Departments in relation to information requests and amendments.</p> <p>13. <i>Public Interest Disclosures Act 2002</i> Providing confidential information that forms part of a Public Information Disclosure does not constitute a breach of any Act that imposes a duty to maintain confidentiality, Council's Confidentiality Agreement or this Policy, however there are restrictions as to how this information is used and to whom it is granted.</p> <p>The Ombudsman's Guidelines in relation to Public Interest Disclosures state that all reasonable steps shall be made to protect the identity of a discloser, witness or of the person against whom the disclosure has been made. Section 23 of the <i>Act</i> requires any person who receives information due to the handling or investigation of a protected disclosure not to disclose that information except in limited circumstances. There may be financial or punitive penalties, or both, if information is disclosed in breach of this section.</p> <p>Section 90 of the <i>Act</i> exempts the release of documents under the <i>Right to Information Act 2009</i> to the extent that they contain information regarding a disclosure, or information that is likely to lead</p>
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	<p>to the identification of the person who made the disclosure, or if the person whom is subject of the disclosure, may be realised.</p> <p>14. Complaints</p> <p>Complaints relating to privacy and the provision of personal information must be made in writing and addressed to the Principal Officer (refer to Principle 6 for details).</p> <p>Complaints will be acknowledged in accordance with Council's Customer Service Charter timeframes. The complaint must be received within 6 months from the time the complainant first became aware of the issue. Complaint details will remain confidential and a written response will be provided to the complainant.</p> <p>An individual dissatisfied with the outcome of the request or handling of the request for access can also lodge a formal complaint with the Ombudsman.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Personal Information Protection Act 2004</i> <i>Right to Information Act 2009</i> <i>Public Interest Disclosure Act 2002</i> Customer Service Charter Confidentiality Agreement Disciplinary Procedure Staff Code of Conduct Guidelines for the Disclosure of Personal Information Devonport City Council Strategic Plan 2009-2030</p>		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

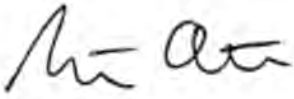
	<h2 style="text-align: center;">PLANNING AUTHORITY COMMITTEE POLICY</h2>			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Coordinator	General Manager	22 February 2021	July 2021
PURPOSE	To provide guidance in relation to the operation of Council's Planning Authority Committee, established by Council in accordance with Section 23 of the <i>Local Government Act 1993</i> (the <i>Act</i>).			
SCOPE	This Policy applies to the Planning Authority Committee.			
POLICY	<ol style="list-style-type: none"> 1. Meeting Schedule Planning Authority Committee meetings are held on an as required basis. 2. Membership of the Committee The Planning Authority Committee <u>is comprised of</u> 6 Councillors. Membership of the committee is determined at the first meeting of Council following a local government election. In accordance with Section 23 of the <i>Act</i>, a Councillor who is not a member of the Committee may fill a vacancy for a meeting at the request of the Council Committee. 3. Committee Functions <ul style="list-style-type: none"> • Statutory Planning Authority responsibilities <u>of the Committee include</u>: <ul style="list-style-type: none"> • <u>Consideration of Development Applications</u> • <u>Subdivision Approvals</u> • <u>Planning Scheme Amendments</u> • Legal matters related to Statutory Planning • Planning Appeals 4. Delegations Pursuant to Section 22 (1) of the <i>Act</i>, Council delegates the following powers and functions to the Planning Authority Committee: <ol style="list-style-type: none"> a) To exercise all of Council's functions and powers as a Planning Authority under the <i>Land Use Planning and Approvals Act 1993</i>, including all functions and powers contained in any planning scheme and special planning orders. b) To exercise all of Council's functions and powers as a Planning Authority under the <i>Historic Cultural Heritage Act 1995</i>. c) To exercise all of Council's functions and powers under Part 3 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>. 			


	<p>d) To exercise all of Council's powers to determine all matters brought before the Committee in compliance with the scope of matters as determined by this Policy.</p> <p>5. Planning Authority Meeting Guidelines</p> <p>5.1 The Planning Authority Committee will operate under the provisions of the <i>Local Government (Meeting Procedures) Regulations 2015</i>. In accordance with Section 37 of those Regulations, a Councillor may speak up to three <u>times</u> during debate on a matter listed on the agenda.</p> <p>5.2 A quorum for the Committee is the simple majority of such numbers of Councillors who are members of the Committee.</p> <p>5.3 Membership of the Committee shall be in accordance with this Policy.</p> <p>5.4 Councillors who are not members of the Committee are able to attend any Committee meeting with the right to speak in accordance with the <i>Local Government (Meeting Procedures) Regulations 2015</i> and this Policy<u>Policy but</u> will not have voting rights.</p> <p>5.5 In relation to appointment to the Committee, Councillors will be given the opportunity to formally indicate their interest in sitting on the Committee. If there is an excess of Councillors selecting <u>wishing</u> to be a <u>members</u> of the Committee, the matter will be determined by Council by formal vote.</p> <p>5.6 The appointment of the Committee <u>will be</u> Chair <u>ed</u> will be by the Mayor.</p> <p>5.7 In circumstances where the Chair is absent from a Committee meeting, the Deputy Mayor (if they are <u>a</u> members of the Committee) will assume the role of the Chair for that meeting. If the Deputy Mayor is not a member of the Committee, the members of the Committee will appoint a member as Acting Chair for the meeting.</p> <p>5.8 A scheduled Committee meeting may be postponed, rescheduled/cancelled by the General Manager following consultation with the Chair of the Committee.</p>
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Local Government (Meeting Procedures) Regulations 2015</i> <i>Historic Cultural Heritage Act 1995</i> <i>Land Use Planning and Approvals Act 1993</i> Tasmanian Planning Scheme – Devonport 2020 Devonport City Council Strategic Plan 2009-2030</p>
ATTACHMENTS (IF APPLICABLE)	N/A

STRATEGIC REFERENCE	5.3.4 Ensure effective administration and operation of Council's committees	
MINUTE REFERENCE	21/30	
OFFICE USE ONLY	Update Register ¥	Training/Communication ¥
	Advise Document Controller ¥	Advise HR / MCO N/A
	Management Sign Off:  Date: 22 February 2021	

	PUBLIC QUESTION TIME POLICY			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Coordinator	General Manager	28 September 2020	July 2021
PURPOSE	To provide an opportunity for members of the public to ask questions about Council activities at each ordinary council meeting, <u>or</u> special council meeting and Section 23 meetings in accordance with Regulation 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i> .			
SCOPE	This policy applies to: <ul style="list-style-type: none"> a) all members of the public; <u>and</u> b) all formal Council meetings (including special meetings) held by Devonport City Council; <u>and</u> c) all meetings of the following committees: <ul style="list-style-type: none"> • Governance, Finance and Community Services Committee; • Infrastructure Works and Development Committee. 			
POLICY	<p>1. Public Question Time In accordance with Section 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, Council has determined that a period of thirty (30) minutes be set aside for members of the community to ask questions relating to Council activities.</p> <p>Public question time provides an opportunity for people to ask questions about Council's activities but is not an opportunity to make statements.</p> <p>2. Questions On Notice A member of the public may give written notice to the General Manager at least 7 days (excluding day of notice and day of meeting) before an ordinary Council meeting of a question to be asked at that meeting.</p> <p>The question and a proposed response, (if appropriate,) will be included on the agenda for the scheduled meeting.</p> <p>If the person is unable to attend the scheduled meeting, they can advise the General Manager and request their question/s be held over until the following meeting.</p> <p>Questions can be lodged by:</p> <p>Email: council@devonport.tas.gov.au Mail: PO Box 604, Devonport 7310 In person: Level 2, paranaple centre, 137 Rooke Street, Devonport Email: council@devonport.tas.gov.au</p>			

	<p>3. Questions Without Notice</p> <p>Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).</p> <p>A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.</p> <p>A maximum of 3 questions per person are permitted.</p> <p>A maximum period of 5 minutes will be allowed per person.</p> <p>Questions are to be succinct and not contain lengthy preamble.</p> <p>To allow opportunity, where necessary to research answers and limit questions taken on notice, a copy of any questions without notice, where possible, are to be provided by email or in person to Council by 12 noon on the day of the meeting. <u>Where a copy of the questions without notice are not provided to Council prior to the meeting, it is encouraged that a copy of the questions be provided to Council during or at the conclusion of public question time.</u></p> <p>A question by any member of the public and an answer to that question are not to be debated.</p> <p>Questions without notice and their answers will be recorded in the minutes.</p> <p>The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification.</p> <p>Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.</p> <p>4. Refusal of Questions</p> <p>The Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:</p> <ul style="list-style-type: none"> a) Relates to any planning issue or item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council meeting agenda); b) Is unlawful in any way; c) Contains defamatory remarks, offensive or improper language; d) Questions the competency of Council staff or Councillors; e) Relates to the personal affairs or actions of Council staff or Councillors; f) Relates to confidential matters, legal advice or actual or possible legal proceedings;
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	<p>g) Relates to any matter which would normally be discussed in the Closed Section of a Council meeting pursuant to Regulation 15 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>;</p> <p>h) Is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry;</p> <p>i) Is vague in nature or irrelevant to Council activities;</p> <p>j) Are questions that have been substantively asked (and responded to) at any previous Council meeting.</p> <p>If a Chairperson refuses to accept a question from a member of the public, the Chairperson is to give reasons for doing so.</p> <p>5. Roles and Responsibilities Authority is delegated to the General Manager and the Chairperson to uphold this Policy.</p>	
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Local Government (Meeting Procedures) Regulations 2015</i> Digital Recording Policy Devonport City Council Strategic Plan 2009-2030</p>	
ATTACHMENTS (IF APPLICABLE)	N/A	
STRATEGIC REFERENCE	5.6.5 – Ensure compliance with all relevant legislative requirements, standards, policies and procedures	
MINUTE REFERENCE	20/90	
OFFICE USE ONLY	Update Register	✖ Training/Communication ✖
	Advise Document Controller	✖ Advise HR / MCO ✖
	Management Sign Off:  Date: 28 September 2020	

	PURCHASING POLICY		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager – <u>Organisational Performance</u> <u>People & Finance</u>	General Manager	5.5.1 – Provide financial services to support Council's operations and meet reporting and accountability requirements	July 2023
PURPOSE	<p>To establish a framework and control for the purchase of goods and services by Council.</p> <p>Council aims to achieve the purchasing principles of:</p> <ul style="list-style-type: none"> • open and effective competition; • value for money; • enhancement of the capabilities of local business and industry; • ethical behaviour and fair dealing; • environmentally sustainable goods and services are considered; and • recognised accountability standards and risk management considerations are satisfied. 		
SCOPE	This Policy applies to purchases for goods and services up to \$99,999 and is to be read in conjunction with Council's Code for Tenders and Contracts.		
DEFINITIONS	<p><u>For the purposes of this policy, the following definitions will apply:</u></p> <p><u>Authorising Officer - a Council officer who is authorised under this Policy to expend monies on behalf of Council.</u></p> <p><u>Financial Delegations Thresholds - the extent to which Council officers are permitted to authorise the procurement of goods and services for Council.</u></p> <p><u>Project Officer - an officer of Council assigned responsibility for the project management of a key project initiative which requires the procurement of goods and services based on an approved budget allocation.</u></p> <p><u>Purchasing Officer - an officer authorised to complete and place Purchase Orders with suppliers for the supply of goods and services.</u></p> <p><u>Purchases - the procurement of both goods and services by Council.</u></p> <p><u>Request for Quotation - an invitation by Council for the submission of quotations for works and services.</u></p> <p><u>Requisitioning Officer - an officer who has obtained quotes or prices for goods and services and has prepared a Purchase Requisition for authorisation.</u></p>		
POLICY	<p><u>1. Definitions</u></p> <p><u>"Authorising Officer" refers to a Council officer who is authorised under this Policy to expend monies on behalf of Council.</u></p>		

