



AGENDA

FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD ON

**16 OCTOBER 2017 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE
IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY**

MEMBERS

Cr S Bedford (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr B Brug
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington
Cr D Proleta

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Communications and Customer Relations, Mr M Bennington
Manager Governance, Mr M Petrovski
Governance Coordinator, Ms J Rowett

APOLOGIES

An apology has been received from Cr B Brug.

LEAVE OF ABSENCE

Leave of absence for this meeting was previously granted to Cr R Cook.

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 18 September 2017.

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OTHER BUSINESS

CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

18 SEPTEMBER 2017

MEMBERS PRESENT

Cr S Bedford (Chairman)
Cr D Balaza
Cr B Brug
Cr L Caruso
Cr D Pilkington
Cr D Proleta

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Acting Manager Governance, Ms J Rowett
Manager Communications and Customer Relations, Mr M Bennington

The meeting commenced at 9:53 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

Apologies were received from Mayor G Aldridge and Cr D Bryant.

LEAVE OF ABSENCE

Leave of absence for this meeting was previously granted to Cr R Cook.

PRESENTATION OF MINUTES

Moved Cr L Caruso
Seconded Cr D Pilkington

The Minutes of the Resources and Governance Committee Meeting held on 21 August 2017, be taken and read as confirmed.

CARRIED

Moved Cr L Caruso
Seconded Cr D Pilkington

The Minutes of the Confidential Resources and Governance Committee Meeting held on 21 August 2017, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr B Brug
Seconded Cr D Pilkington

1. The information be received.

CARRIED

Corporate Governance

3.6.1 Local Government Act Order Making Policy

Moved Cr L Caruso
Seconded Cr D Pilkington

1. The Information be received.
2. The Local Government Act Order Making Policy as set out in Attachment 1 to the Resources and Governance Committee 18/9/17 agenda report (Item No. 3.6.1) be endorsed.

CARRIED

3.6.2 Review of Code of Practice - Access to Meetings and Associated Documents - Results of Public Consultation

Moved Cr L Caruso

Seconded Cr D Pilkington

1. The information be received.
2. The Code of Practice – Access to Meetings and Associated Documents as set out in Attachment 1 to this report (Resources and Governance 3.6.2, 18/09/2017) be endorsed

CARRIED

3.6.3 Local Government Association Annual General Meeting 16/11/2017 - Call for Notices of Motion

Moved Cr B Brug

Seconded Cr D Pilkington

1. The information be received.

CARRIED

3.6.4 Variations to Delegations

Moved Cr B Brug

Seconded Cr D Pilkington

1. Having conducted a review of Delegations in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer, effective from 3 October 2017 of those powers and functions under the following:
 - 1.1 *Heavy Vehicles National Law (SA) Act 2014*
 - Section 174(2)
 - 1.2 *Local Government Act 1999*
 - Section 187(1)
 - 1.3 *Work, Health and Safety Act 2012*
 - Sections 65(1) and 229(1)

2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 2-6, Item No. 3.6.4, Resources and Governance Committee, 18/09/2017), are hereby delegated from 4 October 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions and / or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the following Acts:

2.1 *Heavy Vehicles National Law (SA) Act 2014*

- Section 174(2)

2.2 *Local Government Act 1999*

- Section 187(1), Clauses 2(1), 2(3), 2(4), 4, 5(1), 5(2), 6(1), 6(2), 7(2), 7(3), 9(1), 9(2), 9(3), 10(2), 10(2), 10(3), 13(1), 13(3) of Schedule 1B

2.3 *Planning, Development and Infrastructure Act 2016*

- Sections 73(2)(b)(iv), 73(6), 73(8), 73(9), 74(8), 82(d), 83(i), 83(1)(h), 83(1)(i), 83(2), 84(1)(c)(ii)(B) and 86(2)(a)

2.4 *Road Traffic Act 1961*

- Section 33(2)

2.5 *Work, Health and Safety Act 2012*

- Sections 65(1) and 229(1)

3. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.

CARRIED

3.6.5 Verge Development by Residents - Fruit and Vegetable Planting

Moved Cr D Proleta

Seconded Cr B Brug

1. The report be received and noted

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 10:03 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 October 2017
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Report authors and General Managers.

2.2 External

- 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
22/06/2015 3.3.2 Due:	Amendments to the Dog and Cat Management Act 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. July 2019	John Darzanos
28/09/2015 3.6.1 Due:	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. July 2018	Joy Rowett
30/01/2017 3.6.4 Due:	Review of the Procurement Policy to incorporate use of Australian Made steel for Council construction projects 2. A review of the implications of the adoption of a variation to the Procurement Policy to use to use Australian made steel as set out in Part 1 (Item 3.6.4, Resources and Governance Committee, 23/01/2017) be undertaken in 12 months. January 2018	Matt Harris
26/06/2017 3.3.1 Due:	Proposal to Amend the Australian Road Rules to enable parking on Council verges 4. A report be presented to Council on the impact of the changes set out in parts 1 to 3 (Item 3.3.1, Proposal to Amend the Australian Road Rules to enable parking on Council Verges, Council meeting 26/06/2017) to existing Council's policies. January 2018	John Darzanos
28/08/2017 NOM3 Due: Deferred to: Reason:	Provision of telephone for use in case of domestic violence/other emergency situations 1. That, as part of the consideration of White Ribbon Australia Workplace Accreditation (refer Council resolution 1893/2017), staff investigate options and costs associated with the establishment of a telephone(s) located outside of council buildings which can be used by people fleeing domestic violence or other emergencies situations to obtain assistance from relevant emergency service providers. October 2017 January 2018 Pending further investigation.	Julie Douglas

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer: EXEC GROUP
Date: 09/10/2017

ITEM	3.5.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 October 2017
HEADING	White Ribbon Australia Accreditation
AUTHORS	Gail Page, Manager People and Culture, Business Excellence Julie Douglas, Senior Social Planner, Community Development
CITY PLAN LINKS	4.1 Strengthen partnerships that enable us to better address our community's priorities. 4.2 Develop strong capability and commitment to continually improve Council's performance.
SUMMARY	This report provides details of the process for White Ribbon Australia Workplace Accreditation and current organisational and community programs and initiatives relating to domestic violence.

RECOMMENDATION

1. Information be received.
2. The City of Salisbury participates in the White Ribbon Australia Workplace Accreditation Program.
3. A New Initiative Bid for \$31,000 to include the \$15,000 accreditation fee and additional resource is put forward for Council consideration in the 2018/19 budget.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. White Ribbon Australia Fact Sheet
2. White Ribbon Australia Workplace Accreditation Program - Standards & Criteria

1. BACKGROUND

- 1.1 This report is in response to a Notice of Motion (Resolution Number: 1992/2017, 1893/2017):
 1. *That staff investigate the requirements for participation in the White Ribbon Australia Workplace Accreditation program and undertake an analysis for becoming accredited.*
 2. *A further report be prepared to identify other bodies (for example Beyond Blue) that Council could become accredited in.*
- 1.2 A second Notice of Motion (Resolution Number: 1958/2017) relating to the provision of a telephone outside of council buildings will be dealt with in a future report, following further investigation.
- 1.3 The following extract from White Ribbon Australia Strategic Framework 2016-2019 provides an overview of White Ribbon Australia.

“White Ribbon is the world’s largest movement of men and boys working to end men’s violence against women and girls, promote gender equality, healthy relationships and a new vision of masculinity. White Ribbon Australia (White Ribbon), as part of this global movement, aims to create an Australian society in which all women can live in safety, free from violence and abuse.

White Ribbon works through a primary prevention approach understanding that men are central to achieving the social change necessary to prevent men’s violence against women. We engage men to stand up, speak out and act to influence the actions of some men and demand change.

White Ribbon is dedicated to ensuring men are active advocates for changing the social norms, attitudes and behaviours that are at the root of men’s abuse of women. Through education, awareness-raising and creative campaigns, preventative programs and partnerships, we are highlighting the positive role men play in preventing men’s violence against women and enabling them to be part of this social change.”

- 1.4 A Fact Sheet relating to Violence Against Women and the Workplace is provided (Attachment 1). Statistics provided on the website indicate:

- 1 in 3 women experience physical and/or sexual violence perpetrated by someone known to them.
- 1 in 5 women over 18 have been stalked during their lifetime.
- Over 12 months, on average, one woman is killed every week by a current or former partner.
- 1 in 5 women experience harassment in the workplace.
- 94% of employees agree employers should take a leadership role in educating their workplace about respectful relationships between men and women.

2. CITY PLAN CRITICAL ACTION

- 2.1 Increase the flexibility, and build capacity and capability, of our workforce to quickly respond to emerging opportunities and needs.

3. CONSULTATION / COMMUNICATION

3.1 Internal

- 3.1.1 Representatives from the Community Development Department were consulted in relation to recent programs and current initiatives.

3.2 External

- 3.2.1 City of Port Adelaide Enfield consulted in relation to their White Ribbon Australia accreditation process.
- 3.2.2 Equal Opportunity Commission was consulted in relation to the White Ribbon Accreditation process in the South Australian Public Sector.
- 3.2.3 White Ribbon Australia was consulted in relation the accreditation process.
- 3.2.4 Consultation occurred with Northern Domestic Violence Service (NDVS) in relation to the role of Council and service needs.

4. REPORT

WHITE RIBBON ACCREDITATION

- 4.1 The White Ribbon Accreditation Program recognises workplaces that are taking active steps to prevent and respond to violence against women, both inside their organisation and within their broader community.
- 4.2 The Program includes an 18 month workforce development program, and 3 years accreditation status.
- 4.3 The fee for the Program for 4.5 years is \$15,000 (excluding GST) and is required prior to Program commencement. This does not include training costs associated with the Program. The fee is based on a cost recovery model. For the direct investment of \$15,000 the City of Salisbury will receive:
- The 18 month workforce development program
 - A dedicated Program Advisor
 - Access to White Ribbon portal, extensive best practice library, toolkits
 - Tailored webinars and teleconferences
 - Quarterly reviews with Program Advisor to track progress
 - Baseline survey & follow up survey provision – spotlight on culture towards gender equality and violence towards women
 - Assessment of accreditation submission by independent assessor
 - Accreditation status for 3 years (once achieved)
 - Ongoing collaboration across the 3 years post accreditation to ensure that Salisbury Council is continuing the good work, reviewing procedures and enacting the Operational Plan that is developed as part of the accreditation process
 - Lead into re-accreditation.
- 4.4 The re-accreditation process is a 12 month program, working on the same framework/criteria but from a continuous improvement perspective. The organisation will be required to demonstrate adherence to the 15 criteria and to show we have actioned what was in the Operational Plan. The work will again be assessed by an independent team. The cost of re-accreditation is \$9,900 for a further three years.
- 4.5 Benefits to the organisation for being a White Ribbon Workplace are:
- Strengthens gender equality and prevent violence towards women by driving social and cultural change
 - Improved workplace culture, office safety and morale
 - Increased knowledge and skills of staff to address disclosures of violence
 - Improved retention rates and lower staff turnover
 - Risk mitigation
 - Improved productivity
 - Reduced absenteeism
 - Improved reputation
 - Become or elevate your Employer of Choice status

- 4.6 The Accreditation Program assesses workplaces against 15 criteria under three standards. Attachment 2 (Standards and Criteria) includes examples of evidence that would achieve the standard.
- 4.7 The program is male-led and requires strong leadership from a cross-section of key people in the organisation.
- 4.8 Research was undertaken with two local organisations who have been involved in White Ribbon Australia Accreditation.
 - 4.8.1 In 2014 the South Australian State Government embarked on a collaborative partnership with White Ribbon to gain accreditation for all Agencies. Activities included:
 - Each Agency established a Steering Committee with a Senior Male Executive as a member of the Steering Committee.
 - Each Chief Executive signed a Statement of Commitment.
 - Whole a Government Event at Adelaide Oval during White Ribbon month.
 - 4.8.2 The City of Port Adelaide Enfield is the first South Australian Council to apply for accreditation and this is still in progress. Port Adelaide Enfield employees participated in a White Ribbon Pledge Day where individual pledge cards were pinned to a giant ribbon which is now hanging in the Civic Centre. The Program also included:
 - A dedicated internal resource for one day per week was required to coordinate the accreditation process.
 - A working group was required to allocate actions and ensure project completion during the accreditation process.
 - Change champions were assigned to promote the accreditation and importance of the project across the organisation.

CURRENT ORGANISATIONAL PROGRAMS

City of Salisbury has a number of programs underway across the organisation that provide support to employees and raise awareness of domestic violence. These include:

- 4.9 A “Building Safe Communities for Women and Children” Grant was received by Community Development which included an internal review component. A budget of \$8,000 from the Grant was dedicated to the following activities:
 - YWCA Adelaide was engaged to conduct a survey, complete a review of policy, procedures, programs and processes used to embed gender equality principles.
 - Bystander Intervention Workshops were conducted across the organization for both employees and volunteers.
 - A Gender Equity Matters (GEM) report was provided in June 2017 and the recommendations are currently being integrated into Human Resources Policy and Procedures review, as well as other Human Resources Programs.
- 4.10 Employee Assistance Program (EAP): Employees and their families have access to free psychological and counselling services.

- 4.11 Psychological Wellbeing Awareness Sessions were held in 2016 and 2017. These included sessions for employees and also for those in supervisory roles.
- 4.12 Fair Treatment Policy and Procedure, supported by Fair Treatment Officers, aims to eliminate discrimination and sexual harassment in the workplace.
- 4.13 Access to personal leave provisions were expanded in the current Enterprise Agreements to include “an unforeseen emergency that prevents the employee from attending their normal course of work”.
- 4.14 Annual Code of Conduct Refresher is conducted which reminds employees to “act in a reasonable, just, respectful and non-discriminatory way when dealing with people”. The theme for 2017 is “Don’t Walk Past”.
- 4.15 Promotions on noticeboards and Intranet for events such as RU OK Day and programs such as beyondblue and Headspace.
- 4.16 The workplace Diversity and Inclusion Plan is currently under development, to support the community Inter-Cultural Strategic Plan.
- 4.17 An ongoing commitment to the annual Mayoral breakfast for International Women’s Day which can be attended by staff and community members.