	<p>"Financial Delegations Thresholds" detail the extent to which Council officers are permitted to authorise the procurement of goods and services for Council.</p> <p>"Project Officer" means an officer of Council assigned responsibility for the project management of a key project initiative which requires the procurement of goods and services based on an approved budget allocation.</p> <p>"Purchasing Officer" means an officer authorised to complete and place Purchase Orders with suppliers for the supply of goods and services.</p> <p>"Purchases" includes the procurement of both goods and services by Council.</p> <p>"Request for Quotation" refers to an invitation by Council for the submission of quotations for works and services.</p> <p>"Requisitioning Officer" means an officer who has obtained quotes or prices for goods and services and has prepared a Purchase Requisition for authorisation.</p> <p>2.1. Purchasing Principles</p> <p>The following provides a brief definition of each principle and what it means in practice to Council.</p> <p>2.1.1.1. Open and effective competition</p> <p>Ensuring that the purchasing process is impartial, open and encourages competitive offers.</p> <p>In practice this means that Council will:</p> <ul style="list-style-type: none"> • Ensure specifications are clear and unbiased; • Provide all potential suppliers with the same information; • Treat all suppliers consistently and equitably; and • Evaluate each submission fairly. <p>2.2.1.2. Value for money</p> <p>Achieving the required outcome for the best possible price.</p> <p>In practice this means that Council will weigh up the benefits of each purchase against the costs of that purchase. In doing so Council may take the following factors into consideration:</p> <ul style="list-style-type: none"> • how well goods or services meet needs; • price; • lifecycle costs of the product; • the advantages of buying locally, eg shorter delivery times, local backup and servicing and the availability of spare parts; • disposal value of the goods; and • the capacity of the supplier (e.g. technical abilities). <p>2.3.1.3. Enhancing the capabilities of local business and industry</p> <p>Ensuring that local businesses that wish to do business with Council are given the opportunity to do so.</p> <p>In practice this means that Council will, where possible:</p> <ul style="list-style-type: none"> • actively seek bids from local business; • develop documentation to ensure local businesses have the same opportunities as all other suppliers to tender for goods and
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	<p>services;</p> <ul style="list-style-type: none"> • make documentation available on request at Council offices or via mail or email; and • ensure that sufficient time has been provided to allow prospective suppliers to prepare an adequate quote. <p><u>2.4.1.4. Ethical behaviour and fair dealing</u></p> <p>Ensuring all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.</p> <p>In practice this means that Council will:</p> <ul style="list-style-type: none"> • be fully accountable for the purchasing practices that it uses and the decisions it makes; • ensure that decisions are not influenced by self-interest or personal gain; • identify and deal with conflicts of interest; • maintain confidentiality; • ensure that all procurement is undertaken in accordance with Council's policies; and • ensure compliance with Council's Gifts & Donations Policy. <p><u>2.5.1.5. Environmental and sustainability considerations</u></p> <p>Consideration of the potential environmental impact of the product or services to be purchased and the long-term sustainability impacts of the purchase.</p> <p>In practice this means that Council may:</p> <ul style="list-style-type: none"> • undertake an assessment of the life cycle costs of the purchase with a view to minimising the use of energy, fuel and like inputs; and • consider the source of the materials incorporated in the purchase and favour products that are produced using sustainable resources. <p><u>2.6.1.6. Risk management considerations</u></p> <p>Risks associated with the procurement process and in the actual implementation of the service or use of a product or material are assessed.</p> <p>In practice this will mean:</p> <ul style="list-style-type: none"> • Council contracts will include current, relevant clauses; • security deposits or retentions will be held where appropriate; • technical specifications will be referred to relevant specialists; • use of or reference to relevant Australian Standards; • appropriate dispute management and resolution provisions will be included in contracts; and • effectively managing the contract including monitoring and enforcing performance. <p><u>3.2. Purchasing Thresholds and related Quotation Procedures</u></p> <p>There are four purchasing thresholds that require different levels of involvement in planning and executing for the procurement of goods and services. These thresholds (GST exclusive) are as follows:</p> <ul style="list-style-type: none"> • Purchases less than \$999 • Purchases between \$1,000 and \$4,999 • Purchases between \$5,000 and \$14,999
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	<ul style="list-style-type: none"> • Purchases between \$15,000 and \$99,999 <p>The following outlines the details of the thresholds and summarises the procurement practice and procedures that will be utilised based on the total dollar value of the purchase (ex GST). These requirements will be applied to the procurement of all goods and services except in certain identified circumstances. The circumstances in which the following requirements need not be followed are described under Section 7, <i>Exemptions</i>, and Section 8, <i>Preferred Supplier Arrangements</i>.</p> <p>Purchases less than \$999</p> <ul style="list-style-type: none"> • No formal quotation requirements apply to purchases below this threshold. Approved financial delegation thresholds must be followed. <p>Purchases between \$1,000 and \$4,999</p> <ul style="list-style-type: none"> • The Purchasing Officer is to obtain two verbal quotes, unless it is impractical to do so. If two quotes are obtained, at least one must be sought from a local business providing suitable options exist. <p>Purchases between \$5,000 and \$14,999</p> <ul style="list-style-type: none"> • At least two written quotations will be obtained, unless it is documented that this is impractical. If two quotes are obtained, at least one must be sought from a local business providing suitable options exist. <p>The successful quote will be based on the lowest based price quoted unless there are clear reasons for not doing so.</p> <p>Acceptance of other than the lowest quote is to be authorised by the relevant Manager.</p> <p>Purchases between \$15,000 and \$99,999</p> <ul style="list-style-type: none"> • At least three written quotes will be obtained, unless it is documented that this is impractical. If three quotes are obtained, at least one must be sought from a local business providing suitable options exist. The quotes can be obtained by contact with the supplier and/or through using Council's Approved Supplier Register. <p>Purchases between \$100,000 and \$249,999</p> <ul style="list-style-type: none"> • Purchases in this category are to be made in accordance with the Code for Contracts and Tenders. The General Manager is authorised to approve tenders & quotes below the prescribed amount. • Purchases in this category which exceed the set budget are to be referred to Council for approval. <p>Purchases above \$249,999 are to be made in accordance with the Code for Tenders and Contracts, and reported to Council for approval.</p> <p><u>At any time officers may request additional quotes and undertake additional assessment of quotes over and above the requirements of the purchasing threshold.</u></p> <p>Sections 4-3 to 6-5 relate to purchases over \$15,000.</p> <p><u>4-3.</u> Inviting Offers</p> <p>The Request for Quotation (RFQ) is a document inviting offers from businesses to provide specified goods or services. Council maintains standard RFQ documentation which can be obtained from the Project</p>
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	<p><u>Management Officer</u>. The RFQ standard documentation should be used when obtaining written quotations for purchases over \$15,000 where practical. If the standard documentation is not used, the relevant Manager is to ensure the request sent to potential suppliers includes all necessary information.</p> <p>The Project Officer is to seek approval for the specifications included in a RFQ from the relevant Manager/Co-ordinator prior to finalising the documentation and distribution to third parties.</p> <p>The complexity of the documentation will depend upon the nature and value of the purchase. Generally, the RFQ documentation will consist of:</p> <ul style="list-style-type: none"> • terms and conditions of quotation – the conditions set out the terms under which Council will receive and evaluate quotes. The conditions will usually include: • specification – the specification clearly describes the essential requirements of the goods and services being purchased. The specifications will usually include the functional requirements, performance requirements and technical requirements; • closing date, time and place of lodgement; • Council contact details; • pricing requirements (e.g. the price should exclude GST); • relevant Council policies and principles; • evaluation criteria for open request for quotations; • entitlement of unsuccessful bidders to be notified; and • information on Council's complaints process. <p>Where a large range of suppliers exists (e.g. for building work), a list of the invited parties is to be prepared and provided to the relevant Manager to approve.</p> <p>5.4. Receiving Offers</p> <p>In receiving quotations, Council will hold any written or documented verbal quotation received prior to the closing time in a secure location to maintain confidentiality, to ensure probity and to protect individuals involved from claims of unfair practices.</p> <p>Where a formal RFQ process is undertaken, quotations that Council receives will be recorded in an appropriate schedule or register within the records management system.</p> <p>For written quotations, Council will follow the procedures set out in the specifications for dealing with late quotations. By accepting a late quotation, the Project Officer will ensure that the late bidder is not advantaged over other bidders.</p> <p>Council employees with a conflict of interest with a potential supplier must declare the interest to the relevant Manager and will be removed from the process if necessary.</p> <p>6.5. Evaluating Offers</p> <p>When evaluating verbal and written quotations, Council will do so with the objective of identifying the offer that best meets requirements and provides the best value for money. When evaluating quotations Council will take into consideration the specified evaluation criteria where relevant and the following aspects of a bid <u>(refer Section 2)</u>:</p> <ul style="list-style-type: none"> • value for money, taking into account estimated life, disposal value and
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	<p>maintenance requirements and costs (whole of life costs). Consideration should include environmental and sustainability considerations;</p> <ul style="list-style-type: none"> • compliance with quotation specifications; • quality, delivery and service; • the benefits of sourcing the goods and services locally; • the consequences, including possible risks, of entering into a contract where there is one supplier, or a limited number of suppliers, that can provide and maintain the particular product over its lifetime; and • any relevant Council policies. <p>Acceptance of quotes is based on the lowest price quoted unless there are clear reasons for not doing so. Any exceptions and reasons must be fully justified in writing by the Requisitioning Officer.</p> <p>Acceptance of other than the lowest quote is to be authorised by the relevant Manager up to their established financial delegations limit and may include consideration of past performance of the suppliers against the following factors:</p> <ul style="list-style-type: none"> • reliability; • experience; • WHS practices; • supplier's location; or • other relevant considerations. <p>All other existing Purchasing Policy procedures are to be observed.</p> <p>7.6. Exemptions</p> <p>The <i>Local Government Act 1993</i> provides for exemptions to the public tender process and these circumstances are outlined in the <i>Local Government (General) Regulations, 2015</i>. These provisions form the basis of exemption categories to be applied to this purchasing policy for procurements under \$100,000 (GST exclusive).</p> <p>The General Manager may determine not to use a quotation process outlined in this policy where the goods and services sought relate to:</p> <p>7.1.6.1. an emergency if, in the opinion of the General Manager, there is insufficient time to obtain quotes for the goods or services required in that emergency;</p> <p>7.2.6.2. a contract for goods or services obtained through, or supplied or provided by an agency of a State or of the Commonwealth, where that body has established whole-of-government contracts for the supply of goods or services to agencies and other authorised organisations;</p> <p>7.3.6.3. a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania such as Local Buy;</p> <p>7.4.6.4. a contract for goods or services in respect of which a council is exempted under another Act from the requirement to obtain quotes;</p> <p>7.5.6.5. a contract for goods or services that is entered into at public auction;</p> <p>7.6.6.6. a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;</p> <p>7.7.6.7. a contract for goods or services obtained as a result of a tender process conducted by:</p> <ol style="list-style-type: none"> another Council; or
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	<p>ii. a single authority or a joint authority; or</p> <p>iii. the Local Government Association of Tasmania; or</p> <p>iv. any other local government association in the State or in another State or Territory; or</p> <p>v. any organisation, or entity, established by any other local government association in this State or in another State or a Territory;</p> <p><u>7-8-6.8.</u> a contract of employment with a person as an employee of Council; or</p> <p><u>7-9-6.9.</u> any other exemption provided for under the Act or other legislation.</p> <p><u>8-7.</u> Other Exemptions</p> <p>The General Manager may determine not to use a quotation process outlined in this policy under the following circumstances:</p> <p><u>8-1-7.1.</u> where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not suitable or do not provide value for money;</p> <p><u>8-2-7.2.</u> where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system and there are limited supply options;</p> <p><u>8-3-7.3.</u> where the product is being tested/trialled to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;</p> <p><u>8-4-7.4.</u> to assist in the development of a new product/process in conjunction with a private sector business;</p> <p><u>7.5.</u> where there are established whole-of-Government contracts for the supply of goods or services to agencies and other authorised organisations; or</p> <p><u>8-5-7.6.</u> where the provision of goods and services are of a specialised nature that requires a high level of relevant intellectual property and its operations (eg specialists, consultants, legal services, specific training needs, supplier of goods for emergency repairs etc). <u>The General Manager will authorise specialist service arrangements and record this authorisation with an appropriate file note including the basis for any review.</u></p> <p><u>There are certain goods and services where the General Manager may determine that a particular supplier should be used. Most commonly this will be in the provision of specialist services where a relationship has been developed and the quality of the services has been consistently high. It may also be where there is an ongoing need to share confidential information such as legal advice.</u></p> <p>This Policy does not apply to the procurement of goods and/or services:</p> <ul style="list-style-type: none"> • that will form part of the art gallery collection or maritime centre collection; • that will form part of a public art project; • to engage artists/performers at the Devonport Entertainment and Convention Centre;
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	<ul style="list-style-type: none"> to engage artists as part of a Council event such as Jazz; or to payments in relation to community grants and benefits. <p>These procurements will be approved through the relevant established approval process at the time.</p> <p>Conditions for this category</p> <p>The exercise of these exemptions must be clearly stated and where appropriate justified in writing.</p> <p>Goods and services that are required for genuine emergencies include the following:</p> <ul style="list-style-type: none"> in the case of a natural disaster; a risk to public safety; the security of Council premises; an environmental risk; or a risk to Council assets. <p>The use of the purchase at public auction exemption category must be authorised by the General Manager prior to attending the auction.</p> <p>The General Manager is to approve all exemption procurements.</p> <p>9.8. Approved Supplier Arrangements</p> <p>It is recognised that circumstances may exist where Council is best served by the provision of goods and services by approved suppliers. These circumstances will usually be limited to specialised goods and service provision. The purchase of goods and services may be made without obtaining quotes where there is a contract between Council and the supplier (i.e. there is a formal agreement in place arising from a Council decision to use the supplier in preference to others – e.g. annual supply contracts or a supplier on Council's Approved Supplier Register etc).</p> <p>Conditions for this category</p> <p>Use of approved supplier arrangements can only be authorised by an Executive Manager up to their established financial delegation limits. The General Manager is to authorise all purchases above the Managers financial delegation limits.</p> <p>Approved supplier arrangements are not to be used for any purchase of goods or services valued at over \$99,999 (excluding GST) for which an Expression of Interest or tenders are to be called.</p> <p>Under no circumstances are orders or contracts to be split to bring amounts below the thresholds specified in this policy.</p> <p>10.9. Financial Delegations Thresholds</p> <p>Council has provided a delegation to the General Manager to expend funds. The General Manager has in turn provided delegations to specific Council officers with threshold limits <u>as set out in individual instruments of delegation. Financial delegations are stored within the accounting software used for purchasing. Generally, the limits which apply are:</u></p> <table border="1"> <thead> <tr> <th>Position</th><th>Financial Delegation</th></tr> </thead> <tbody> <tr> <td>Deputy General Manager</td><td>\$75,000</td></tr> </tbody> </table>	Position	Financial Delegation	Deputy General Manager	\$75,000
Position	Financial Delegation				
Deputy General Manager	\$75,000				

		Executive — Management Team	\$30,000
		Senior Management	\$20,000
		Coordinators & Supervisors	\$10,000
		Others (as required)	Up to \$5,000

Conditions for Financial Delegations

When authorising expenditure under financial delegations, Authorising Officers are to ensure that ~~such~~ the proposed expenditure is within the amounts included in Council's budget.

Authorising Officers are to ensure that any variations to the initial quoted/contracted amount do not cumulatively exceed the threshold of the Authorising Officer's delegation. Where this occurs, the Authorising Officer is to seek further appropriate authorisation for the total amount.

For procurements where the tendering process has not occurred, variations to the initial quoted/contracted amount are not to cumulatively exceed \$99,999.

If, following the acceptance of a quote, the quote is subsequently altered by the contractor to substantially exceed (i.e. greater than 10%) the initial quoted amount, the Authorising Officer is to ensure that all such variations are documented, justified and approved by the delegated Authorising Officer.

Effect of Financial Delegation Thresholds and Review

To maintain the effect of Council policy, it is noted that the General Manager may:

- review the Financial Delegations Thresholds based on organisational change to best reflect the nature of the assigned responsibilities of staff; and
- revise, modify and/or withdraw the financial delegations held by staff at any time by notice in writing.


Assignment and Instruction of Council's Annual Plan and Budget Responsibility

Responsibility for each Program under Council's Annual Plan and Budget is held by the relevant Executive Manager or specifically assigned Program Manager.

An Executive Manager may assign (with or without specific instructions) Budget "line item" responsibility for the authorisation of budget expenditure in programs and projects under their responsibility. Such assignment of responsibility:


- is subject to the limitations outlined in the Financial Delegations Thresholds;
- is to be made by a person working under the direction of the relevant Executive Manager or assigned Program Manager who has budget responsibility for the Program.

LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> Code for Tenders and Contracts Financial Delegated Authorities Purchasing Delegations Procedure Gifts & Benefits Policy Employee Declaration of Interest Policy Staff Code of Conduct Policy Purchasing Procedure Credit Card Policy Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)			
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff Department

	<h2 style="text-align: center;">RECRUITMENT & SELECTION POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Human Resources Coordinator	Executive Manager Organisational Performance People & Finance	5.7.3 Ensure Human Resource policies, procedures and management systems support effective Council service delivery	July 2024 2023
PURPOSE	<p>The purpose of this policy is to ensure the process for recruitment and selection is based upon the principles of merit, equal employment opportunity and confidentiality. Council is committed to ensuring recruitment and selection of prospective employees is in accordance with Section 63 of the <i>Local Government Act 1993</i> and any other relevant employment legislation, in that:</p> <ul style="list-style-type: none"> The general manager of a council maymay: <ul style="list-style-type: none"> ➢ appoint persons as employees of the council; and ➢ allocate duties to employees; and ➢ control and direct employees; and ➢ suspend or dismiss employees. The general manager is to develop human resource practices and procedures in accordance with policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination. <p>Effective employee selection and the subsequent management of employees is critical to the success of the Council and the provision of services to the community. This success depends on Council's ability to identify, attract, retain and develop employees.</p> <p>Council is committed to an effective and professional method of selecting employees that is consistent with its organisational values.</p> <p>Council aims to attract and appoint skilled and motivated employees who aim to meet agreed objectives and performance improvement goals.</p>		
SCOPE	<p>This Policy covers all employees involved in the recruitment or selection of applicants for positions within the Council.</p>		
DEFINITIONS	<p>The following definitions apply for the purpose of this policy:</p> <p>Recruitment - refers to the process commencing with the decision to recruit an individual through to attracting and seeking a pool of applications, e.g. by way of an advertisement.</p> <p>The selection Selection process - involves choosing from the pool or of available applicants resulting in the selection of an individual who is most likely to perform successfully in the job considered most suitable for the position.</p>		

POLICY	<p>1. Guidelines <u>Equal Employment Opportunity and the Merit Principle</u></p> <p>1.1. <u>Equal Employment Opportunity and the Merit Principle</u></p> <p>Selection to positions within the Council is based on the principles of merit and the provision of equal employment opportunity.</p> <p>Selection on the basis of <u>based on</u> merit means that the grounds for the decision must directly relate <u>relate</u> to the inherent requirements of the position and prevents those decisions being made on unjustified discriminatory grounds, such as:</p> <ul style="list-style-type: none"> • Race, colour, national or ethnic origin or nationality; • Gender, sexual orientation, marital status, pregnancy, status as parent or carer; • Religious or political belief or activity, industrial activity; • Age, physical/or mental disability, irrelevant medical <u>irrelevant medical</u> records, irrelevant criminal records; • Personal association with a person who is identified by reference to any of the listed attributes. <p>The appointment of employees must be made on the basis of <u>based on</u> the individual capacity of the person having particular regard <u>regard</u> to the knowledge, skills, qualifications, experience and potential for future development of that person in their employment.</p> <p>For further information and understanding of the Council's commitment to Equal Employment Opportunities (EEO), refer to the Council's EEO and Diversity Policy and Gender Equity Policy.</p> <p>1.2.2. <u>Encouragement to Existing Employees to Apply for Vacancies</u></p> <p>The Council is committed to fostering a process of developing and promoting existing employees where possible.</p> <p>The objective of internal recruitment is to utilise the talent that already exists in the workplace and to provide every opportunity to employees to advance and develop to their full potential (this may include direct selection/appointment)—. On occasions it may be determined that the required skills do not exist internally, and this will be reflected in the recruitment strategy implemented.</p> <p>1.3.3. <u>Confidentiality</u></p> <p>All inquiries and applications for vacancies from internal and external applications will be treated with confidentiality.</p> <p>1.4.4. <u>Conflicts of Interest</u></p> <p>All appointments will be by a merit selection process—. In circumstances where an application is directly related <u>related</u> to someone involved in the recruitment process, this conflict of interest will be immediately notified in accordance with the <u>Employee</u> Declaration of Interest Policy.</p>