OTHER WORKPLACE PROGRAMS

- 4.18 The Notice of Motion required the identification of other bodies (for example, Beyondblue) that Council could become accredited in.
- 4.19 Beyondblue has a national workplace program relating to Mental Health in the Workplace but does not provide accreditation. The program includes:
 - Executive briefing
 - Workshops for employees, managers and human resources professionals
 - HeadsUp website which provides free tools and resources.
- 4.20 Lifeline promotes free training opportunities related to domestic violence delivered by DV-alert.
- 4.21 The Equal Opportunity Commission (EOC) has developed a series of e-learning modules which have been accredited by White Ribbon Australia.
- 4.22 There are also a number of organisations that provide programs dealing with wellbeing and social issues. These are broader than violence against women, however tackle issues such as mental health, drug and alcohol dependency and gambling additions which can be associated with domestic violence. These programs do not provide any type of accreditation.

COMMUNITY PROGRAMS

- 4.23 The City of Salisbury has a number of recent programs and current initiatives underway in the community that provide support to people who may experience domestic violence.
- 4.24 As mentioned above, City of Salisbury has been successful in receiving grant funding for two programs:
 - 4.24.1 Building Safe Communities for Women and Children 2015/2016. The Grant Funding was \$111,160 (GST exclusive). This program included the following initiatives:

Primary school workshops

- 8 week program deployed at 5 schools

Secondary school workshops

- 4 programs deployed at 2 schools

Community workshops

- 6 workshops deployed to various community groups such as Elizabeth TAFE and Salisbury Football Club.

Financial workshops

- 6 x 1 day workshops targeting financial independence for women

An internal review was also included which is detailed in the organizational programs above.

- 4.24.2 AGD Crime Prevention Grant 2016/2017. The grant funding was \$99,980. This program included the following initiatives:

- Educational & Safety workshops –Schools, Community
- Primary prevention workshops
- Early intervention workshops
- Financial workshops
- Community awareness events
- Promotional video clips
- Information provision
- Building Council capacity

- 4.25 City of Salisbury hosted a White Ribbon Event in November 2016 entitled “Opening Doors for Domestic Violence”. The event was a collaboration between the City of Salisbury, the Northern Regional Aboriginal Family Violence Service and Marra Dreaming to present an exhibition of doors painted by Aboriginal women. The event involved an auction of the artwork and over \$9,000 was raised for programs and services for Aboriginal domestic violence survivors.

- 4.26 City of Salisbury is an active member of the Inner North & North East Homelessness and Violence Against Women Regional Collaboration (INNEHVAW). The Homelessness and Violence Against Women Regional Collaboration was set up by the Department of Communities and Social Inclusion (DCSI) in 2012 as a regionalisation project to address homelessness issues in all regions of South Australia. As domestic violence is a major cause of homelessness, DCSI and the Office for Women partnered to develop the collaborations.

- 4.27 The key purpose of the INNEHVAW (as set out in their Terms of Reference) is to bring local organisations and community together to:

- Facilitate coordinated, action-based approaches across the community, government and other service providers, tailored to the particular characteristic of the Inner Northern Adelaide Region.
- Support work currently underway and provide opportunities to engage in new practical and strategic prevention and intervention initiatives.

- Ensure that issues and responses are interconnected with the relevant groups in the region to develop cross-sectoral responses to homelessness and Domestic Violence.
- Understand, analyse and enhance agency and community responses to homelessness and systems enhancement opportunities arising from these meetings.

4.28 Members of the INNEHVAW include the following organisations:

- City of Salisbury
- Northern Domestic Violence Service (NDVS)
- Relationships Australia SA (RASA)
- SAPol
- Anglicare
- Housing SA
- Junction Australia
- Uniting Communities
- Centacare

4.29 Projects undertaken by the INNEHVAW include:

- Advocacy for crisis/transitional housing in the North;
- Boarding House project;
- Promotion of Awareness of DV in the community project (in collaboration with local licensed premises and sporting clubs);
- Submission to Residential Parks Act Review
- Healthy Relationships program (in partnership with the Department of Corrections and Flinders University);
- Safe options for family pets for women and children escaping abusive relationships project (in partnership with Flinders University);
- Connect 2U community awareness events (in collaboration with Department of Education and Child Development and a range of local organisations). This was a series of free events held during school holidays and located in local primary schools to connect community members with service providers such as, Northern Domestic Violence Service, Housing SA, Relationships Australia SA, SA Police, City of Salisbury, Anglicare, Uniting Communities, Centrelink services among many others. Free activities for children were provided so they could have fun whilst parents were able to speak with service providers in a safe and informal way.

4.30 The Northern Domestic Violence Service (NDVS) was consulted in relation to the Notice of Motion. The Executive Officer advised that Councils could play an important role by:

- Facilitating grant funding;
- Partnering with local organisations;
- Provision of information to the community;
- Community awareness building;

- Building a public profile;
- Providing appropriate safe meeting spaces for organisations to meet with women and children fleeing domestic violence;
- Advocating for purpose built facilities in the North;
- Advocating for a housing plan for the North .

5. CONCLUSION / PROPOSAL

- 5.1 The City of Salisbury has a number of programs and initiatives, both internal to the organisation and for the community, to prevent domestic violence and provide support to those who may be impacted.
- 5.2 White Ribbon Accreditation provides a widely recognised symbolic commitment for driving social change to strengthen gender equality and stop violence against women.
- 5.3 The Program is a workplace program however can be extended to community activities. There is an opportunity for Elected Members to become White Ribbon Ambassadors, White Ribbon Advocates or take the Oath.
- 5.4 The training and education provided on violence against women, gender equality and generally creating an inclusive work culture will enable staff to become catalysts for change in the community.
- 5.5 The accreditation process can also serve as a basis to advocate for funding for purpose built facilities, or a housing plan to support those impacted by domestic violence.
- 5.6 The budget required for White Ribbon Accreditation for the next 4.5 years includes a \$15,000 accreditation fee, as well as an additional resource for one day per week for 21 months to coordinate the accreditation program across the organisation and into the community. The total investment is \$31,000. Training initiatives can be funded from the existing budget as this was planned as part of the Training and Development Plan.
- 5.7 Any Council funding allocated should provide tangible benefits to the Community and this will be tracked, with advice from White Ribbon Australia on mechanisms to do this.
- 5.8 It is proposed that Council participate in the White Ribbon Australia Accreditation Program to demonstrate community leadership in this important social change agenda.
- 5.9 It is proposed that the second Notice of Motion (Resolution Number: 1958/2017) related to the provision of a telephone outside of council buildings will be dealt with in a future report, following further investigation.

CO-ORDINATION

Officer: Executive Group
Date: 09/10/2017

Violence against women and the workplace



Violence against women – whether it occurs in or beyond the workplace – impacts on the health and safety of women at work, their wellbeing and their productivity.

Violence is also a workplace health and safety issue. If the perpetrator of violence uses the workplace as a place to harass or stalk the victim, it can put victims and their colleagues in danger.



1 in 3 women experience physical and/or sexual violence perpetrated by someone known to themⁱ



1 in 5 women experience harassment in the workplaceⁱⁱ



94% of employees agree employers should take a leadership role in educating their workplace about respectful relationships between men and womenⁱⁱⁱ





What can workplaces do?

An Australian survey revealed that 48% of respondents who had experienced domestic violence disclosed it to a manager or supervisor, and only 10% found their response helpful.^{iv}

Workplaces have an important role to play in ending men's violence against women and supporting women experiencing or escaping violence.

For many women experiencing domestic violence, abuse or control, the workplace provides a space and network away from the abuser. It is critical that workplaces understand violence against women, so that these women can stay in work and so workplaces can help them access the support they need.

Workplaces also have a pivotal role in addressing the underlying causes of men's violence against women by promoting gender equality.

Workplaces can:

- offer pathways to support, by creating a culture that supports women to disclose their experiences of violence, including referring women to appropriate support services and offering domestic violence leave
- provide a source of income and financial independence, especially if a woman decides to leave the abusive relationship
- create a zero-tolerance environment that responds to sexual harassment in the workplace and holds perpetrators to account

- provide information to employees on what to do when they see or hear about violence, abuse or harassment
- promote gender equality: conduct a gender audit, offer flexible work arrangements and critically examine the different roles men and women play in the workplace.

More information

Visit the White Ribbon website at **www.whiteribbon.org.au** for more information on how your organisation can stop violence against women in the workplace.

ⁱ Australian Bureau of Statistics. (2013). *Personal Safety, Australia, 2012* (no. 4906.0). Retrieved from: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4545E1A0AF026AD5CA257C3D000D820D?opendocument>

ⁱⁱ Australian Human Rights Commission. (2008). *Sexual Harassment Guide*. Retrieved from: <http://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment>

ⁱⁱⁱ Pennay, D & Powell, A. (2012). *The role of bystander knowledge, attitudes and behaviours in preventing violence against women: A full technical report*. The Social Research Centre. Melbourne.

^{iv} McFerran, L. (2011). *Safe at Home, Safe at Work? National Domestic violence and the workplace survey*. Australian Domestic and Family Violence Clearinghouse. Retrieved from: https://www.arts.unsw.edu.au/media/FASSFile/National_Domestic_Violence_and_the_Workplace_Survey_2011_Full_Report.pdf p. 13.

White Ribbon Australia Workplace Accreditation Program Standards and Criteria



 **White
Ribbon
Workplace**

 **White Ribbon
Australia**



Standards and Criteria

In order to become accredited, organisations must demonstrate adherence to 15 Criteria that sit across three Standards. Below is a summary of each Criterion.

Standard One: Leadership and Commitment

1.1	1.2	1.3	1.4	1.5	1.6
Leadership Commitment	Commitment of Resources	Internal Communication	External Communication	Collaboration	Demonstrated engagement with the issue of violence against women

Standard Two: Prevention of Violence against Women

2.1	2.2	2.3	2.4	2.5	2.6
Policies, Procedures and Documentation	Communication of Policies and Procedures	Manager/ Supervisor Training	Staff Training	Risk Assessment	Expectation of Contractors

Standard Three: Responses to Violence against Women

3.1	3.2	3.3
Response to Victims	Response to Perpetrators	Evaluation and Continuous Improvement



Standard One: Leadership and Commitment

1.1	1.2	1.3	1.4	1.5	1.6
Leadership Commitment	Commitment of Resources	Internal Communication	External Communication	Collaboration	Demonstrated engagement with the issue of violence against women

Criterion 1.1 Leadership Commitment

Leaders positively model and influence a culture of gender equality, respect, safety and support. Leaders actively demonstrate commitment to the prevention of violence against women and accountability for breaches of the code of conduct.

Explanation

Leaders (including those that govern, manage and represent), are important contributors to organisational cultures.

Requirements

Leaders visibly, personally and periodically promote:

- respectful relationships between men and women
- acknowledgement of employee human rights
- zero tolerance of violence against women
- knowledge of and adherence to organisational policies and procedures around safety for women who disclose violence
- gender equality
- a culture of safety, support and accountability.

Leaders and management must formally commit to continuing work on the issue of preventing violence against women (via an executive endorsed Operational Plan for the three years following accreditation.)

Examples of Evidence

- Endorse appropriate resource allocation e.g. leave, Program coordinator and events focused on gender equality and respect.
- Annual Report / Strategic Framework outline strategies to address violence against women.
- Manager position descriptions include roles, responsibilities and relevant key performance indicators.



- Leadership sign off on Operational Plan produced for work planned following accreditation.
- The head of organisation visibly promotes relevant messaging regularly, internally and externally.
- Leadership participate in the White Ribbon Working Group, HR Policy consultation, training and surveys.
- Leaders model positive and respectful interactions.
- Leaders ensure gender neutral networking events.
- Leaders try to ensure that there is a gender balance on any panel they speak on.
- Media spokesperson commentary reflects a zero tolerance to violence against women and the promotion of gender equality.
- Workplace Gender Equality Agency 'Employer of Choice' citation.
- Leaders model and promote gender equality within the organisation, including gender balance within the board and executive team, pay equality and initiatives to support the development of women in leadership.



Criterion 1.2 Commitment of Resources

Commitment is demonstrated by having dedicated resources assigned to:

- implement the Program;
- manage the organisation's policies against violence against women.;
- monitor ongoing compliance to the Program Standards and Criteria following accreditation and take action as necessary.

Explanation

Organisation Leadership has allocated appropriate resources to the Program to ensure all work required can be carried out.

An effective approach to workplace responses to violence against women should involve the active participation of staff at all levels of the organisation. It is recommended that a White Ribbon Working Group be established.

Requirements

Resources required will include the costs of:

- Staff time to:
 - complete baseline and follow-up surveys at work
 - attend training (see 2.3 and 2.4)
 - organise and attend events, activations and prevention initiatives.
- Developing operational plans to ensure continued focus on operational prevention activities (such as regular training, events, surveying staff, monitoring compliance) following accreditation.
- Funding flexible leave and employment practices to support women experiencing violence.

Examples of Evidence

- Initiatives and employment practices that promote gender equality, including pay equality and initiatives to support the development of women in leadership.
- Domestic Violence Leave provision.
- Minutes of working group meetings.
- Policies and procedures reviewed regularly, updated, and redistributed.
- KPI documents detailing Workplace Program accreditation responsibilities.
- Staff development records.
- Line items in financial reports.
- Items in annual budget.
- Documents recording staff resources used in preparing for accreditation.
- Designated time for staff to participate in the Program.