	<p>Additionally, family and other close personal relationships, as well as business relationships, <u>or if the panel member is a nominated referee, then this</u> must be declared by prospective members of interview panels in relation to candidates.</p> <p>2.5. Communication</p> <p>This policy will be communicated to all Managers and Supervisors who are responsible for the recruitment and selection of applicants for employment.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> (Tasmania) (in particular S63(1) and (2)) <i>Fair Work Act</i> (Commonwealth) <i>Anti-Discrimination Act 1998</i> (Tasmania) <i>Sex Discrimination Act 1984</i> (Commonwealth) <i>Racial Discrimination Act 1975</i> (Commonwealth) <i>Human Rights and Equal Opportunity Commission Act 1986</i> (Commonwealth) <i>Disability Discrimination Act 1992</i> (Commonwealth) <i>Archives Act 1983</i> (Tasmania) <i>Personal Information Protection Act 2004</i> (Tasmania) Harassment, Bullying and Anti-Discrimination Policy Equal Opportunity Employment and Diversity Policy Staff Code of Conduct Policy Devonport City Council Enterprise Agreement 2012-2017 Health and Safety Policy Police Check and Working with Children-Vulnerable People Check Procedure Employee Declaration of Interest Policy Fitness for Work Policy and Procedure Gender Equity Policy Secondary Employment Policy Devonport City Council Strategic Plan 2009-2030</p>		
ATTACHMENTS (IF APPLICABLE)	Recruitment and Selection Procedure		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	<h2 style="text-align: center;">RECRUITMENT AND SELECTION PROCEDURE</h2>
	<p>The following procedure details processes for recruitment and selection at Council.</p> <p>1. Recruitment Authorisation</p> <p>To ensure alignment with Council's strategic goals and budget allocations, all new or replacement positions identified as requiring recruitment must be authorised by the General Manager.</p> <p>The manager of the vacant position must provide the General Manager with a written business case/Requisition for Staff Recruitment outlining the need for the position taking into account considering the department's staffing requirement and Council's strategic and operational plans. The manager, in consultation with the Human Resources Coordinator, must also provide the following supporting documentation:</p> <p>a) Position Description including the proposed Selection Criteria (The position description is a written statement of the primary tasks, functions, responsibilities, interactions, qualifications and experience attached to a specific position. The position description should be reviewed by the manager to ensure that it is up to date, reflects the requirements of the position and properly adheres to the principles of merit and equal opportunity).</p> <p>The position description is the basis for identifying the key selection criteria for the position. The selection criteria will include the knowledge, skills, experience and qualifications the ideal candidate should possess to successfully fulfil the functions of the position. The selection criteria will facilitate an accurate and merit based/merit-based assessment against the applicant's skills and abilities.</p> <p>b) All positions will be evaluated to determine the appropriate classification and remuneration level of jobs in accordance with Council's Enterprise Agreement.</p> <p>2. Recruitment Strategy</p> <p>The most appropriate strategy for recruitment will be adopted to ensure the timely and effective use of resources and to maximise the successful performance of the role for the Council. Whilst the Council is committed to providing opportunities for existing employees to apply for vacancies within the Council, the recruitment mix (advertisements, internal applications, external applications) will be determined by a range of elements, including the role, required skills and abilities, existing skill base and organisational needs.</p> <p>At the discretion of the General Manager, vacant positions may be filled by:</p> <p>a) an internal recruitment process;</p> <p>b) an external recruitment process involving external advertising or the use of a recruitment agency for senior positions; or</p> <p>c) by direct selection.</p> <p>3. Direct Selection</p> <p>The General Manager may, at his discretion select on merit a prospective employee (internal or external) for appointment to a position without advertising the vacancy.</p> <p>Direct selections may be made in the following circumstances:</p> <p>a) where a position requires a high degree of specialist knowledge or skill;</p>

~~b) where a major re-organisation has taken place, jobs have been re-designed, and/or where existing employees must be accommodated within a new organisational structure; or~~

~~c) where direct selection is in the best interests of the smooth operation of Council.~~

~~External direct selections will generally only be made in the case of short term casual or temporary employment if the term of employment is for not more than 12 months.~~

~~4. Internal Recruitment~~

~~The General Manager may determine to fill any vacancy by inviting applications from Council employees. This process can be utilised where a number of several potential candidates with the required specialist knowledge or skills have been identified within the Council workforce.~~

~~The advertising of all internal vacancies will be coordinated through Human Resources. Internal positions will be advertised through the approved Council communication platform weekly HR Update and/or via email and notice boards and employees will be given at least five (5) working days to apply for internally advertised positions.~~

~~Internal applicants for positions must address the selection criteria established for the position.~~

~~5. External Advertising and Applications~~

~~The General Manager may elect to recruit persons externally through placing an advertisement in the newspaper, online sources or a combination of both including the Council website and any social media platforms or listing the vacancy with a specialist recruitment agency.~~

~~All externally advertised positions will also be advertised through the HR Update Council's approved communication platform and staff noticeboards.~~

~~The placement of external position advertisements will be coordinated through human resources.~~

~~A contact officer will be appointed for all advertised positions. The contact officer should have an understanding of understand the position and would normally be the immediate supervisor of the position or human resources. Contact officers must interact with potential applicants in a discreet, professional and non-discriminatory manner.~~

~~Applicants should note that for a period of up to six months from the date of advertising a position vacant, the selection process for a further vacancy may be used to fill subsequent or similar vacancies.~~

~~6. Acknowledgement of Applications~~

~~All applicants will receive written confirmation of their application and an outline of the recruitment process.~~

~~7. Shortlisting of Applicants~~

~~The purpose of shortlisting is to select from the applications received a smaller group to proceed to the interview stage. The first step in short listing is to assess if the applicants appear to meet the essential criteria based on their application. It is not necessary that every applicant who meets the essential criteria be interviewed. Ideally the number of candidates for interview should be three or four. At least two members of the selection panel must be involved in the shortlisting process.~~

~~8. Interview Panel Members will be appointed by the General Manager~~

~~Interview panel members are responsible for managing the selection process; recommending applicants for appointment based on merit; and ensuring no direct or indirect unlawful discrimination occurs at any point in the recruitment process and have no conflict of interest, real or perceived, arising from the selection process.~~

~~Interview panels will comprise of the direct manager and at least one other Council officer, unless otherwise agreed. Members of the panel must possess the following qualities:~~

- ~~a) Knowledge of the work area;~~
- ~~b) An understanding of the nature of the work concerned and its relationships to Council's functions;~~
- ~~— An understanding of the Council's selection policies and procedures;~~
- ~~c) Understanding of all relevant documentation that supports a recommendation for appointment; and~~
- ~~— A gender balance on the panel is desirable where practicable.~~
- ~~— Not have a conflict of interest~~
- ~~d) —~~

~~9. Interview Assessment Guidelines~~

~~— Human Resources will prepare the interview questions in consultation with the direct manager. Interview questions will include a series of behavioural based questions relating to the key performance requirements of the position and based on the defined selection criteria.~~

~~10. Interviews~~

~~— All positions require a minimum of one round of interviews prior to the final selection being made. Candidate responses to the selection criteria will be scored using a standardised scoring process. Where appropriate, relevant skill and psychometric tests may form part of the selection process. A formal selection report must be provided to the General Manager for approval prior to an offer of the position being made to the preferred candidate. The panel shall, where possible, reach consensus on the applicant with the most merit to fill the position. Where consensus cannot be reached, or where two or more applicants are considered equal by the panel, the relevant information will be referred to the General Manager for determination.~~

~~Short listed applicants will be interviewed either in person or, where this is not possible, by telephone or video conference. If an applicant prefers to be interviewed face to face, travel to interview will be at their own expense however reasonable expenses incurred by the applicant may be reimbursed at the discretion of the General Manager. Approval of the amount of expenses to be reimbursed must be granted and communicated to the applicant before interview. Reimbursement will be made on the provision of receipts/proof of expenditure.~~

~~11. Record Keeping~~

~~— During the recruitment and selection process, applications and information relating to applications will be recorded and stored appropriately. Applications will be stored in accordance with the provisions of the *Archives Act 1983* and *Personal Information Protection Act 2004*. The report recommending the appointment of the successful candidate will be filed on the job application file to ensure transparency of the process.~~

~~12. Identity Check~~

~~— Successful applicants should provide a certified copy of suitable photographic identification such as a drivers licence, ID card or passport.~~

~~13. Reference Checks and Academic Results~~

- ~~Reference checks of at least two recent employment or educational based referees must be undertaken, with a brief referee report being completed. Referee checks must relate to the inherent requirements of the position and will be coordinated by the responsible manager or Human Resources. Applicants may also be required to provide certified copies or originals of academic results, professional qualifications or work related work related licences.~~
- 14. ~~Criminal History Record Checks~~**
- ~~Applicants may be required to provide a current national criminal history record check, depending on the position applied for. Positions which require the employee to deal with Council's financial affairs and/or community services (e.g. employees involved in the management of services relating to children, youth or aged care) will be required to provide a criminal check and or a Working with Children Vulnerable People Check Registration.~~
- 15. ~~Bankruptcy Check~~**
- ~~A bankruptcy check may be required for applicants applying for senior financial positions within the Council.~~
- 16. ~~Pre Employment Health Assessment~~**
- ~~A pre employment health assessment may be required as part of the recruitment process. The purpose of this assessment is in the interests of the prevention of industrial injury and/or illness by the proper placement of employees in those positions best suited to their physical capabilities. The assessment is not for the purpose of determining the success or otherwise of a person's application for employment. A health assessment will be undertaken by a medical examiner of Council's choice. Council will pay the medical examiner's fee.~~
- 17. ~~Job Offers and Employment Commencement~~**
- ~~On approval from the General Manager and the completion of all required pre-employment checks, the successful applicant will be offered the position.~~
- 18. ~~Employment Agreements/Contracts~~**
- ~~All successful applicants will receive a letter of appointment (agreement based agreement based employee) or a letter of offer and employment contract (common law contract).~~
- ~~The letter of appointment and letter of offer/employment contract are some of the most important documents that may be issued by the Council. Together with the prospective employee's acceptance, it forms the basis of the contract of employment. Documenting the employment relationship will ensure that the prospective employee knows on what terms she or he is they are agreeing to work, thus minimising any doubt, as well as the likelihood of any further disputes.~~
- ~~The letter of employment should contain the following information as a minimum:~~
- ~~a) Position title and duties together with a copy of the position description;~~
 - ~~b) Employee's classification, wage rate and payment arrangements;~~
 - ~~c) Duration of employment;~~
 - ~~d) Supervisor/line authority;~~
 - ~~e) Hours and days of work and place of work;~~
 - ~~f) Superannuation details;~~
 - ~~g) Leave entitlements;~~
 - ~~h) Probationary period and review mechanisms;~~
 - ~~i) References to the applicable award, industrial agreement and employees policies and procedures.~~

~~The employment documents must be signed and returned by the applicant prior to the commencement of employment. Should at any time during the period of employment any of the terms and conditions of employment need to be changed or varied for whatever reason, a new contract of employment or letter of appointment will be completed and the employee must agree prior to the variations or change taking place.~~

~~A personnel file containing the employee's application for employment, letter/contracts of employment and pre-employment checks will be established in Council's electronic information management system. All personnel information will be kept on this file and will be made available to the individual employee to view on request.~~

~~**19. Notification of Employees Appointments**~~

~~The appointment to positions will be notified to staff when confirmation of acceptance has been received and all unsuccessful applicants have been notified.~~


~~**20. Probationary Period**~~

~~All new employees may be appointed subject to a three monththree-month probationary period. The employee's performance will be formally reviewed in accordance with Council's Enterprise Agreement or employment contract. During the probationary period, the manager should provide the employee with feedback on their work performance and any areas where unsatisfactory performance has been identified. Should a probationary employee be demonstrably not suitable for the position based on their capacity and abilities, their employment may be terminated, subject to the provisions of the relevant employment legislation, the relevant Enterprise Agreement or contractual entitlements.~~

~~**Other work**~~

~~There are limitations on employees being engaged in any secondary employment including voluntary work.~~

~~There is a requirement to notify in writing, and obtain the approval of, the General Manager to engage in other private employment or contract work, refer to Council's Secondary Employment Policy.~~

	<h2 style="text-align: center;">RELATED PARTY DISCLOSURES POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager – Organisational Performance People & Finance	General Manager	5.5.1 – Provide financial services to support Council's operations and meet reporting and accountability requirements	July 2023
PURPOSE	<p>To ensure compliance with the Australian Accounting Standard AASB 124 <i>Related Party Disclosures</i> and the <i>Australian Implementation Guidance for Not-For-Profit Public Sector Entities (AASB 124)</i> and the <i>Local Government Act 1993</i> to prepare financial accountability documents, including general purpose financial statements.</p> <p>To provide a framework for the identification of related party relationships and the disclosure of related party transactions within Council.</p>		
SCOPE	<p>This policy applies to all persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities - directly or indirectly. This includes Councillors, the General Manager and Senior Executives.</p>		
DEFINITIONS	<p>To assist in interpretation the following definitions shall apply:</p> <p>Councillors - the Mayor and Councillors <u>the elected members</u> of Devonport City Council.</p> <p>Close family members of a person - those family members who may be expected to potentially influence or be influenced by that person in their dealings with the Council.</p> <p>Control - the ability to direct the business activities of an entity through rights or exposure to returns from its involvement with the entity.</p> <p>Council - Devonport City Council.</p> <p>Joint Control - the contractually agreed sharing of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p> <p>Key Management Personnel (KMP) - those persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities, directly or indirectly. This shall include Councillors, the General Manager and Senior Executives.</p> <p>Ordinary Citizen Transactions - transactions with a related party that are made on terms that are considered reasonable if the parties were dealing at 'arm's length'.</p> <p>Related Party - <u>A related party is a person or entity that is related to the Council.</u></p>		

	<p>Related Party Transaction: <u>-</u> the transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p> <p>Senior Executives: <u>-</u> an employee of the local government, (a) who reports directly to the General Manager and (b) whose position would be considered to be a senior position in the local government's corporate structure.</p> <p>Significant Influence: <u>-</u> the power to participate in the financial and operating policy decisions of the investee but it is not in control or joint control of the policy decision.</p>
POLICY	<p>1. Related Parties</p> <p>A related party is a person or entity that is related to the Council. The following are related parties of Council:</p> <ul style="list-style-type: none"> • Key Management Personnel (KMP) (including the Mayor, Councillors, General Manager and Senior Executives); • Close family members of KMP; • Any entities controlled or jointly controlled by KMP or their close family members; • A subsidiary, associate or joint venture of Council. <p>The General Manager will establish, review and maintain a list of Key Management Personnel for Council.</p> <p>KMPs (or those acting in such positions) are required to complete an annual declaration outlining entities, if any, that are controlled or jointly controlled by the KMP or their close family member/s, between which transactions are probable. Close family member/s include:</p> <ul style="list-style-type: none"> • The person's children, parents, grandparents, siblings, spouse or domestic partner; • Children of that person's spouse or domestic partner; • Dependents of that person or that person's spouse or domestic partner. <p>Other parties may be assessed from time to time as being related parties due to changes to Council's structure or in accordance with legislative or accounting standard changes.</p> <p>Declarations must be provided by 1 July annually to cover the upcoming financial year. An updated declaration is required if there are changes, errors or omissions identified at any time during the financial year. New Councillors will be provided with training on this Policy as soon as practicable following the election.</p> <p>It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.</p> <p>2. Council Entities and Subsidiaries:</p> <p>For the purpose of this policy, entities controlled by Council, jointly controlled by Council or which Council has significant influence over, are considered related parties of Council. Transactions with these entities must be identified and may require disclosure in Council's financial statements.</p> <p>Consideration of AASB 10 <i>Consolidated Financial Statements</i> and AASB 11 <i>Joint Arrangements</i>, must be factored when assessing</p>