Criterion 1.3 Internal Communication

There is an internal communication strategy which continually promotes gender equality, respectful relationships and zero tolerance of violence against women as a social norm and lets employees know that victims of violence will be supported.

Explanation

Prevention of violence against women starts with creating a culture of gender equality, promotion of respectful relationships and increasing awareness of the issue and its impacts. Organisational communication is a vital tool in achieving this.

Requirements

A communication strategy should be developed that includes information on:

- the extent of violence against women
- ways men can take action
- how to create a safe environment in which employees can disclose
- where to find key policies and procedures
- contact information for accessing support services, e.g. 1800RESPECT
- the organisation's policies regarding its response to perpetrators.

Regular and consistent messages will be required to reinforce the policy of zero tolerance to violence against women. This might be through:

- internal email/intranet, workplace posters, brochures, etc.
- WH&S, employee counselling programs, induction and training programs.

The messages will need to include encouragement to seek support if a staff member is a victim of violence.

A diverse range of communication channels should be utilised to ensure staff across all work sites and roles are able to access this information. Internal communications should be tailored to reflect the diversity of the organisation's workforce. e.g. using different languages, managing cultural complexity and accessibility.

When developing a communications strategy organisations should consider:

- access to computers
- literacy levels
- off-hour work schedules.

Different strategies to target men and women on the issue of violence against women also need to be taken into consideration.



Examples of Evidence

- Formal internal communication strategy for Program implementation.
- Wider business internal communication strategy.
- Message reflected in other relevant policies and procedures including HR, IT and leave.
- Newsletters.
- Staff meeting updates.
- Posters.
- Videos.
- Screenshots of links to key policy documentation on intranet site.
- Staff development activities and sessions.
- HR updates.
- HR packages.
- Information on the Program located on intranet.
- Staff (including volunteers where relevant) know how to access support services.
- Workplace social engagement opportunities recognise and support diversity and equity.
- Examples which demonstrate multiple approaches to respond to diversity in the workplace.



Criterion 1.4 External Communication

The organisation's public face is consistent with promoting gender equality and respectful relationships between women and men.

Explanation

Organisations should positively influence staff behaviour when operating externally; e.g. via social media, at events, as media spokespeople and when liaising with external stakeholders. The organisation plays an active role in advocating for violence prevention in the public sphere.

Requirements

External messages should reflect an organisational culture that prevents violence against women in the organisation. For example, advertising, corporate events, media presence and conduct of representatives of the organisation, should comply with the organisational values, commitments and policies to prevent and respond to violence against women.

Organisation's advertising models positive and respectful relationships between men and women.

Organisational goals and plans, media releases, public brochures and internal policies are other examples through which the organisation might demonstrate its commitment.

Examples of Evidence

- Media Policy (including social media).
- Events Procedures.
- Code of Conduct.
- Communication Plan.
- Professional Standards.
- Examples of advertising including hard copy and online.
- Articles.
- Conference and seminar presentations.
- Organisation's website.
- Corporate events modeling positive and respectful relationships between men and women.
- Conduct of representatives of the organisation modeling positive and respectful relationships between men and women.
- Photos of staff wearing the White Ribbon pin outside the workplace whilst representing the organisation.
- Organisation's annual report.



Criterion 1.5 Collaboration

The organisation has identified and developed meaningful relationships with external expert organisations that can assist in supporting staff and the organisation in the prevention of violence against women and in responding appropriately when violence occurs.

Explanation

Developing relationships with external expert organisations can assist in training, policy development and the creation of promotional materials. They also play an important role in supporting staff who are victims of violence.

Requirements

Relationships are established such that expert organisations are available to assist and support organisations in their work in preventing and responding to violence against women. Such organisations include but are not limited to:

- family relationship counselling services
- family support services
- domestic violence services
- legal advice services
- crisis intervention services.

These expert organisations collaborate with the organisation to:

- develop materials for and deliver training
- advise on relevant policy
- assist and/or advise on communication strategy and promotional materials
- support staff who are victims of violence.

The organisation ensures that information is up to date and training approaches used are current best practice. This may require facilitating staff access to seminars and conferences, and subscribing to relevant publications in addition to collaboration with external expert organisations.

Examples of Evidence

- Memoranda of Understanding with support services.
- Contact protocols for referrals.
- Agreements with support services include responsibilities of each organisation and services provided.
- An up-to-date resource list of relevant agencies including individual contacts and a description of services provided.
- Referral agencies conduct training, presentations and/or information sessions.
- On-line updates.
- Referrals occur when needed.
- Procedures on the responsibilities of both organisations are documented when a referral occurs.
- Referral when needed to appropriate services such as police, Employee Assistance Program, union(s) etc.
- Other evidence of working relationships with expert organisations (e.g. established regular meetings, joint plans etc.)



Criterion 1.6 Demonstrated engagement in the prevention of violence against women

The organisation demonstrates proactive involvement in ending violence against women by encouraging staff participation in prevention initiatives and promoting prevention campaigns.

Explanation

Organisations should clearly demonstrate activity that works to prevent violence against women in the community. This can be effectively demonstrated by actively engaging with the White Ribbon movement and utilising established tools and profile developed by White Ribbon Australia. Organisations can also support women's services and networks to demonstrate taking a holistic approach to preventing and responding to violence against women.

Requirements

The organisation demonstrates 'proactivity' in engaging with initiatives and campaigns that prevent violence against women. This should include activities such as:

- participating in, sponsoring or hosting events and other activities; eg: White Ribbon Day/Night events.
- encouraging all staff to sign up as White Ribbon Supporters.
- supporting White Ribbon Ambassadors and Advocates to speak out against violence against women in the workplace and in the community
- support for local woman's shelters
- support for local domestic violence services and networks
- introduce workplace giving whereby employees can opt to pledge a percentage of their monthly salary to White Ribbon or other campaigns/services.
- involvement in or engagement with White Ribbon Committees.

Examples of Evidence

- Resources are formally committed to charitable activities. This could be captured in meeting minutes, budget reviews etc.
- Formal acknowledgement of employees engaged in approved volunteering with prevention of violence against women campaigns and movements.
- Workplace giving initiative included on new employee contracts, with the option for current employees to also participate (please refer to Online Library for details on how to implement workplace giving).
- Signed White Ribbon Partnership/Supporter Memorandum of Understanding.
- White Ribbon Movement activities included in performance measurement indicators for designated employees.
- The White Ribbon participating workplaces logo is associated with the organisation's branding (for example on websites and letterhead).



- Participate in or host events that includes men speaking out against violence. Evidence can include event invitations, posters, flyers, photos etc.
- Email signature (refer to Online Library for sample email signature).
- Newspaper articles.
- Establishing a White Ribbon Committee.
- White Ribbon Committee meeting minutes.
- Designated time for staff to participate in prevention of violence against women activities.
- Speech notes include the prevention of violence against women message.
- Presentations include the prevention of violence against women message.