	<p>whether Council has control or joint control over an entity. In determining if Council has a significant influence over an entity, AASB 128 <i>Investments in Associates and Joint Ventures</i> details assessment criteria.</p> <p>3. Entities Controlled (or Jointly Controlled) by KMP or Close Family Members:</p> <p>KMP will exercise their best judgement in identifying related parties. KMPs, including Councillors, must diligently assess the information before declaring, or not declaring, an entity over which they, or a close member of the family, have control or joint control. Entities include trusts, companies, joint ventures, partnerships and not for profit organisations, such as sporting clubs. In assessing if a KMP or close member of their family controls or jointly controls an entity or not, Council must refer to AASB 10 <i>Consolidated Financial Statements</i> and AASB 11 <i>Investments in Associates and Joint Ventures</i>.</p> <p>4. Identifying and Disclosing Related Party Transactions:</p> <p>In accordance with AASB 124, Councils are required to disclose in their general purpose financial statements information pertaining to related party transactions, with, amongst others, the following personnel during the period covered by the financial statement:</p> <ul style="list-style-type: none"> • Key Management Personnel; • Other related parties, including: <ul style="list-style-type: none"> ◦ A close family member of a KMP; ◦ entities controlled or jointly controlled by a KMP; and ◦ entities controlled or jointly controlled by a close family member of a KMP. <p>All transactions between Council and related parties, monetary and non-monetary, must be identified.</p> <p>The following related party transactions must be declared annually:</p> <ul style="list-style-type: none"> • Transactions with Council subsidiaries, by transaction type. • KMP compensation, including: <ul style="list-style-type: none"> ◦ short-term employee benefits; ◦ post-employment benefits; ◦ long-term benefits; and ◦ termination benefits. • Transactions with other related parties, including: <ul style="list-style-type: none"> ◦ purchases or sales of goods (finished or unfinished); ◦ purchases or sales of property and other assets; ◦ rendering or receiving of services; ◦ leases; ◦ transfers of research and development; ◦ transfers under licence agreements; ◦ transfers under finance agreements (including loans and equity contributions in cash or in kind); ◦ provision of guarantees or collateral; ◦ commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and ◦ settlement of liabilities on behalf of the entity, or by the entity on behalf of that related party.
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	<ul style="list-style-type: none"> • Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of Council, having regard to the following criteria: <ul style="list-style-type: none"> ◦ the nature of the related party transaction; ◦ the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council); ◦ whether the transaction is carried out on arms-length terms; ◦ whether the nature of the transaction is outside normal day to day business operations. • Outstanding balances in relation to transactions with related parties, including: <ul style="list-style-type: none"> ◦ entities controlled by KMPs; and ◦ bad or doubtful debts in respect of amounts owed by related parties. • Non-monetary transactions such as use of facilities, peppercorn rents. • Other transactions as required by legislation or AASB124. <p>5. Register of Related Party Transactions: The General Manager is responsible for maintaining and keeping up to date a register of related party transactions – capturing and recording information for each existing or potential related party transaction during a financial year.</p> <p>The contents of the Register must include details for each related party transaction, including:</p> <ul style="list-style-type: none"> • 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 is existing or potential • a description of the transactional documents that are the subject of the related party transaction. <p>Disclosure of this information in Council's Financial Statements is the responsibility of the General Manager and must be disclosed in accordance with AASB124.</p> <p>6. Ordinary Citizen Transaction: Transactions, considered to be ordinary citizen transactions are excluded from disclosure requirements. These include:</p> <ul style="list-style-type: none"> • Valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any other ordinary citizen; • Any service or benefit provided as part of standard Council business operation to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance; • Transactions that are assessed non-material, which may include parking at rates available to the general public; attending Council functions that are open to the public; payment of rates and charges.
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	<p>7. Information Privacy and Right to Information Status: Council will comply with the requirements of the <i>Archives Act 1983</i> (Tasmania), <i>Privacy Act 1988</i> (Commonwealth), <i>Personal Information Protection Act 2004</i> (Tasmania) and the <i>Right to Information Act 2009</i> (Tasmania) when dealing with the identification, retention, storage, disclosure and reporting of related party transactions.</p> <p>A declaration statement from the KMP is included in the Declaration of Related Party Transactions Form (Attachment 1) to enable disclosure and reporting of information that is in accord with AASB 124.</p> <p>A Related Party Information Collection Notice will be provided to KMP and included in their Declarations (Attachment 2).</p> <p>The following documents are not accessible or required to be released under the provisions of the <i>Right to Information Act 2009</i>:</p> <ul style="list-style-type: none"> • A document or information (including personal information) provided by a KMP in a RPT Notification; or • Personal information contained in a Register of Related Party Transactions. 		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>Archives Act 1983</i> (Tas) <i>Privacy Act 1988</i> (Comm) <i>Personal Information Protection Act 2004</i> (Tas) <i>Right to Information Act 2009</i> (Tas) Australian Accounting Standard AASB 124 <i>Related Party Disclosures and the Australian Implementation Guidance for Not-for-Profit Public Sector Entities</i> AASB10 <i>Consolidated Financial Statements</i> AASB 11 <i>Joint Arrangements</i> AASB 128 <i>Investments in Associates and Joint Ventures</i> Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)	Attachment 1 – Declaration of Related Party Transactions Attachment 2-1 – Related Party Information Collection Notice		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
		Staff	Department

Attachment 1**Declaration of Related Party Transactions and Consent Form****Private and Confidential****Related Party Declaration by Key Management Personnel**Name of Key Management Person: *(insert name)*Position of Key Management Person: *(insert name)*

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 *(insert full name)*, *(insert position)* declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members having had, or likely to have, transactions with Council. I make this declaration after reading Council's policy which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

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 *(insert place)* on the *(insert date)*

Signature of KMP:-

Name of KMP:-

In accordance with Council's *Personal Information Protection Policy*, your information, and the information of others, is protected by law, including the *Privacy Act 1988* and the *Personal Information Protection Act 2004*.

Attachment 2**Related Party Information Collection Notice****Devonport City Council
Collection Notice****Related party transactions disclosure by Key Management Personnel**

From 1 July 2016, Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

Purpose of collection, use and disclosure of related party information

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information 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.

Council's related parties are likely to include the Mayor, Councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the General Manager will assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

Related Party Transactions Declaration by Key Management Personnel

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, Councillors, General Manager and senior executives. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

How will the information captured in the Declaration be used?

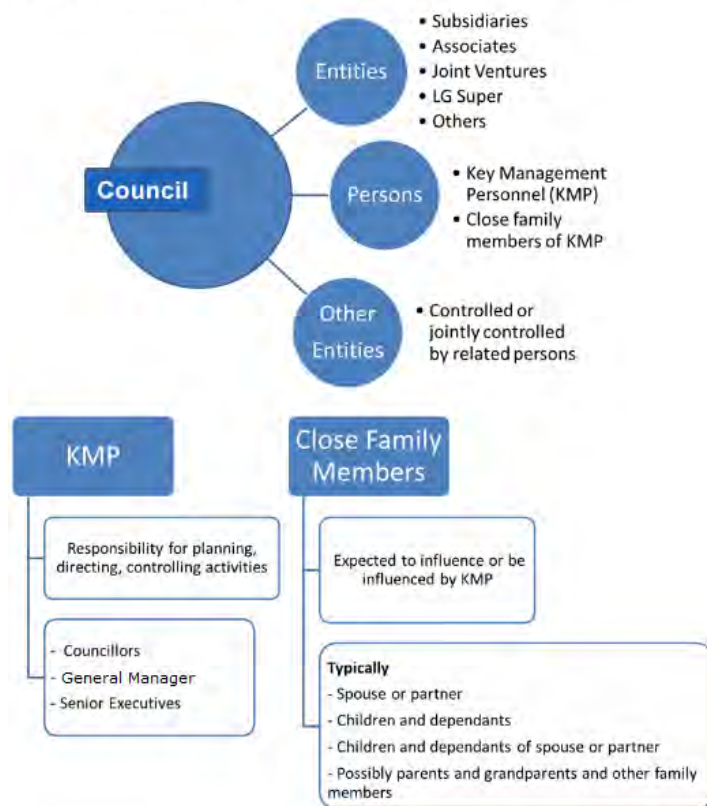
Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

Who are related parties?

People and entities, such as companies, trusts and associations, can be related parties of Council.

The following diagram gives an overview of common related parties that a council will have.

The following diagram gives an overview of common related parties that a council will have:



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council's register of interests which is required under the *Local Government Act 1993*.

Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

ATTACHMENT

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 Council or a Council entity.

What is an entity that I, or my close family members, control or jointly control?

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:


- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

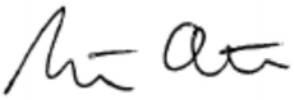
In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the General Manager for a confidential discussion.

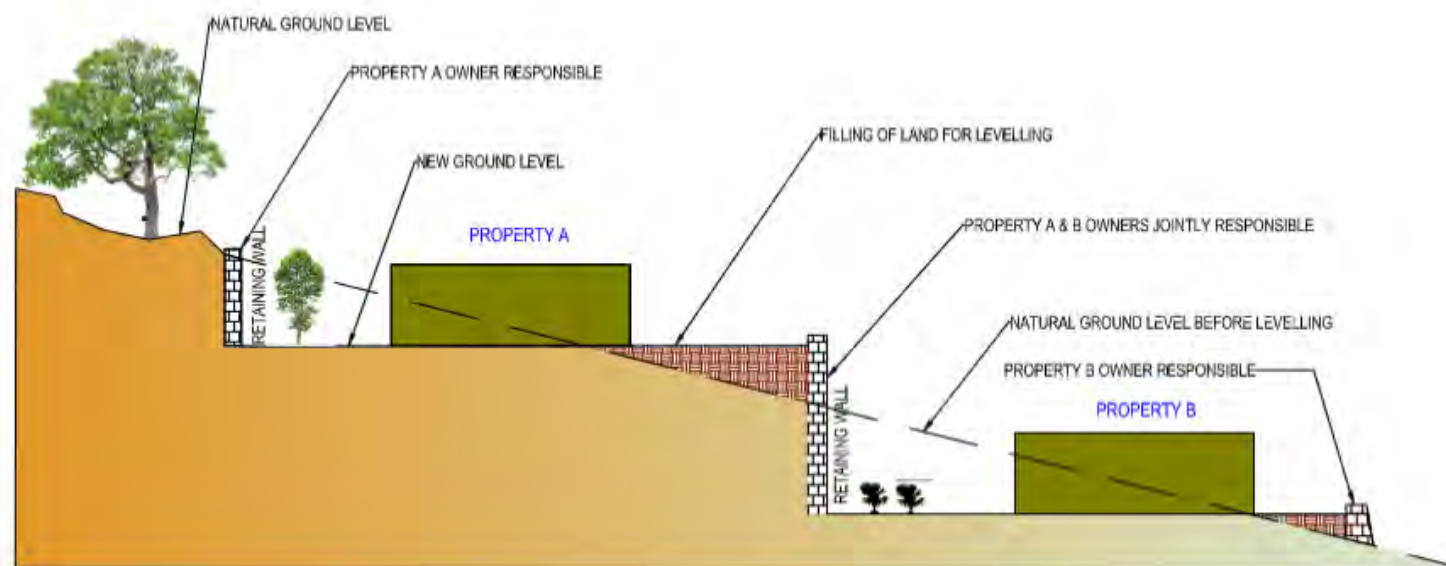
For more information about Council's disclosure requirements under AASB 124 Related Party Transactions, please refer to the Council's Related Party Disclosures Policy.

All information collected by Council is in accordance with Council's Personal Information Protection Policy and is protected by law, including the Privacy Act 1988 and the Personal Information Act 2004.


	<h2 style="text-align: center;">RETAINING WALL MAINTENANCE POLICY</h2>			
POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Development Services Manager Permit Authority Coordinator	Deputy General Manager Development Services Manager	22 June 2020	July 2024 2023
PURPOSE	The purpose of this policy is to clearly define the ownership and maintenance responsibilities for retaining walls located on or adjacent to Council maintained property and reduce the confusion that can be experienced by property owners.			
SCOPE	This policy applies to retaining walls located on or adjacent to Council maintained property. <u>This policy does not specifically apply to retaining walls between privately owned properties; however, it may be used as a guide.</u>			
DEFINITIONS	For the purposes of this Policy, the following definitions apply: Retaining wall – is a structure built to retain a difference in ground level. While a retaining wall can serve as a footing for a fence, the wall is not considered to be a fence.			
POLICY	<p>To determine the maintenance responsibilities for a retaining wall, firstly the natural state of the land must be determined. It is only when the natural land is altered that support is required.</p> <p>The responsibility for the retaining wall remains with the property owner that benefits from the change in ground level. This could be fill placed on top of the natural ground level or excavation below the natural ground level.</p> <ol style="list-style-type: none"> Retaining Walls that will be maintained by Council Council will be fully responsible for maintenance and replacement of retaining walls that have been built to support altered natural ground level as a result of a Council structure. A Council structure can include a road, building, or public open space. Retaining Walls that will not be maintained by Council Council will not be responsible for maintenance and replacement of retaining walls that have been built to support altered natural ground level as a result of a structure that is not owned by Council. Replacement/Maintenance Work for Retaining Walls <u>For retaining walls that Council is responsible for the maintenance and/or replacement of, work priorities will consider the condition of the structure, size of the structure, risk, level of service and such issues be considered by on a risk-based risk-based approach.</u> Materials for Maintenance and Construction 			

	<p>4.1. Any maintenance of existing retaining walls will normally use similar materials as used in the initial construction of the wall <u>when appropriate</u>.</p> <p>4.2. If the retaining wall is located on or near a property boundary, Council will discuss the maintenance of the retaining wall with the adjacent property owner. The property owner will be able to request a different material for the construction of the wall and, if approval is obtained from council, the property owner will be responsible for the difference in price between the council <u>Council</u> preferred material and the owner's selected material.</p> <p>5. Residents Replacing Retaining Walls If a retaining wall is not replaced by Council, due to it still being in satisfactory condition, a resident may choose to replace the retaining wall at their own cost, subject to Council approval. The resident is responsible for obtaining and complying with all relevant approvals associated with the works.</p> <p><u>6. Council Projects that affect Retaining Walls</u> <u>If Council undertakes works which will affect an existing retaining wall, then Council is responsible to make the required changes, unless the wall was constructed without the necessary permits. The new construction materials will be equivalent to the existing retaining wall. A property owner can request to upgrade to the retaining wall at this time, although all additional costs must be borne by the property owner. Ongoing maintenance/replacement of the retaining wall will be in accordance with as per this policy.</u></p>	
LEGISLATION AND RELATED DOCUMENTS	<p>Local Government Act 1993 Local government (Highways) Act 1982 Roads and Jetties Act 1935 Highways Act 1951 Building Act 2016 <u>Access to Neighbouring Land Act 1992</u> <u>Neighbourhood Disputes About Plants Act 2017</u> <u>Devonport City Council Strategic Plan 2009-2030</u></p>	
ATTACHMENTS (IF APPLICABLE)	Diagram – examples of Council retaining wall ownership	
STRATEGIC REFERENCE	Strategy 2.1.2 – Provide consistent and responsive development assessment and compliance processes.	
MINUTE REFERENCE	<u>20/6</u>	
OFFICE USE ONLY	Update Register	Training/Communication
	Advise Document Controller	Advise HR / MCO
	Management Sign Off:	

	 Date: 22/06/2020
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**EXAMPLES OF RETAINING WALL OWNERSHIP
(WHEN COUNCIL OWN EITHER PROPERTY A OR PROPERTY B)**

	ROOKE STREET MALL AND MARKET SQUARE POLICY		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Community Services Manager	Deputy General Manager	4.1.3 – Increase the utilisation of sport and recreation facilities and multi-use open spaces	July 2024/2023
PURPOSE	To provide a framework to encourage appropriate activities that contribute to the vibrancy of the Rooke Street Mall and Market Square in a manner that does not cause a risk to property, compromise the safety of members of the public or adversely impact local retailers, residents or pedestrians.		
SCOPE	This Policy provides guidelines to address competing demands upon the Rooke Street Mall and Market Square and enables Council to plan, manage and monitor the range of activities. This Policy does not cover "Permits to Work Within the Road Reserve."		
POLICY	<ol style="list-style-type: none"> The Policy Aims to Ensure that: <ul style="list-style-type: none"> The space is used in a fair and equitable manner. Activities are structured, planned and managed to promote a high quality visual environment & space. Council supports local economic development and commercial vitality. Activities contribute to the improvement (i.e. function and safety) of the streetscape. Pedestrians and other forms of traffic are not unduly obstructed by any activities. Activities contribute to the overall amenity of adjoining or nearby properties. Activities are compatible with other community uses of public space. Council clearly communicates its desires and responsibility of activities and that controls are easy to monitor. Positive relationships with retailers are cultivated. The Objectives of the Policy are to: <ul style="list-style-type: none"> Provide certainty and self-regulation to users within a clearly understood, fair and transparent operating framework for managing activities. Minimise complaints, criticism and other problems associated with use of the Mall and Market Square. Facilitate planned use of the Mall and Market Square. Provide guidelines for the issuing of permits and conditions relating to activities. Support and encourage activities to enhance the diversity, vibrancy, vitality and ambience of the City. Ensure activity does not adversely affect public safety, pedestrian traffic or the amenity of the Mall and Market Square for City users. 		

	<p>3. Permitted Use</p> <p>3.1 Activities Promoted in the Mall and Market Square The following activities are permitted in the Rooke Street Mall and Market Square after gaining written approval from Council:</p> <ul style="list-style-type: none"> • Collections of donations • Busking • Displays and exhibitions • Entertainment/events • School holiday programs/sport promotions • Indigenous and cultural ceremonies • Drawing/painting • Promotions including special events, community health and awareness • Special interest food events • Consultation activities • Vehicles used as a promotional tool i.e. radio stations • Large vehicles used for activities such as blood drives or displays • Delivery vehicles permitted between midnight and 6am for delivery of goods and services • Amplification of sound – amplification may be used however Council reserves the right to impose a decibel limit or stop the activity if it is deemed that the activity is causing an offence to the public. <p>3.2 Activities Prohibited in the Mall and Market Square The following activities are prohibited in the Mall and Market Square:</p> <ul style="list-style-type: none"> • Permanent stalls. • Use of any sharp object or dangerous instrument including knives, swords, chainsaws. • Use of bicycles, skateboards, roller blades or roller skates (unless part of permitted activity). • No pets or livestock with the exception of assistance animals. • Feeding of pigeons. • Offensive activities or behaviours. • Hawking of wares, massages, readings and sale of goods other than items for charity such as lapel pins, badges etc. unless specific permission is granted. • Distribution of handbills, leaflets or other written material unless specific permission is granted as part of a booking. • Littering. <p>4. General Guidelines</p> <ul style="list-style-type: none"> • All individuals, buskers, performers, fundraisers (non-commercial and commercial) must submit a Permit Application prior to using the Mall and Market Square and must always carry a current Council permit while operating in either space. • The activity must be the activity stated on the Permit Application. • All activities are restricted to time limits in an effort to increase the diversity of activity in the Mall and Market Square. • Blocking of shop fronts up to 1.5m, trade areas or doorways is not permitted.
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	<ul style="list-style-type: none"> • Council reserves the right to refuse or restrict temporary promotional or commercial activity that will unreasonably impact on permanent retailers in the Mall and Market Square. • An authorised Council Officer has the right to cancel a permitted activity if it breaches policy, conditions of Permit, or is deemed unsuitable. • If a permit is cancelled and the permit holder continues to undertake the activity, Police will be notified. • If a busker has been removed by another governing authority e.g. Tasmania Police, Council will not issue a permit and/or has the right to cancel an existing permit. • It is compulsory to have a minimum of \$20 million Public Liability Insurance when using equipment/furniture e.g. display stands, tables, chairs and exhibitions. • Stall operators must keep the area free of rubbish and the stall must be attended to at all times. <p>5. Non-commercial activities/charitable organisations In addition to the Guidelines-guidelines outlined above:</p> <ul style="list-style-type: none"> • Must have proof of charitable status. <p>6. Risk Management Permit holders must ensure a duty of care to themselves and to members of the public in accordance with State legislation (see below). Where structures are to be installed, a risk plan must be attached to the Permit Application.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>Public Health Act 1997</i> Street Trading By-Law No.1 of 2020 <i>Food Act 2003</i> Food Safety Standards Devonport City Council Strategic Plan 2009-2030		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
		Staff	Department

	<h2 style="text-align: center;">SPONSORSHIP POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Community Services Manager	<u>Deputy</u> General Manager	4.7.3 Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes	July 2024 <u>2023</u>
PURPOSE	<p>The purpose of the Sponsorship Policy is to establish principles for sponsorship agreements entered into between Council and other parties. The policy also provides guidelines for how Council will go about seeking sponsorship.</p> <p>Sponsorship is the contribution of financial and/or “in kind” support that Council receives or provides for the purpose of, partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the City.</p> <p>Sponsorships are undertaken or entered into, in order to help achieve business or community objectives.</p>		
SCOPE	<p>This policy applies where sponsorship arrangements are to be negotiated.</p> <p>The Devonport City Council’s Sponsorship Policy outlines the receiving or provision of financial and/or in-kind support from/to a commercial or external organisation, in exchange for public recognition or association.</p>		
DEFINITIONS	<p>For the purpose of this policy, the following definitions will apply:</p> <p>Activity - includes any event or component or an event or any season or roster of a particular sport.</p> <p>External Bodies - include non-government organisations (NGOs), corporate and business organisations and the Devonport community.</p> <p>Company - means any form of private entity operating for the purpose of profit creation.</p> <p>Organisation - means any group, incorporated or unincorporated, operating for a defined purpose or function.</p> <p>Sponsorship - means the exchange of money, goods or services from one party to another where there are specific obligations on the receiver for a return to the sponsor in some form.</p> <p>Naming Rights - means the exclusive right for an organisation to name/brand a venue, event or program.</p>		
POLICY	<p>1. Principles</p> <p>Devonport City Council acknowledges that sponsorship can provide significant benefits to Council and the community, and will</p>		

	<p>consider sponsorship opportunities where the following principles apply:</p> <ol style="list-style-type: none"> 1.1. Council invites and seeks sponsorship for selected Council projects, events, services or activities. 1.2. Council is approached for sponsorship of projects, events, services or activities. 1.3. The sponsorship is complementary to Council's vision, values, policies and strategies. 1.4. Sponsorship arrangements above the value of \$15,000 are to be reported to Council for determination. Sponsorship arrangements for \$15,000 or less may be determined by the General Manager under delegated authority. 1.5. There should not be any real or perceived conflict between the objectives and mission of the sponsor and Council. 1.6. Sponsorship arrangements that impose or imply conditions that limit the Council's ability to carry out its functions fully and impartially will not be agreed to. 1.7. Council will not seek sponsorship from or provide sponsorship to any party engaged in current or pending legal proceedings involving the Council. 1.8. A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties. 1.9. All sponsorship arrangements will be described in the annual report in a manner commensurate with the significance of the sponsorship. 1.10. Sponsor benefits or sponsorship do not include implied endorsement by Council of the sponsor's goods or services or use of Council's logo to promote their products. 1.11. Council reserves the right to enter into exclusive arrangements where the integrity of the relationship needs to be protected. 1.12. On all sponsorships, appropriate due diligence on the proposed sponsor or recipient is to be undertaken. <p>Devonport City Council reserves the right to withdraw sponsorship with an external party when they are considered to have not complied with the spirit of this policy and/or a written agreement entered into as a sponsor arrangement.</p> <p>Devonport City Council will not enter into sponsorship with external bodies who:</p> <ul style="list-style-type: none"> • Are involved in unlawful activities; • Do not share Council's views on promoting a diverse, tolerant and inclusive community; • Are political parties; • Are considered to be an unsuitable partner by Council for reasons it sees fit to apply in the context of this policy; • Offer programs that may present a hazard to the community; • Offer programs that do not reflect widely held community views; and • Contravene State and Commonwealth legislation, local laws.
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	<p>2. Guidelines for Seeking Sponsorship</p> <p>2.1. The public interest may be best served by Council making a particular sponsorship opportunity widely known for example, by calling for expressions of interest or by letters of invitation to submit sponsorship proposals to a number of prospective sponsors. However, it is recognised that in some circumstances this ideal would be impractical and Council's request for sponsorship could be by invitation to specific potential sponsors.</p> <p>2.2. A sponsorship proposal should be developed which clearly outlines the nature of the project, why it is being proposed, the benefits to the proposed sponsor and to Council, and the type or value of sponsorship sought.</p> <p>2.3. Councillors interested in assisting with sponsorship arrangements should work through the relevant Council Department and not seek to negotiate sponsorship independently on behalf of the Council.</p> <p>2.4. It is inappropriate for any Councillor or Council staff member or their relatives or partners to receive personal benefit from sponsorship agreements.</p> <p>3. Examples of Benefits to Potential Sponsors</p> <ul style="list-style-type: none"> • Brand awareness and recognition of sponsor status in publicity material associated with the activity, for example. social media, print and digital advertising, posters and other marketing material; • Distribution of materials promoting sponsor's products or services in conjunction with activity; • Presence of the sponsor at an activity and access to participants; • Signage and other marketing material displayed at activity; • Acknowledgement in speeches; • Entry tickets to sponsored activity; and • Naming rights of whole or a portion of activity. <p>4. Venue Naming Rights Sponsorship</p> <p>Applications for venue naming rights will be considered under the following conditions:</p> <ul style="list-style-type: none"> • Venue naming rights are limited to sports grounds, pavilions or public buildings only or a specific area/portion within a reserve, but not the entire reserve. The term of the sponsorship agreement is limited to the term of the club's licence, lease or agreement over the community venue; • In the case where naming rights are proposed and accepted for an entire reserve, the naming convention would be "(VENUE) PROUDLY SPONSORED BY (SPONSORS NAME)" or "(VENUE) SPONSORED BY (SPONSORS NAME)"; and • The proposed name of the sports ground is not in any way offensive or discriminatory. <p>The community venue ground is only referred to the 'sponsored name' in club, association, competition or league promotions and marketing. Council names for the reserve, pavilion and any other</p>
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	<p>public building will prevail in public documents e.g. Council reports, engineering / road plans, directories, web-sites etc.</p> <p>Community venue naming rights remain vested with the Devonport City Council as venue owner and manager.</p> <p>Upon approval, the organisation/club will be permitted to install a single naming sign that complies with the current Devonport City Council planning scheme.</p> <p>5. Sponsorship Agreement Any sponsorship agreement must be recorded in writing and signed by both parties. This should include:</p> <ul style="list-style-type: none"> • The term or purpose of the sponsorship and any conditions regarding renewal; • Specific services, products or funds to be provided by Council and the reciprocal benefits, including, where practical, a dollar value of services or products; • The form or forms of sponsorship acknowledgement which will be available, for example, signage, advertising/social media/digital/media releases; • Any limitations to the sponsorship such as restrictions on seeking additional sponsors; • The responsibilities and expectations of each party for the project; • Any guidelines for the use of corporate logos or limitations on advertising, media and other publicity; • A statement to the effect that any attempted influence of Council's regulatory functions will result in an automatic review and/or termination of the sponsorship agreement; and • Any special conditions which may apply. <p>6. Policy Non-Compliance A sponsorship agreement may be refused and/or terminated if deemed by the General Manager as a real or perceived conflict, or where a breach of the terms of an agreement has occurred.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> Devonport City Council Strategic Plan 2009-2030 Staff Code of Conduct</p>		
ATTACHMENTS (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff Department

	SPORT AND RECREATION GROUPS LEASE POLICY		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	22 June 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance Executive Coordinator	General Manager	5.3.1 – Review and amend structures, policies and procedures to adapt to changing circumstances	July 2021
PURPOSE	To establish a consistent and equitable approach to the development of leases <u>and licences</u> of Council property to sport and recreation groups.		
SCOPE	<p>All sport and recreation groups who lease or licence Council owned buildings on Council owned or leased land, or whose buildings are located on Council land. The terms and conditions of this Policy will apply to all new lease <u>and licence</u> agreements and upon the renewal of any existing lease or licence.</p> <p>The conditions of this Policy will not be varied unless it is essential to meet the special needs of the property or the lessee.</p>		
DEFINITIONS	<p><u>The following definitions apply for the purpose of this policy:</u></p> <p><u>Lease – a legally binding agreement that details terms and conditions of the exclusive use of land or facility for a period of time in return for the payment of rental</u></p> <p><u>Licence – a legally binding contractual agreement that details terms and conditions of a contractual right to the use of land or facility for a period of time in return for the payment of a licence fee</u></p> <p><u>Sport and Recreation Groups and Organisations</u> <u>Organisations whose primary objective is to provide sport and recreational opportunities for the community are supported by Council. Council recognises the benefit of supporting sport and recreation groups and organisations within the community.</u></p> <p><u>Building Maintenance Schedule – a document detailing building and maintenance responsibilities of both the Landlord and Tenant</u></p> <p><u>Head Lease – A primary lease arrangement between two parties – generally the Crown and Council in respect of this Policy</u></p> <p><u>Sub Lease – A secondary lease arrangement between two parties where a Head Lease exists – generally Council and a community or childcare organisation in respect of this Policy</u></p>		
POLICY	<p>1. — Sport and Recreation Groups and Organisations Organisations whose primary objective is to provide sport and recreational opportunities for the community are supported by Council. Council recognises the benefit of supporting sport and recreation groups and organisations.</p> <p><u>2.1. Fee Schedule/Determination of Rent</u></p>		

	<p>The annual rental payable on Council owned sport and recreation facilities is as follows:</p> <ul style="list-style-type: none"> • An amount totalling 50% of the rates charged against the property per annum; and • Ground Fees attributed to the facility. <p>(The Ground Fees rate is calculated based on a percentage of Ground Use charges).</p> <p>3-2. Validation of Lease or Licence Agreement</p> <p>Council land and/or buildings shall only be occupied pursuant to a formal signed lease or licence.</p> <p>Failure to validate execute the lease agreement by signature may result in the discontinuation of lease negotiations or an existing agreement (if a lease renewal) with the tenant.</p> <p>Once lease terms have been finalised, Council reserves the right to commence rental charges even if the agreement remains unsigned.</p> <p>If the lease remains unsigned for a period of more than 30 days, 90 days notice to vacate the premises (building and/or land) may be given to the tenant who if they currently occupies are occupying the premises.</p> <p>4-3. Risk Management Obligations</p> <p>Lessees of Council owned or managed buildings will be required to have Public liability insurance for a minimum of \$20 million. A copy of the organisation's lessee's Certificate of Currency is to be provided to Council at the commencement of the agreement, upon a lease renewal, and annually for the duration of the lease.</p> <p>It is the responsibility of the lessee, in conjunction with Council, to ensure the minimisation of all risks including public safety, hazardous materials and waste removal. The lessee is also required to comply with emergency evacuation procedures and risk management practices at the direction of Council.</p> <p>5-4. Maintenance Schedule/Issues</p> <p>Prior to an agreement being made, a condition statement shall be produced to determine the condition of the facility, and maintenance responsibilities determined.</p> <p>Building Maintenance Schedules (BMS) are developed to ensure consistency and clarity regarding maintenance of Council premises and stipulate responsibilities of both Council and the lessee.</p> <p>BMS documents will be reviewed every five years in line with the term of the agreement, or as required, i.e. following significant building or infrastructure amendments.</p> <p>Where an organisation has exclusive use of a Council owned facility, there is an expectation that they assist in funding maintenance costs and contribute towards capital improvement of the facility.</p> <p>Where improvements on the leased land are owned by the lessee, they have sole responsibility for internal and external maintenance.</p>
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	<p>6.5. Term Lease agreements will be granted for a period of no more than five years, with a further five year term option offered.</p> <p>7.6. Rent Reviews/Increases Rental fees for sport and recreation groups will be based on the property's <u>annual</u> rates struck on a per annum basis <u>yearly</u>. 50% of this figure will be charged in lieu of rental. Ground Fees <u>and Charges</u> will also be set annually as part of Council's budgetary process.</p> <p>Council reserves the right to amend the rental if a lessee gains access to other commercial means of income, other than fundraising, that is generated during the term of the agreement.</p> <p>8.7. Outgoings 8.1.7.1. Lessees will be responsible for the costs of all utilities, including electricity, phone and all other outgoings related to the property including water usage charges.</p> <p>7.2. Council will be responsible for water and sewerage service charges, land tax and the <u>remaining balance (50%)</u> of the annual rates.</p> <p>7.3. <u>An incremental percentage application of the rental may apply for organisations commencing a lease agreement with Council, based on the following rate:</u></p> <p><u>Year 1 – 250%</u></p> <p><u>Year 2 – 540%</u></p> <p><u>Year 3 – 7560%</u></p> <p><u>Year 4 (& each additional year) – 1080%</u></p> <p><u>Year 5 (and each year of renewal period) – 100%</u></p> <p><u>This will be assessed on a case by case basis, and subject to the financial capacity of the lessee to pay.</u></p> <p>9.8. Determination of Leases When a facility or building premises becomes vacant, Council will consider the ongoing future use of the premises in determining a suitable tenant. Factors to consider include:</p> <ul style="list-style-type: none"> • <u>most appropriate use; local community needs;</u> • <u>sport and recreational activities within the community that are unrepresented or under-represented;</u> • <u>historical connection to the facility/location; and</u> • <u>Council's strategic direction.</u> <p>10.9. Sub Leases Terms and conditions of any sub-lease must be in accordance with the terms and conditions of the head lease, including the length of the lease <u>term</u>. Council may require the sub-lessee to contribute to charges incurred by Council from Crown or third party, for the head lease.</p> <p>Lessees who wish to sublet the leased premises are required to seek written permission from Council prior to making such arrangements.</p>
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	<p>Any group to whom a property is sublet, must provide Council with a copy of their Certificate of Currency and must have public liability insurance of at least \$20 million.</p> <p>Any subleasing arrangements made must not extend beyond the term of the head lease.</p> <p>11.10. Other Provisions Other lease provisions may be negotiated as required.</p> <p>12.11. Delegation and Signing 12.1.11.1. The General Manager is delegated by Council to finalise and sign lease agreements. 12.2.11.2. An authorised signatory of the lessee will be required to execute the lease and a copy of the agreement, once duly executed by both parties, will be returned to the lessee for their safekeeping. The other copy will be recorded as a Legal DocumentVital Record by Council and placed in the Legal DocumentVital Records Register <u>and a hard copy held in Council's document storage facility.</u></p> <p>13.12. Legislation and Statutory Compliance It is necessary for lessees and Council in the development of lease agreement to ensure compliance with Council's corporate and statutory responsibilities.</p> <p>Legislative requirements need to be determined and stipulated in the lease. Compliance may also extend to the obtaining of permits from Council; liquor licensing requirements; place of assembly licences; adherence to food handling guidelines and relevant Council by-laws.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government Act 1993</i> <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> <i>Building Act 2016</i> <i>Building Regulations 2016</i> <i>Public Health Act 1997</i> <i>Food Act 2003</i> (where applicable) Place of Assembly Licence (where applicable) Food Licencing (where applicable) <u>Devonport City Council Strategic Plan 2009-2030</u></p>		
ATTACHMENTS (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
		Staff	Department