Standard Two: Prevention of Violence against Women

2.1	2.2	2.3	2.4	2.5	2.6
Policies, Procedures and Documentation	Communication of Policies and Procedures	Manager/ Supervisor Training	Staff Training	Risk Assessment	Expectation of Contractors

Criterion 2.1 Policies, Procedures and Documentation

The organisation's policies, procedures and documentation promote gender equality and underpin its commitment to prevent violence against women.

Explanation

Prevention of violence against women starts with creating a culture of gender equality and promotion of respectful relationships between men and women.

Requirements

Organisations must comply with gender equality and violence prevention legislation, the Workplace Gender Equality Act 2012 and other standards and best practices.

Policy areas that will need to be checked include:

- Code of Conduct
- Performance and misconduct
- Workplace health and safety
- Social media policy
- Leave entitlements
- Diversity and inclusion.

Policies should:

- require that all people in the organisation be treated with respect
- recognise violence against women is unacceptable as 'part of the job'
- have a zero tolerance for violence and threats at work or work-related events by the organisation staff against other people or property
- understand the clear reporting and response practices that are in place for when violence occurs.

Organisational policies include clauses which:

- define violence against women in all its forms
- encourage all employees to take appropriate action when an issue of violence occurs or is suspected
- identify the process for action when an issue of violence occurs or is suspected



- place violence against women in a broader context that recognises that violence occurs due to inequality in power relationships between men and women
- make clear why violence against women is a workplace issue, irrespective of where it occurs
- make clear the consequences for perpetrating violence, whether directed to women in the workplace or where workplace resources are used to perpetuate violence against women outside of work.

Examples of Evidence

- Code of Conduct.
- Procedures in the event of a breach of the Code of Conduct.
- Bullying and Harassment Policy and Procedures.
- Violence in the Workplace Policy.
- Recruitment and Selection Process.
- Diversity Policy.
- Promotions Policy.
- Pregnancy and/or Adoption Policy.
- Entitlements that demonstrate commitment to equity and diversity.
- Organisations can develop explicit policies focusing on gender equality, capturing the direction/intent of the Workplace Gender Equality Act 2012a.
- Develop Workplace Violence Policy that includes client/customer violence as well as violence towards other staff and the steps to be taken in responding to that type of violence.
- Workplace Professional Standards.
- Activities included in
 - a) Annual Report
 - b) Policies
 - c) Training Records.
- Employees required to formally agree or sign the Code of Conduct.
- An analysis of policies and procedures demonstrates that recruitment and selection processes, working arrangements, pay structures, professional development and leave, supports equity and diversity.
- Regular reports on performance in areas such as the Workplace Gender Equality Agency and 50:50 Vision.
- Examples of advertising including hard copy and online.
- Articles.
- Conference and seminar presentations.
- Pay equity is based on responsibilities and competencies.
- The organisation has an active Equal Opportunity committee or equivalent.
- Meeting minutes of policy decisions.
- Women are in decision making roles.
- Staff development policies ensure female staff have opportunities to participate and advance.
- Initiatives to ensure commitment to gender quality at executive and management levels.
- Female staff attend leadership training.



Criterion 2.2 Communication of Policies and Procedures

Procedures and entitlements are clearly defined and communicated across the organisation in a timely and efficient manner.

Explanation

Managers and staff are aware of and understand the policies and procedures relevant to preventing violence against women. The organisation creates a culture in which employees feel confident and safe to disclose experiences of violence and seek support.

Requirements

Staff are made aware of policies and procedures they must follow, and entitlements are communicated clearly.

Confidentiality requirements are clearly articulated to all staff so they feel comfortable coming forward with an issue, or to refer through the appropriate channels.

Communication of policies and statements of intent should outline the organisation's commitment to recognising and responding to violence in women's lives, whether it occurs inside or outside the workplace. They should also visibly demonstrate the organisation's commitment to preventing violence against women.

Examples of Evidence

- Formal Internal Communication Strategy relating to the communication of HR policy and procedure.
- Staff (including volunteers where relevant) know how to access support services.
- Policies given to new employees.
- Newsletters.
- All staff communication from senior management.
- Staff meeting updates.
- Posters.
- Screenshots of links on intranet site.
- Staff development activities and sessions.
- HR updates.
- HR packages.



Criterion 2.3 Manager/Supervisor Training

Supervisors, managers and key contacts receive expert* training in preventing, recognising and responding to violence.

Explanation

Mandatory training is delivered to all people leaders. Training has had expert* input.

(*Expert means training organisations, or organisations that are expert and credible in the field of violence prevention. Training by workshops requires facilitation by an individual (with CERT IV in Training and Assessment or equivalent expertise in adult learning) who is credible in the field of violence prevention.

Requirements

All supervisors and key senior managers are required to undergo regular training in preventing, recognising, responding and referring in relation to violence against women.

Training can be given in the form of e-learning or face-to-face workshops.

Supervisors and managers are not usually professional counsellors and are not expected to provide this service, but rather should support and refer to a specialist.

Training should cover the following learning requirements:

- an explanation of what is violence against women
- the extent of violence against women in Australia
- explore how/why violence against women occurs, including exploration of violence- supportive attitudes and beliefs
- the issue of sexist language within the workplace and its impact
- how and why sexually explicit jokes are inappropriate in the workplace
- the possible indicators of violence
- how to raise the issue of violence against women
- information on where to go if you are a victim of violence at home or in the workplace
- the importance of respecting people's privacy in the workplace
- the organisation's approach to preventing and responding to violence against women inside and outside the workforce
- Strategies to respond to bullying, sexist, harassing, disrespectful and derogatory behaviours
- how to make a workplace safety plan
- how to approach the issue with a staff member
- referral to assistance for counselling, advice and other information about support services
- confidentiality requirements so that the situation is only made known to those relevant for the provision of safety and other support
- training in methods of conflict and complaint/grievance resolution
- an explanation of what staff can do following the training to 'live' the White Ribbon message.



Organisations are responsible for ensuring supervisors and managers formally and regularly disseminate key messaging and action items as a follow up to training, to staff at all levels.

Organisations can use training sourced directly from third parties, provided training is tailored to the organisation. This can include a referral factsheet given to all employees who have undertaken e-learning.

Systems should support managers in developing and implementing skills in identifying and supporting staff at risk of experiencing violence.

Managers should be trained to have a range of strategies to ensure that interventions are culturally appropriate.

Managers must be able to provide access to referral services for people with complex needs at risk of committing violence.

Managers and supervisors must be equipped to intervene where workplace interactions are disrespectful.

If all supervisors and key senior managers have not undergone training by the date of accreditation, it is sufficient to provide an approved operational plan demonstrating how this will be achieved within the first 18 months following accreditation.

Examples of Evidence

- Training requirements for supervisors and managers to receive training in preventing, recognising and responding to violence.
- Requirements for this training included in relevant Position Descriptions.
- Performance appraisal/ monitoring.
- Documentation from Training programs.
- Attendance records.
- Certificates of attendance.
- Training handouts.
- Evaluations of knowledge and skills developed.