	<h2 style="text-align: center;">STORMWATER CONNECTION POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure and Works Manager	Infrastructure and Works Manager Deputy GM Infrastructure, Works & Development	2.1.2 – Provide, consistent and responsive development assessment and compliance processes 2.3.3 - Provide and maintain stormwater infrastructure to appropriate standards	July 2024/2023
PURPOSE	The purpose of this policy is to ensure consistency and fairness in the provision of stormwater connections to properties and to ensure compliance with the <i>Urban Drainage Act 2013</i> .		
SCOPE	<u>This policy applies to all properties within the urban area of Devonport.</u>		
DEFINITIONS	<p><u>For the purposes of this policy the following definitions apply:</u></p> <p>Stormwater connection:- a piped connection between the stormwater system on private property and Council's stormwater system.</p> <p>Urban area:- the area in which Council provides stormwater connections to private properties. The area is defined on the map in Figure 1 and generally aligns with the urban planning zones.</p>		
SCOPE	<u>This policy applies to all properties within the urban area of Devonport.</u>		
POLICY	<p>1. Introduction</p> <p>Stormwater connections are the interface between the stormwater systems on private properties and Council's stormwater system of pipes, kerbs and open drains.</p> <p>Connections allow stormwater to be transferred from private to public systems and minimise flow in overland flow paths between properties.</p> <p>2. Background</p> <p>Section 19 of the <i>Urban Drainage Act 2013</i> (the <i>Act</i>) requires Council to provide a single stormwater connection for each property when:</p> <ul style="list-style-type: none"> • The nearest property boundary is within 30 metres of the storm water system; • It is reasonable to provide a connection; and • The property owner requests a connection. <p>This section of the <i>Act</i> also allows Council to charge an appropriate fee for providing a stormwater connection point.</p> <p>This policy defines when connections are provided and what charges are applicable in accordance with the legislation.</p> <p>3. Level of Service:-</p> <p>Connections are described as simple or complex. Council will determine if a simple connection is appropriate for the location. If</p>		

	<p>not, a complex connection is required. Connection types are shown in Figures 2-5.</p> <p>3.1. Simple connections: Council will provide a simple property connection on request at no cost to the property owner.</p> <p>A simple property connection is:</p> <ul style="list-style-type: none"> • 100mm diameter pipe. • One connection per property. • Within the urban area (refer to map). • Connection to kerb or open drain within the property frontage. • Not resultant from a development application. <p>Refer to Figure 2 for a simple connection.</p> <p>3.2. Complex connections: Council will provide a complex property connection on request and charge the estimated cost of the works.</p> <p>A complex connection is:</p> <ul style="list-style-type: none"> • A larger diameter connection. • An additional connection. • Connection directly to Council's piped system. • Connection not on the property frontage but less than 30m away. • Connection requires stormwater infrastructure to be constructed in another property. <p>Refer to figures 3-5 for example complex connections.</p> <p>3.2.1. Larger diameter connections Larger diameter connections will only be approved if the property owner can demonstrate there is sufficient capacity in the downstream stormwater network.</p> <p>3.2.2. Multiple connections Multiple connections to a single property will only be approved if the property owner can demonstrate a need and that there is sufficient capacity in the downstream stormwater network. Council may require on site detention to restrict flows.</p> <p>3.3. Exclusions:</p> <p>3.3.1. Rural Areas Council does not provide stormwater connections to properties outside the urban area (refer to map).</p> <p>3.3.2. Developments The property owner (developer) is responsible for providing stormwater connections for all properties created or changed as part of a subdivision.</p> <p>4. Installing Connections Council may undertake the work or engage a suitable contractor.</p>
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	<p>Alternatively, Council and the property owner may agree that the property owner can engage a licensed plumber to undertake the work. This work will be subject to inspections by Council.</p> <p>5. Permits <u>and Access</u> If a contractor is undertaking work <u>is required</u> in the road reserve on behalf a property owner, a Road Reserve Permit will be required. <u>If work is required in private property, the owner's permission is required, unless a Notice has been provided under the <i>Urban Drainage Act 2013</i>.</u></p> <p>If changes are being made to the private stormwater system, a plumbing permit may be required.</p> <p>6. Payment for connections: Where a charge is applicable, full payment must be received prior to the work commencing.</p> <p>If the property owner engages a contractor, the property owner is responsible for the full cost of the works.</p> <p>7. Asset ownership and maintenance responsibility: Property connections in the road reserve are owned and maintained by the property owner served by that connection. Council may collect and store information on these property connections to assist in managing the stormwater network.</p> <p>Property connections within another private property are owned and maintained by Council. Refer to Figure 5.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government (Highways) Act 1982</i> <i>Urban Drainage Act 2013</i> <u><i>Neighbourhood Disputes about Plants Act 2017</i></u> <u><i>Access to Neighbouring Land Act 1992</i></u> <u><i>Devonport City Council Strategic Plan 2009-2030</i></u>		
ATTACHMENT/S (IF APPLICABLE)	Figure 1: Urban Drainage Boundary Figures 2-5: Example connection types		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as a result of this policy:		YES
	Training required by:		NO
	Councillors	Staff	Department





FIGURE 1: Urban Drainage Boundary

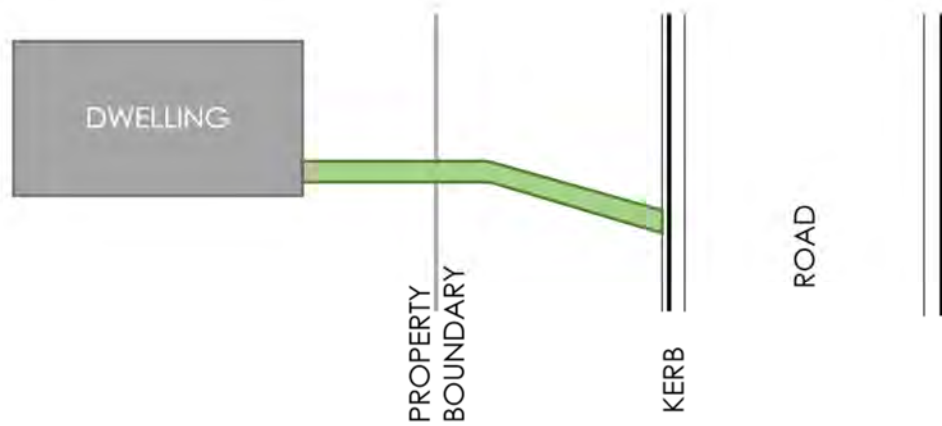


FIGURE: 2
Simple Connection

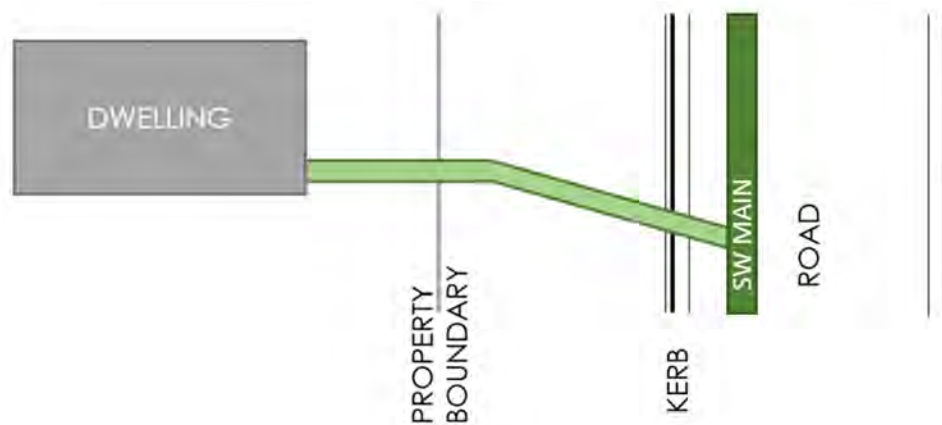




FIGURE: 3
Example Complex Connection

-  Council Ownership
-  Private Ownership

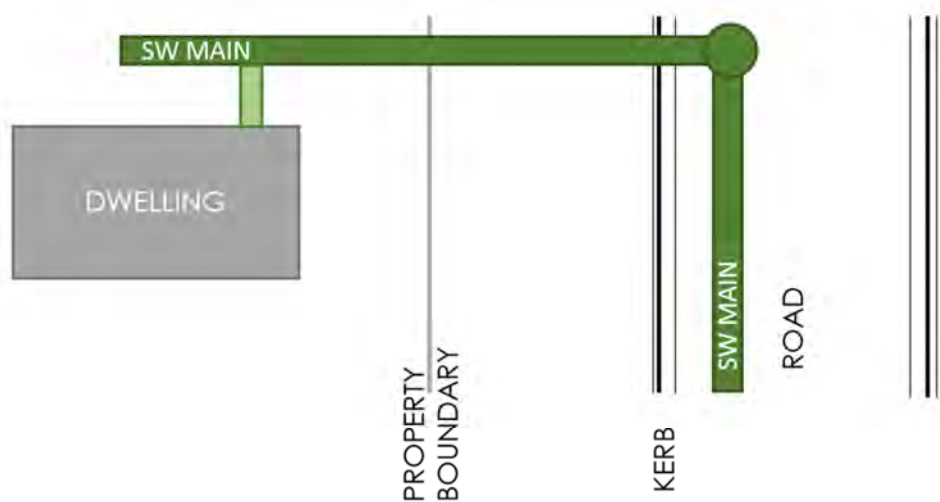


FIGURE: 4
Example Complex Connection

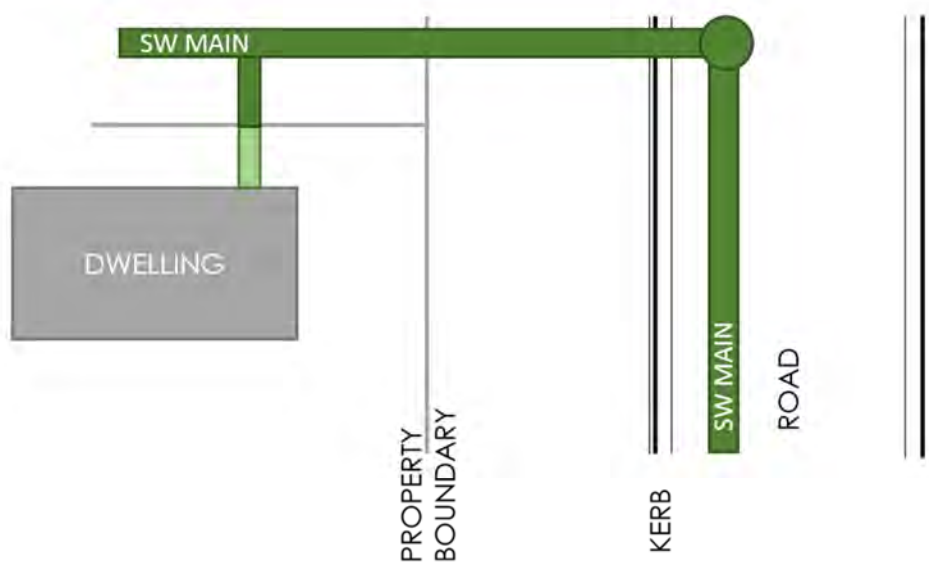
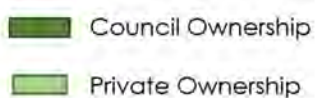




FIGURE: 5
Example Complex Connection




	<h2 style="text-align: center;">SUBDIVISION MAINTENANCE BOND POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure and Works Manager	Deputy GM Infrastructure Works & Development Infrastructure and Works Manager	2.1.2 – Provide consistent and responsive development assessment and compliance processes	July 2021 2023
PURPOSE	The purpose of this policy is to ensure that assets from new subdivisions transferred to Council ownership are in good condition and have been constructed in accordance with the approved design.		
SCOPE	This Policy applies to all subdivisions created within the municipal boundaries of the Devonport City Council.		
DEFINITIONS	<p><u>For the purposes of this policy, the following definitions apply:</u></p> <p>Statutory period: – the period in which the land ownerlandowner must rectify any identified defects – is six months, commencing from the date a certificate of completion is issued.</p> <p>Certificate of Completion: – when the subdivision works are complete, Council will issue a certificate of completion to the land ownerlandowner. This certificate may include a list of identified defects that are to be rectified during the statutory period.</p> <p>Land ownerLandowner – the property owner of the land being subdivided is responsible for the bond.</p> <p>Civil works component: – the value of the work used to calculate the bond value. It includes all work that is to be transferred to Council on completion including as well as road and stormwater construction, landscaping and reinstatement of public areas. It excludes work on utilities such as water, sewer, gas and telecommunications.</p>		
POLICY	<p>1. Introduction Council requires that a bond be provided by the land ownerlandowner at the commencement of the statutory period.</p> <p>2. Calculation of a Maintenance Bond</p> <p>2.1. The value of a maintenance bond will be the value of 5% of the civil works component of the subdivision.</p> <p>2.2. The value of the civil works component of the subdivision will be determined by the land owners'landowner's supervising engineer and will be subject to review by Council prior to acceptance.</p> <p>2.3. The supervising engineer will provide appropriate documentation detailing how the value of the works has been</p>		

	<p>calculated. Further documentation and/or calculations may be required as determined by Council.</p> <p>2.4. If the value of the bond is determined to be less than \$1,000<u>1000</u>, then a bond may not be required.</p> <p>3. Payment/Lodging of a Maintenance Bond</p> <p>3.1. Council will accept the following types of payment method as acceptable for lodging a maintenance bond:</p> <ul style="list-style-type: none"> • Cash/Direct Debit or Cheque • A non-expiring guarantee from a recognised financial institution <p>3.2. Bonds will be received and held in accordance with Council's accounting and document control policies.</p> <p>3.3. No interest will accrue on cash deposits.</p> <p>4. Release of Maintenance Bonds</p> <p>4.1. At the completion of the statutory period, Council officers will inspect the subdivision to ensure that any identified defects have been rectified and no new defects have emerged.</p> <p>4.2. If there are defects that are yet to be rectified, Council will:</p> <p>4.2.1. Extend the statutory period for up to an additional six months. Council will advise the land owner<u>landowner</u> in writing.</p> <p>4.2.2. If the defects are rectified within this second period, then Council will release the bond.</p> <p>4.2.3. If defects are not rectified within this second period, Council may rectify the defects and recover expenses by drawing on the bond, which may be part or full value of the bond. Council will notify the land owner<u>landowner</u> prior to commencing works and also<u>and</u> on completion of works.</p> <p>4.2.4. If a defect is identified as a high risk, Council may draw upon the bond at any time, notifying the land owner<u>landowner</u> as soon as possible.</p> <p>4.3. If all defects have been rectified, Council will release the bond. Council will not release any bond to any third parties without the written consent of the land owner<u>landowner</u>.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p><i>Local Government (Building and Miscellaneous Provisions) Act 1993 (No. 96 of 1993)</i></p> <p><i>Land Use Planning and Approvals Act 1993</i></p> <p><i>Local Government (Highways) Act 1982</i></p> <p>Subdivision Maintenance Bond Procedure</p> <p><u>Devonport City Council Strategic Plan 2009-2030</u></p>		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	<h2 style="text-align: center;">SUBDIVISION OUTSTANDING WORKS BOND POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure and Works Manager	Infrastructure and Works Manager Deputy GM Infrastructure, Works and Development	2.1.2 – Provide consistent and responsive development assessment and compliance processes	July 2021 2023
PURPOSE	The purpose of this policy is to facilitate staged lodgement of final plans prior to the completion of subdivision work while ensuring that subdivision work is completed in a timely manner.		
SCOPE	This Policy applies to all subdivisions created within the municipal boundaries of the Devonport City Council.		
POLICY	<ol style="list-style-type: none"> 1. Introduction Council will accept bonds from the land owner undertaking subdivision work prior to the completion of the work to allow the land owner to lodge the final plan showing some completed lots and a balance lot. This facilitates the sale of these completed lots. 2. Calculation of a Subdivision Outstanding Works Bond <ol style="list-style-type: none"> 2.1. The value of an outstanding bond will be the value of the incomplete works of the subdivision related to the lots on the final plan (other than the balance lot) plus a further 30%. 2.2. The value of the incomplete work includes all civil works, landscaping and reinstatement but excludes work on utilities such as water, sewer, gas and telecommunications. 2.3. The value of the civil works component of the subdivision will be determined by the land owner's supervising engineer and will be subject to review by Council prior to acceptance. 2.4. The supervising engineer will provide appropriate documentation detailing how the value of the works has been calculated. Further documentation and/or calculations may be required as determined by Council. 2.5. Council will not accept outstanding works bonds valuing equal to or less than \$1,000 or works valuing greater than \$100,000. 3. Payment/Lodging of an Outstanding WorksMaintenance Bond Council will accept the following types of payment method as acceptable for lodging an outstanding works bond: <ul style="list-style-type: none"> • Cash/Direct Debit or Cheque • A non-expiring guarantee from a recognised financial institution 4. Requirements to be met for accepting an Outstanding Works Bond <ol style="list-style-type: none"> 4.1. For Council to accept an outstanding works bond, the lots on the final plan (other than the balance lot) must be fully serviceable 		

	<p>and development-ready. Works that must be completed include, but are not limited to:</p> <ul style="list-style-type: none"> a) Stormwater mains construction b) Domestic stormwater property connections c) Energy dispersion devices or scour treatment at any head walls d) Stormwater detention basins and OSD's e) Side entry pits and road drainage construction f) Road pavement construction, up to the frontages of the titles to be released g) Retaining walls that provide structural integrity to any drainage or road assets h) Kerb and footpath construction i) Property accesses – formation only j) Intersection construction at the interface between existing council infrastructure and the subdivisional roads k) Local area traffic management (LATM) devices l) Regulatory signage m) Intersection treatments such as roundabouts, traffic lights, dedicated turn facilities or deceleration/acceleration lanes n) Any other work that Council deems would present a high risk to the community if it was not completed <p>4.2. Works that can be covered by an outstanding works bond include:</p> <ul style="list-style-type: none"> a) Line marking b) Street lighting c) Street and traffic management signage - excluding regulatory d) Landscaping and street tree planting e) Fencing f) Rehabilitation of public open space g) Property accesses – excluding formation <u>h) Provision of turning head facilities at the termination of subdivisional roads</u> <p><u>4.3. Council may require the developer to undertake additional work not shown on the approved engineering plans to ensure that the completed parts of the subdivision can operate effectively, in case the outstanding work (including to the balance lot) is delayed or does not progress. This work may include, but is not limited to:</u></p> <ul style="list-style-type: none"> <u>a) Turning heads on terminating roads (sealed)</u> <u>b) Stormwater pipes or open drains</u> <u>c) Line marking</u> <u>d) Signage</u> <u>h)e) Bollards</u> <p>5. Period of an Outstanding Works Bond</p> <p>An outstanding works bond will be held for up to 6 months. A request from the land owner to extend the period beyond 6 months must be received in writing and supported by an engineering based justification and is subject to approval by Council's City Engineer. Resource availability or financial considerations are not valid reasons.</p>
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	6. Release of Outstanding Works Bond 6.1. At any time during the 6 month period once the outstanding works are completed, the land owner can request that the bond be released. Council's Engineer will inspect the subdivision to ensure that the outstanding works have been completed to a satisfactory standard. 6.2. If all outstanding works have been completed, Council will issue a certificate of completion and release the bond. Council will not release any bond to any third parties without the written consent of the land owner. 6.3. If at the end of the 6 month period there are still outstanding works to complete and no extension has been agreed, then Council may complete the outstanding works and draw on the full amount of the bond. Council will notify the land owner prior to commencing works and on completion of works.		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> <i>Land Use Planning and Approvals Act 1993</i> Subdivision Outstanding Works Bond Procedure Devonport City Council Strategic Plan 2009-2030		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES
	Training required by:	Councillors	Staff
			NO
			Department

	<h2 style="text-align: center;">TREE POLICY</h2>		
POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure & Works Manager	Infrastructure & Works Manager Deputy General Manager – Infrastructure, Works & Development	2.3.5 – Provide and maintain sustainable parks, gardens and open spaces to appropriate standards	July 2021
PURPOSE	The purpose of this policy is to provide clear direction for the management of trees throughout the City.		
SCOPE	This policy applies to: <ul style="list-style-type: none"> • Trees located on Council owned, leased or managed land (e.g. road reservations, parklands, <u>coastal reserves</u> and bushland). • Trees on land to be donated to Council (e.g. subdivisions being developed). • Trees on private land that may impact Council owned, leased or managed land. 		
POLICY	<ol style="list-style-type: none"> 1. Recognise the Benefits of Trees <u>This Policy proposes to increase the tree coverage in Devonport, recognising that:</u> <ol style="list-style-type: none"> <u>1.1. Establish Vegetation to provide</u> benefits for the community including shade, aesthetics, temperature and UV control, wind suppression and reduction in noise and air pollution. <ul style="list-style-type: none"> • Community goodwill <u>is created</u> from tree planting projects. • <u>Trees provide a variety of environmental benefits.</u> <u>1.2.</u> 2. Conserving and Enhancing the City's Streetscapes, Open Space and Bushland <ol style="list-style-type: none"> 2.1. Maintain existing trees and wildlife corridors between bushland areas for biodiversity and habitat. 2.2. Allocate budget resources for new tree planting projects, tree replacement and tree removal. 2.3. Plant new trees as part of Council projects where appropriate. 2.4. Require new trees to be planted as part of developments and subdivisions to be funded by the developer as appropriate. 2.5. Utilise the "Tree & Plant list - preferred species" for guidance when selecting new plantings to ensure the selected species is suitable for the location 2.6. Ensure trees are protected during works. 2.7. Maintain the "Tree & Plant list - preferred species" to reflect current practice 2.8. Observe and maintain the Significant Trees Register to prevent destruction of significant trees. 2.9. Physically maintain existing trees including tree planting, pruning, and ongoing maintenance in accordance with: 		

	<p> a) Council's maintenance service level documents a)b) Australian Standard AS4373-2007 Pruning of Amenity Trees; b)c) Council's Tree Maintenance Manual; c)d) Hazardous Tree Assessment Form; and d)e) Tasmanian Standard Drawings. </p> <p>2.10. Encourage, support and advise organisations in planting and management of trees.</p> <p>2.11. Inform landowners regarding tree planting programs</p> <p>2.12. Provide information to landowners regarding appropriate planting on private property</p> <p>3. Other</p> <p>3.1. Public requests will be assessed in accordance with Legislation and related documents as well as Council's work program.</p> <p>3.2. Unauthorised removal – loss or damage of a tree can be pursued through Council's Asset Loss Recovery Procedure. and or via the Roads and Jetties Act 1935 Section 51.</p>		
LEGISLATION AND RELATED DOCUMENTS	<p> <i>Local Government Act 1993</i> <i>Roads and Jetties Act 1935</i> <i>Neighbourhood Dispute about Plants Act 2017</i> Tree & Plant list - preferred species Significant Tree Register Australian Standard AS4373-2007 Pruning of Amenity Trees Devonport City Council Strategic Plan 2009-2030 </p>		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES
	Training required by:	Councillors	Staff
			NO
			Department



Corporate Climate Change Adaptation Plan – Actions Status 2021

This report presents the Devonport City Council's risk statements, adaptation actions, and progress during 2020/21 for the priority climate change risk areas: Rainfall; Sea Level Rise and Storm Tide; Heat; and Bushfire.

1. RAINFALL RISKS					
Risk	Risk level	Adaptation Action	Timeline (commencing July 2018)	Status	Outputs 30 June 2021
Stormwater system becoming under capacity in areas as a result of more intense, short duration rain events, leading to an increased requirement for upgrade or replacement	Extreme	Adequately resource the Action Plan accompanying the revised Stormwater Strategy - in particular, flood modelling of priority areas	Within a year	In progress	Stormwater System Management Plan adopted by Council in Dec 2019. The Plan identifies risk of flooding in urban catchments, allowing prioritisation of upgrade projects. Two major upgrade projects completed in 2020/21 (\$900,000). A further \$200,000 allocated for one project in 2021/22.
		Continue preventative practices prior to and during extreme events e.g. clearing gutters and drains	Immediate	Ongoing	Known 'hot spots' are inspected prior to major events. Implementation of improved scheduling and data collection tools underway.

1. RAINFALL RISKS					
Risk	Risk level	Adaptation Action	Timeline (commencing July 2018)	Status	Outputs 30 June 2021
Increased rainfall / severe weather events leading to increased damage to infrastructure and roads resulting in increased maintenance and clean up costs	High	Increase resources towards monitoring and maintenance activities	Within 5 years	Ongoing	Improvements to asset management and works management systems have improved Council's capability to scheduled inspections using a risk-based approach, allow better prioritisation of reactive work and provide data to allow prioritisation of upgrade work when required.
Riparian vegetated buffers to waterways are insufficient to reduce velocity of overland flow during more intense, short duration rain events resulting in erosion of waterways and sedimentation downstream	High	Provide information to relevant sections of the community on the function of the catchments and buffers to waterways with the aim of retaining or revegetating riparian zones	Within a year	In progress	Community engaged in delivery of specific projects: <ul style="list-style-type: none"> Friends of Don Reserve assisted with planting
		Maintain and where required revegetate riparian zones on Council owned and managed land	Within a year	Ongoing	Native species planted as follows: <ul style="list-style-type: none"> Gun Club/East bank of Don River - 450
Increase in rainfall / flooding / high wind and other severe weather events leading to increased deterioration of roads, bridges, coastal and park infrastructure (e.g. trees, pontoons) resulting in heightened public safety concerns	Extreme	Assess tree damage after high wind & rain events	Immediate	Ongoing	Scheduled and targeted inspections are undertaken. System improvements now allow schedules to be set using a risk based approach.

2. SEA LEVEL RISE AND STORM SURGE RISKS					
Risk	Risk level	Adaptation Action	Timeline (commencing July 2018)	Status	Outputs 30 June 2021
Extreme storm tide events resulting in foreshore erosion and inundation impacting on council owned and managed reserves, parks and facilities resulting in increased costs to the council	High	Advocate to the Cradle Coast Authority (CCA) for a coastal vulnerability study of council assets across the region or state- wide	Within 5 years	No action required	100-year sea level rise scenarios can be accessed via Coastal Risk website www.coastalrisk.com.au Various other reports include scenario maps developed in mid 2000s. Council uses existing information to assess coastal vulnerability of Council and private assets based on current information.
Sea level rise and increased coastal inundation during storm tide events resulting in areas becoming unsuitable for development or certain land-uses requiring rezoning through the Council's planning system and preparing for potential litigation issues for the Council	High	Abide with relevant codes of the Tasmanian Planning Scheme	Immediate	Ongoing	Council abides with Tasmanian Planning Scheme codes
Increased coastal inundation during storm tide events resulting in inundation of Council owned and managed reserves resulting in environmental degradation and loss of coastal values	Moderate	Assess risks, prioritise works and implement dune / foreshore restoration programmes as required	Long term	Ongoing	\$100,000 allocated in 2021/22 to works at Coles Beach and Don Heads. Several sites are being monitored.

3. HEAT RISKS					
Risk	Risk level	Adaptation Action	Timeline (commencing July 2018)	Status	Status 30 June 2021
Increase in vector-borne illness which will have an adverse effect on public health leading to increased pressure on the public health system and potential spread of disease	Moderate	Comply with and support the direction provided by Tasmanian Government Public Health Services	Long term	Ongoing	No action required.
Increased temperatures leading to increased risk of sunburn and heat stress for users of council's public open space resulting in potential public liability claims and public complaints	Moderate	Ensure sufficient shade - natural or built - is available or planned for when developing new facilities in public open space	Long term	In progress	Shade sails installed over the new inclusive equipment at the Mersey Bluff Playground. Sails to be installed in the Waterfront Park and Bluff skate park 2021/22.
4. BUSHFIRE RISKS					
Risk	Risk level	Adaptation Action	Timeline (commencing July 2018)	Status	Outputs 30 June 2021
Increased likelihood and severity of bushfire across the Council's municipal area severely impacting on private property and businesses leading to increased costs	High	Alignment of bushfire management plans for council owned land to ensure appropriate and coordinated fire mitigation practices	Immediate	Complete	
Increased temperatures resulting in an increased bushfire risk leading to public safety concerns	Extreme	Improve emergency management & community disaster preparedness and response	Immediate	Ongoing	Council continues to work with emergency services to improve the community's disaster preparedness and response.
Altered fire regimes leading to a change in ecosystem function and reducing resilience of native flora/fauna/communities, particularly threatened species	Moderate	Implement prescribed burning regimes dictated by appropriate bushfire management plans, when resources are available	Long term	Ongoing	No fuel reduction burns were completed during 2020-21 due to Tasmanian Fire Service scheduling issues.

5. OTHER RISKS					
Risk	Risk level	Adaptation Action	Timeline (commencing July 2018)	Status	Outputs 30 June 2021
Increased extreme weather events resulting in power outages and telecommunications failure to Council buildings and assets resulting in an inability of the Council to coordinate and deliver services and emergency management responses placing the community at risk	High	In accordance with the Business Continuity Plan identify alternative business locations and power supplies to enable continuous operations	Within a year	Complete	Council's Business Continuity Plan identifies alternative business locations. Alternative power supplies have been installed at those locations to enable continuous operations.
Increase in severe weather events across the region impacting on the capacity of state emergency services to respond to Devonport events resulting in resourcing challenges for Council	High	In line with Council's Business Continuity Plan, prioritise Council's service delivery, including reassigning employees to priority tasks	Within 5 years	Complete	
		Develop a volunteer register and provide relevant training for volunteers to assist with basic tasks in the event of an emergency	Within 5 years	In progress	Volunteering Tasmania has established a coordinated volunteer management service that matches the skills, availability, and location of spontaneous volunteers with volunteering opportunities available with councils and organisations responding to emergencies. Council works with VT on a range of volunteer initiatives.

5. STRATEGIC CORPORATE ADAPTATION ACTIONS

Strategic priorities are broad level climate change adaptation actions that do not specifically address a particular area or risk and fall across numerous Council service areas. There are key overarching corporate functions that are worth considering for minimising the Council's risk in the face of extreme events posed by climate change.

Action	Status	Outputs 30 June 2021
Ensure legal liability issues are addressed The legal advice established for Tasmanian councils is covered in Section 4	Ongoing	To be addressed at a regional and/or state level
Update Council's risk register Integrate climate change risk management into the Council's existing risk assessment framework and migrate treated risks to the risk register	Complete	Risks have been integrated with Council's risk register
Emergency management planning in relation to climate hazards Ensure that the projected impacts of climate change are properly considered in the Council's emergency management planning processes	Ongoing	Projections are presented and discussed at the Mersey Leven Emergency Management Committee
Implement communication strategy Develop and implement a climate change communication and education plan for the Council's staff. Increased staff capacity and awareness will assist in incorporating climate change scenarios and impacts into policy and decision making processes.	Not commenced	To be progressed when resources are available
Incorporate identified actions into other Council plans & strategies Consideration of climate change risks and impacts in other Council strategies, policies and plans (such as Strategic & Annual Plan). The climate change impacts, and risk process outlined throughout the Adaptation Plan should be considered in the development of future plans, policies and strategies. This will also ensure there are a range of potential internal mechanisms for important actions to be implemented.	Ongoing	This plan integrates with several other council documents and processes including Strategic Plan, Annual Plan, Environment Strategy, Stormwater Strategy, and Service Level documents.
Annual reporting Consider developing climate change related Key Performance Indicators that could be reported on through the Council's annual report	Not commenced	A greenhouse gas emissions audit to be undertaken in 2021/22 may inform development of KPIs
Climate Change Champion Appoint a climate change champion supported by a cross Council team to implement the Adaptation Plan	Ongoing	While no champion has been appointed, a team of staff implement actions in this Plan