Criterion 2.4 Staff Training

The organisation provides non-compulsory expert training across the workforce on prevention of violence against women.

Explanation

Regular expert* training is made available to all staff at all levels. White Ribbon strongly encourages this is made mandatory. This training can be part of existing risk management, induction processes, WH&S or gender equality training.

(*Expert means training organisations, or organisations that are expert and credible in the field of violence prevention. Training by workshops requires facilitation by an individual (with CERT IV in Training and Assessment or equivalent expertise in adult learning) who is credible in the field of violence prevention.

Requirements

The organisation provides staff with non-compulsory training on understanding and preventing violence against women.

Training can be given in the form of e-learning or face-to-face workshops.

Training must include:

- an explanation of what is violence against women
- the extent of violence against women in Australia
- explore how/why violence against women occurs, including exploration of violence-supportive attitudes and beliefs
- the issue of sexist language within the workplace and its impact
- how and why sexually explicit jokes are inappropriate in the workplace the possible indicators of violence
- how to raise the issue of violence against women
- information on where to go if you are a victim of violence at home or in the workplace
- Strategies to respond to bullying, sexist, harassing, disrespectful and derogatory behaviours.
- the importance of respecting people's privacy in the workplace
- the organisation's approach to preventing and responding to violence against women inside and outside the workforce
- an explanation of what staff can do following the training to 'live' the White Ribbon message.

Organisations can use training sourced directly from third parties, provided training is tailored to the organisation. This can include a referral factsheet given to all employees who have undertaken e-learning.



Examples of Evidence

- Training Policy and Procedures.
- Training materials
- Training records and/or training registration forms.
- Training programs.
- Advertisements for training.
- Training evaluation forms.
- Referral services factsheet disseminated to employees.
- If the organisation uses volunteers, they receive, as part of their training and orientation, information on prevention of violence against women.



Criterion 2.5 Risk Assessment

A risk assessment about violence in the workplace is undertaken and a plan to address risks is developed and implemented.

Explanation

A gendered lens is applied to the organisation's risk assessment processes in recognition of the unique forms of violence and abuse that women are more likely to face while working than men.

This also recognises that women's experience of violence at home can impact health and safety at work.

Requirements

A risk assessment is integrated with WH&S processes that includes:

- consideration of physical layouts
- vulnerability of women at different times/locations
- security of confidential, personal information etc.

A cross section of staff should contribute to the assessment and planning as to how risks might be addressed. This could involve a confidential survey to identify prevalence and understanding of violence, perceptions of organisational culture and concerns, and suggestions for prevention.

Areas for consideration should include:

- travel to and from work duties off-site
- vulnerable areas within the workplace
- security of confidential information
- protection from online harassment.

The risk management policy and procedures should be endorsed by the organisation's governance entity and be provided to managers and other staff.

Relevant unions should be consulted about their perception of risks in the organisation's workplace(s).



Examples of Evidence

- Risk assessment policies, procedures and plans include specific strategies for reducing violence against women.
- WH&S meeting minutes.
- Risk assessment.
- Evidence of measures the organisation has taken to respond to identified issues. For example, where understanding of violence is shown to be lacking, evidence of the appropriate provision of factsheets on the issue of violence against women would be relevant.
- Outline of process used to ensure that a cross section of staff have contributed to risk assessments and decision making specific to risks for women.
- Systems are in place to ensure staff can initiate action to prevent or reduce risks and their impact.
- The workforce is educated and provided with information in relation to security risks and responsibilities.
- Endorsement of the risk management policy and procedures by the organisation's governance entity and evidence that these have been provided to managers and other staff.
- Evidence that relevant unions have been consulted about their perception of risks in that workplace.



Criterion 2.6 Expectation of Contractors

Contractors are required to acknowledge and uphold the organisation's policies in relation to zero tolerance for violence against women.

Explanation

External contractors may come into contact with staff and customers/ clients when visiting premises and/or via email and phone and should be expected to adhere to the organisation's code of conduct with respect to preventing violence against women.

Requirements

The organisation's stance on violence against women should be made clear with contractors through:

- visibility of White Ribbon messaging
- inclusion of a clause in tender briefs and contracts regarding the organisation's zero tolerance for violence against women.

The organisation demonstrates that contractors are required to acknowledge and uphold zero tolerance policies.

Examples of Evidence

- There are documented agreements/ contracts with all external contractors that contain a clause on the organisation's zero tolerance for violence against women in any form and the consequences for any contractor found to breach this clause.
- Evidence of appropriate procedures being followed should contractual obligations be breached in regard to this issue.
- Contractor compliance assessments where practicable.
- Involvement of contractors in organisation's White Ribbon activities.
- Posters and flyers in the workplace.



Standard Three: Responses to Violence against Women

3.1	3.2	3.3
Response to Victims	Response to Perpetrators	Evaluation and Continuous Improvement

Criterion 3.1 Response to Victims

When an issue of violence is identified, women are: supported to ensure their safety; provided with flexible work arrangements where needed; and referred to counselling and other support services.

Explanation

The process of response when an issue comes to light, whether perpetrated inside or outside the workplace, is clearly defined. Employers should have procedures articulating the agreed understanding between manager and staff person in relation to support and referral pathways.

Requirements

Managers' responsibilities are clearly defined. Managers are not expected to be counsellors, but rather support and refer the victim to specialist services.

Workplace agreements should include:

- leave entitlements for victims of violence to address issues relating to the violence (legal commitments, counselling, change of residence, etc.).
- options for flexible work arrangements where these are needed to prevent or deal with violence (such as changed times of employment, location of employment, etc.).
- workplace safety plans.

Employee Assistance Programs should be cognisant of the issue of violence against women and referral pathways.



Examples of Evidence

- Confidentiality and privacy policy and procedures.
- Policy and procedures for flexible work.
- Referrals protocol - when to refer and to whom to refer.
- Conditions of work policies.
- Entitlements policy demonstrates commitment to equity and diversity.
- A copy of what has been discussed and agreed to between manager and victim (with name and any other identifying characteristics blackened out or removed).
- List of referral services and contact details.
- Report from HR Manager or equivalent on the number of women supported and strategies employed.
- Referrals to counselling and other support services.
- Flexible work arrangements exist and can be accessed by all.



Criterion 3.2 Response to Perpetrators

When an employee is alleged to have perpetrated violence within the bounds of the workplace, the organisation has clear procedures for referral to the police where the allegation is a criminal matter, and actions to be taken in non-criminal matters.

Explanation

There are clear policies and processes in place to manage incidents of violence against women which occur within the bounds of the workplace. This includes using tools of the trade to perpetrate criminal acts inside or outside the workplace.

Requirements

When an employee is alleged to have perpetrated violence within the bounds of the workplace, the organisation has clear procedures for referral to the police where the allegation is a criminal matter, and actions to be taken in non-criminal matters to ensure accountability of perpetrators.