Current and Previous Minutes Resolutions - August 2021					
Meeting Date	Res No.	Item	Status	Assignees	Action Taken
24/08/2020	20/66	Devonport Surf Life Saving Club - Kiosk proposal	In progress	Governance Officer	Draft agreement provided to DSLSC. Club are seeking to have plans drawn up and to secure a grant to assist with the associated costs
23/11/2020	20/140	Disposal of Public Land at 116-122 Stony Rise Road Devonport	In progress	General Manager	Valuation has been received and negotiations for sale of land have commenced
28/06/2021	21/115	BIRD Pilot Program	In progress	Executive Coordinator	The BIRD general manager has been invited to attend a future workshop.
26/07/2021	21/139	Confirmation of Previous Minutes	Completed	Governance Officer	Minutes confirmed
26/07/2021	21/140	Responses to Questions Raised at Prior Meetings	Completed	Governance Officer	Responses to questions noted
26/07/2021	21/141	Questions on Notice from the Public	Completed	Governance Officer	Responses endorsed and release authorised
26/07/2021	21/142	Banning of Balloon Releases	In progress	Executive Coordinator	Workshop dates being considered
26/07/2021	21/143	Transfer Station - Free Domestic Use Day	In progress	Executive Coordinator	Workshop dates being considered.
26/07/2021	21/144	PA2021.0081 - 40-48 Best Street Devonport - Advertising Signage - third party signs	Completed	Planning Administration Officer	Issued Planning Permit and advised representor
26/07/2021	21/145	PA2021.0089 - 6 Matthews Way Devonport - Service Industry (motor repairs)	Completed	Planning Administration Officer	Issued Planning Permit and advised representor
26/07/2021	21/146	PA2021.0070 - 200 Stony Rise Road Stony Rise - Removal of items	Completed	Planning Administration Officer	Issued Planning Permit and advised representor and Tas Heritage Council
26/07/2021	21/147	Petition - Footpath - Woodrising Avenue Spreyton	Completed	Governance Officer/Infrastructure & Works Manager	Notified petitioner of outcome from Council Meeting - Scope of investigation/analysis TBD, but will occur after new pedestrian bridge is constructed early 2022.
26/07/2021	21/148	Tender Report Contract CT0298 Kelcey Tier Road Reconstruction	Completed	Project Management Officer	Contract documents signed and sent to contractor.
26/07/2021	21/149	Tender Report Contract CT0301-01 Supply, Delivery and Placement of Hotmix Asphalt	Completed	Project Management Officer	Contract documents signed and sent to contractor.
26/07/2021	21/150	Tender Report Contract CT0301-02 Supply, Delivery and Placement of Sprayed Bituminous Surfacing	Completed	Project Management Officer	Contract documents signed and sent to contractor.
26/07/2021	21/151	Risk Management Framework	Completed	Executive Coordinator	Adopted Framework is available on Council's website.
26/07/2021	21/152	Workshops and Briefing Sessions held since the last Council Meeting	Completed	Governance Officer	Report received and information noted
26/07/2021	21/153	Mayor's Monthly Report	Completed	Governance Officer	Report received and noted
26/07/2021	21/154	General Manager's Report - July 2021	Completed	Governance Officer	Report received and noted and response to Code of Conduct Framework Review endorsed
26/07/2021	21/155	Community Services Report May and June 2021	Completed	Governance Officer	Report received and noted
26/07/2021	21/156	Convention and Arts Report - May and June 2021	Completed	Governance Officer	Report received and noted

Attachment 6.3.1 Current and Previous Minutes Resolutions - August 2021

26/07/2021	21/157	General Management, People & Finance and Corporate Services Report - May and June 2021	Completed	Governance Officer	Report received and noted
26/07/2021	21/158	Elected Members Expense Report to 30 June 2021	Completed	Governance Officer	Report received and noted
26/07/2021	21/159	Code of Conduct Determination Report - Nevin v Rockliff, Laycock & Perry	Completed	Governance Officer	Report noted
26/07/2021	21/160	Confirmation of Minutes - Planning Authority Committee Meeting - 12 July 2021	Completed	Governance Officer	Minutes received and recommendations noted

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Local Government Act 1993
CODE OF CONDUCT PANEL DETERMINATION REPORT
DEVONPORT CITY COUNCIL
Complaint brought by Mr Christopher Mills against Cr Alison Jarman

Code of Conduct Panel:

- Lynn Mason (Chairperson)
- Liz Gillam (community member with experience in local government)
- Anthony Mihal (legal member)

Date of Determination: 30 July 2021

Content Manager Reference : C22018

Summary of the Complaint

A code of conduct complaint was submitted by Mr Christopher Mills to the General Manager, Devonport City Council on 1 March 2021.

The complaint alleged that Cr Jarman used her office as a councillor to influence Mr Mills against bringing a complaint against a council employee, in return for assisting Mr Mills to resolve a long-standing issue he had with the General Manager of the council. The complaint also alleged that Cr Jarman had been 'agitated and disrespectful' in dealing with Mr Mills, and that she had bullied Mr Mills in her phone call to him on 1 March 2021. Finally, the complaint alleged that Cr Jarman failed to represent council in accordance with clauses 1 – 7 inclusive of Part 8 of the Code.

The Code in force at the time of the alleged breaches was adopted by Council in January 2019.

The sections of the Code which Mr Mills alleged Cr Jarman breached are:

Part 3 – USE OF OFFICE

- 1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.*
- 2. A councillor must not take advantage, or seek to take advantage, of their office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person or body.*
- 3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.*

Part 7 – RELATIONSHIPS WITH COMMUNITY, ELECTED MEMBERS AND COUNCIL EMPLOYEES

- 1. A councillor –
(a) must treat all persons fairly; and
(b) must not cause any reasonable person offence or embarrassment; and
(c) must not bully or harass any person.*

* Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Part 8 - REPRESENTATION

- 1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.*
- 2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.*
- 3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.*
- 4. A councillor must clearly indicate when he or she is putting forward his or her personal views.*
- 5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
- 6. A councillor must show respect when expressing personal views publicly.*
- 7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

Initial assessment

Following receipt of the complaint, the Chairperson conducted an initial assessment of the complaint in accordance with the requirements of section 28ZA of the Act. Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that:

- the complainant had made a reasonable effort to resolve the complaint. The Chairperson arrived at this conclusion as Mr Mills had invited Cr Jarman to contact him if she thought the complaint was unfair;
- the complaint substantially related to a contravention of the Devonport City Council's Code of Conduct, namely Part 3 1-3, Part 7.1 (a), (b) and (c), and Part 8 1-7;
- the complaint should not be dismissed on the grounds that it was frivolous, vexatious or trivial. The reasons for this conclusion were that if proven the allegations would amount to a significant breach of the Council's code of conduct;
- she was satisfied that there was no relevant direction under section 28ZB(2) or 28ZI of the Act that would apply to the complainant and the complaint.¹

On this basis, the Chairperson determined to investigate the complaint.

The complainant, respondent councillor and the General Manager were notified of the outcome of the outcome of the initial assessment by letter dated 15 April 2021.

The Complaint

At the centre of this complaint is an issue between Mr Mills and a council employee. Mr Mills considered that a Council officer, the Parks and Reserves Co-ordinator (PRC), had behaved corruptly in managing the removal of some trees from a Council Reserve in Caroline Street East Devonport, adjacent to Mr Mills' home. Mr Mills had been pursuing a complaint against the PRC since the removal of the trees.

In early February 2021, after Mr Mills had asked a question regarding the PRC's employment status during Public Question Time at the ordinary council meeting of 25 January 2021, Cr Jarman phoned Mr Mills. Mr Mills alleged that Cr Jarman suggested that if he desisted from pursuing his complaint

¹ Section 28ZB(2) and 28ZI of the Act enable the Chairperson or the Panel (as applicable) to issue a direction to a complainant in prescribed circumstances not to make a further complaint in relation to the same matter unless the complainant provides substantive new information in the further complaint.

against the PRC, she would see *what she could do* to resolve the matter of Mr Mills' request for an assessment of the landslip zone next to his house. Cr Jarman stated in her Statutory Declaration of 6 May 2021 that her intention in that phone call was to ask Mr Mills not to mention publicly the name of the council employee in pursuing his complaint, as they were very unwell and on sick leave from the Council. Cr Jarman denied that she had asked Mr Mills to stop pursuing his complaint.

Mr Mills gave Cr Jarman his word that he would not pursue the complaint at that time.

On 26 February 2021, Mr Mills received a letter from the Council's General Manager, telling him that the person in question was still employed by the Council. Mr Mills interpreted this as notice that the PRC was *fit and well enough to be employed*. As a result of this, Mr Mills wrote to the General Manager on 1 March 2021, stating that he intended to proceed with his complaint against the PRC as he was *now capable of returning to work*. This letter was copied to Cr Jarman.

Later that day (1 March 2021), Cr Jarman phoned Mr Mills to reiterate that the PRC was still on sick leave. It is this phone call which is the subject of the complaint. The complaint alleged that Cr Jarman was *agitated and disrespectful*, and that her behaviour was *unbecoming of a Deputy Mayor and Councillor*. Mr Mills alleged that he was abused and bullied by Cr Jarman. Mr Mills believed that Cr Jarman was expressing her views (in the phone call) with the support of the General Manager.

Procedure

In accordance with section 28ZE of the Act, the Code of Conduct Panel investigated the complaint.

The Panel met on 23 April 2021. On 26 April 2021 the Panel wrote to the General Manager, requesting a copy of a letter from Mr Mills to Council on 18 December 2020, and a copy of a letter from the General Manager to Mr Mills on 26 February 2021. The General Manager, Mr Atkins, was also asked to provide information regarding the phone call from Cr Jarman to Mr Mills on 1 March 2021, during part of which Cr Jarman was in his presence. These letters and a Statutory Declaration were received from Mr Atkins on 6 May 2021.

On 26 April 2021 the Panel wrote to Mr Mills, asking him to provide further information regarding the exact nature of the words or phrases used by Cr Jarman in the phone call on 1 March. This information was provided by Mr Mills on 29 April 2021.

On 26 April 2021 Cr Jarman was informed that the Panel had met, and was invited to request an extension of time to make her response to the complaint. Her response to the complaint was received on 6 May 2021.

The Panel met on 26 May 2021, and on 28 May the parties were informed that a hearing was to be conducted on 30 June 2021, with the General Manager to appear as a witness. Neither Mr Mills nor Cr Jarman asked to call witnesses, and neither party asked for an advocate or a support person.

The hearing was held in Ulverstone on 30 June 2021.

Material considered by the Panel

The Panel considered the following documents in its investigation:

- The Devonport City Council Model Code of Conduct Policy, January 2019;
- the complaint from Mr Mills, attached to a Statutory Declaration dated 10 March 2021;
- Statutory Declaration from Mr Mills, dated 29 April 2021
- Statutory Declaration from the General Manager, dated 5 May 2021 accompanied by:
 - o letter dated 9 April 2020 from the Council to Mr Mills;
 - o letter dated 18 December 2020 from Mr Mills to Council; and
 - o letter dated 26 February 2021 from the Council to Mr Mills.

- response to the complaint from Cr Jarman, attached to a Statutory Declaration dated 6 May 2021;
- Statutory Declaration from Mr Mills, dated 26 May 2021, covering five emails from Mr Mills to the Executive Officer between 18 May 2021 and 22 May 2021;
- Statutory Declaration dated 3 June 2021 from Mr Mills, and attachments A, B, C and D; and
- Statutory Declaration dated 24 June 2021 from Mr Mills, with excerpt from Council's minutes of the meeting of 25 January 2021.

Oral Evidence at the Hearing

The Complainant's oral evidence was that on 1 March 2021, during the telephone call, Cr Jarman was *very loud and aggressive*. She attempted to dissuade Mr Mills from going ahead with the complaint against the PRC. He reminded her of her offer to seek resolution of the 'landslip issue' (caused by the PRC's removal of trees). He was told that the General Manager was with her during the phone call. The Complainant expected Mr Atkins to come to the phone and *to take the lead* but Cr Jarman kept talking and became more agitated, and accused him of misunderstanding council's RTI response. The Complainant said Cr Jarman said he was breaking his word, he was cold hearted, and *how would I feel if I was not in good health*. She ended the phone call by saying she would not help him anymore. Mr Mills maintains his belief that the PRC was guilty of 'corruption' in relation to the removal of the trees.

Mr Atkins, the general manager of the Devonport City Council, gave evidence. He said that on 1 March 2021, he was in his office at the paranaiple centre in Devonport when he heard Cr Jarman speaking on the telephone in the nearby councillors' lounge, to a person he gathered was Mr Mills. He could not hear what was being said until Cr Jarman came into his office for less than a minute during the course of the telephone call. She then left before the end of the call. He said the conversation was not animated but Cr Jarman habitually spoke loudly, and did so on this occasion. That was not unusual. He said there was no offensive language or abuse. The duration of the phone call was ten or fifteen minutes. The call ended 'quickly' but he could not recall the words used.

Mr Atkins' evidence did not support the Complainant's allegations that Cr Jarman was agitated and disrespectful during the telephone call.

Cr Jarman said that the purpose of her phone call to the Complainant was to assist him to direct his complaint about the removal of trees towards the Council rather than towards the individual council employee who was involved. She said in effect that Mr Mills misdirected that complaint towards a council employee who was on indefinite leave because of serious health issues, and was not likely to ever return to work. She wanted to know how she could help to resolve his complaint, not to 'end it'. Her intention was not to obtain a benefit for the unwell employee but to assist the complainant to properly direct his complaint so it could be resolved. She did not recall calling the Complainant 'cold hearted' during the telephone call. She said she ended the phone call by saying *I don't think I can help you anymore* because the complainant was not listening to her. She does not believe her manner was bullying or aggressive.

Determination

Pursuant to section 28Z1 (1)(b) of the Act, the Code of Conduct Panel dismisses the complaint against Cr Jarman.

Reasons for the Determination

Part 3 – USE OF OFFICE

1. *The actions of a councillor must not bring the Council or the office of councillor into disrepute.*

2. *A councillor must not take advantage, or seek to take advantage, of their office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person or body.*
3. *In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.*

The effect of Mr Mills' evidence was that he believed that a person on extended sick leave or personal leave is not employed by the Council. Mr Mills therefore considered (during the phone call on 1 March 2021) that the Council had not been honest with him when he was told in the letter from the Executive Co-ordinator of the Council on 26 February 2021 that the PRC *is a current employee of the Devonport Council*. Mr Mills was confused by the apparent discrepancy between the information in the letter of 26 February 2021, and the information being provided by Cr Jarman in the phone call, regarding the PRC's status as a Council employee.

During the phone call on 1 March 2021, Cr Jarman may have been frustrated by her failure to be able to explain to Mr Mills that the PRC was still an employee of the Council, despite his having been on sick leave for several months. While Cr Jarman may have spoken loudly, the Panel saw no evidence that Cr Jarman's phone call of 1 March 2021 brought the Council into disrepute, either because of what was said or because of the tone of the conversation.

Whilst Cr Jarman was seeking to ensure that Mr Mills was aware of the PRC's circumstances, the Panel determines that Cr Jarman was not seeking preferential treatment for him, nor was she seeking undue, improper, unauthorised or unfair benefit for herself or the PRC. The Panel accepts Cr Jarman's evidence that she believed that Mr Mills had misdirected his complaint about the removal of trees towards the unwell council employee, and she wanted to assist Mr Mills to direct his complaint towards the Council rather than the individual, in order to achieve a resolution.

Part 7 – RELATIONSHIPS WITH COMMUNITY, ELECTED MEMBERS AND COUNCIL EMPLOYEES

- I. *A councillor –*
 - (a) *must treat all persons fairly; and*
 - (b) *must not cause any reasonable person offence or embarrassment; and*
 - (c) *must not bully or harass any person.*

The Panel determines that Cr Jarman did not treat Mr Mills unfairly. On the evidence provided, Cr Jarman was attempting to assist Mr Mills to resolve his issue regarding landslip risk caused by the removal of trees, and giving him information about the PRC's ongoing health problems to help him to understand why the pursuit of his 'corruption' complaint might not be appropriate while the PRC was still unwell. Mr Mills stated in hearing that he was unaware that the PRC was still unable to return to work, as the Council had not given him this information.

The Panel prefers Cr Jarman's evidence about the nature of the telephone call on 1 March 2021, her tone and its content, to the extent that it differed from Mr Mills' account. Mr Mills did not understand that an employee/employer relationship continues when an employee is on leave due to ill health, and appeared to misunderstand Cr Jarman's purpose in making the telephone call. It is likely he was also mistaken about Cr Jarman being aggressive and agitated, which was unsupported by the only witness to part of the conversation, Mr Atkins. In either account of the words used in the phone call, and taking into account that the call did not take place in a public area, the Panel is unable to find a basis for a reasonable person to be offended or embarrassed, nor anything that could amount to bullying or harassment.

Part 8 - REPRESENTATION

- I. *When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.*

2. *A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.*
3. *A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.*
4. *A councillor must clearly indicate when he or she is putting forward his or her personal views.*
5. *A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
6. *A councillor must show respect when expressing personal views publicly.*
7. *The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

The Panel determines that during the phone call, Cr Jarman was not talking about policies and decisions of the Council. She did not misrepresent information she had obtained as a councillor, but rather, conveyed information which was known in the community about an unwell council employee. She spoke as an individual councillor, not on behalf of the Council. The exchange was not a public exchange. The Panel cannot determine that anything about what Cr Jarman said or the way she said it during the phone call was disrespectful, nor could it reflect adversely on the reputation of the Council.

Timing of the Determination

In accordance with section 28ZD (1) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's determination that the complaint is to be investigated.

The Panel has been unable to determine the complaint within 90 days, owing to other commitments by members preventing preparation of the final report.

Right to Review

Under section 28ZP of the Act, a person aggrieved by the determination of the Panel is entitled to apply to the Magistrates Court (Administrative Appeals Division) for a review of the determination on the ground that the Panel has failed to comply with the rules of natural justice.



Lynn Mason
(Chairperson)



Anthony Mihal
(Legal Member)



Liz Gillam
(Community Member with
experience in local government)