Procedures are in place to communicate with police on legal matters. Allegations of sexual and physical assault within the bounds of the workplace should be immediately referred to the police without internal investigation. This is because internal investigations can impede successful prosecutions by police.

Other non-criminal allegations should be investigated internally through a defined procedure that ensures natural justice for the alleged perpetrators, but also ensures the immediate safety of the alleged victim.

The procedures should specify the consequences for breaches of the Code of Conduct or equivalent (including warnings and ultimate loss of employment).

Procedures should also specifically cover instances where the alleged perpetrator works in a more superior position within the organisation

Grievance and complaints systems should be accessible, operational and timely, and include principles of natural justice.

Examples of Evidence

- Procedures for breaches of the Code of Conduct.
- Procedures for referral to the police.
- Grievance Procedures.
- Disciplinary Procedures.
- How to access the staff grievance and complaints system.
- What to do if there is a complaint about someone in a managerial position.



Criterion 3.3 Evaluation and Continuous Improvement

Organisational culture and procedures are regularly examined, informing ongoing refinement of the organisation's policies and procedures.

Explanation

It is important that current strategies are evaluated to ensure the organisation is providing a safe working environment for all staff whatever their gender.

Requirements

The organisation ensures that the Program continues beyond the accreditation period with established procedures for:

- recording and monitoring the success of prevention initiatives, responses and lessons learnt.
- reviewing and amending relevant policies and procedures.

The organisation ensures staff are given a confidential 'voice' to feedback on organisational policy, procedure, culture and colleagues.

The organisation has a focus on quality improvement, with progress indicators evaluated regularly.

The organisation regularly audits its culture, for example, through anonymous surveys, climate surveys, staff satisfaction surveys, measuring values and behaviours which demonstrate workplace commitment to zero tolerance of violence against women.

Examples of Evidence

- Administration/recording procedures.
- Operational Plan.
- Evaluation Reports.
- Evidence of anonymous surveys, climate surveys, staff satisfaction surveys.
- An external independent person/group audits organisational culture and provides recommendations for improvement.
- Exit interviews are analysed to inform organisational culture and response procedures.
- 360 degree feedback performance management system.
- Workplace profile.
- HR statistics.
- Turnover trends.
- Feedback from union(s).
- Lessons report.



ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 October 2017
HEADING	Investigation of options for changes to audio recording of Committee and Council meetings
AUTHORS	David Bevan, Manager Business Systems and Solutions, Business Excellence Mick Petrovski, Manager Governance - CEO/Governance , CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report presents information in response to a council resolution 1896/2017 relating to audio recording management for Committee/Council meetings.
RECOMMENDATION	<ol style="list-style-type: none"> 1. Audio recording be undertaken for all Council and standing committee meetings. 2. Where an audio recording of a meeting is taken, the minimum retention period be for the remainder of the current term of the Council with retention beyond that period then determined by the <i>State Records Act 1997</i> and General Disposal Schedule 20. 3. The Code of Practice for Meeting Procedures be modified to include the following: <i>S.REC RECORDING OF MEETINGS</i> <ol style="list-style-type: none"> (1) <i>Public meetings of Council and Council Standing Committees may be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose.</i> (2) <i>Any recording of a Council or Council Standing Committee meeting will be retained for the remainder of the current term of the council.</i> (3) <i>Where a copy of any recording of a Council or Council Standing Committee meeting is accessed/provided for a purpose other than preparation of the minutes, the recording will be retained within the City of Salisbury record keeping system in accordance with the requirements of the State Records Act 1997 with the retention period as determined by the General Disposal Schedule 20.</i> 4. To facilitate audio recording of meetings convened in locations other than the Council Chamber, a mobile recording solution, microphone and laptop allocated to the Governance Division, be purchased or leased at an estimated purchase cost of up to \$2,500. 5. The facilitation of an externally web-hosted video recording of Council and committee meetings and associated publishing be deferred subject to the decision of council regarding the Community Hub design.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

1.1 At the July 2017 Council meeting Council resolved as follows:

NOM6 Change to Audio Recording management for Committee/Council meetings

1. *That staff report back on:*

- a. *changes required to the Code of Practice for Meeting Procedures to incorporate a requirement to retain audio recordings of all committee and council meetings for the term of council to ensure best practice with state records requirements, transparency, accountability and good governance.*
- b. *requirements and costs for installation of equipment to facilitate audio recording of all standing committee meetings.*
- c. *Staff also report on the costs associated with implementation of live streaming for Council meetings.*

Resolution No 1896/2017

1.2 Current Practice – Audio Recording

1.2.1 Audio recording of Council/Committee meetings is currently constrained to meetings convened within the Council Chamber. This means that recordings are currently only made for the following meetings:

- Council Meetings
- Policy and Planning Committee
- Budget and Finance Committee
- Works and Services Committee

1.2.2 As microphones are not used during periods of the meeting which are undertaken in confidence, no recording of confidential items occurs.

1.2.3 Recording of meetings is undertaken for the purpose of assisting with preparation of minutes. In this context, and in accordance with the requirements of the *State Records Act 1997*, the audio recording is defined as a facilitative record.

1.2.4 The Local Government General Disposal Schedule 20 (GDS20) applies to all records created or received by Local Government Authorities in South Australia and all Subsidiaries of Councils.

1.2.5 Clause 9.24.3 of GDS20 provides that “facilitative records relating to the transcription of Council meeting proceedings” (e.g. audio tapes, draft minutes) may be destroyed on confirmation of the minutes. The confirmed minutes are defined as permanent records.

1.2.6 The current administrative practice applied to audio recordings of meetings, which incorporates best practice with state records requirements, transparency, accountability and good governance, is summarized as follows:

- Audio recording is taken for meetings convened in the Council Chamber;
- The audio file is transferred from the Council Chamber PC to USB and subsequently transferred to the Governance network drive, with the Council Chamber PC and the USB versions being cleared;
- Meeting minutes are prepared, with reference to the audio recording as required.
- Minutes of the meeting are circulated to all members within five days of the meeting in accordance with *Local Government Act 1999* requirements.
- Minutes of the meeting are confirmed at the next meeting of the relevant Committee or Council.
- Audio recordings are then deleted from the network drive.

1.3 **Access to copies of Audio Recording**

- 1.3.1 As mentioned previously, audio recordings taken of Committee and Council meetings are facilitative records. The audio recordings are also not generally publicly available records, however, an Elected Member may request a copy of the audio in accordance with section 61 of the *Local Government Act 1999*, which provides:

(1) A member of a council is entitled at any reasonable time, in connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited) to-

- a. A copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;*
- b. Accounting records kept by the council;*
- c. Financial statements and other documents prepared by the council under Chapter 8.*

- 1.3.2 The reference to ‘document’ in the above section of the Act should be interpreted broadly to include ‘a thing in which information is stored or from which information can be reproduced’, similar to the interpretation applied by the *Freedom of Information Act 1991*, which includes audio recordings.

- 1.3.3 Access to a copy of an audio recording may also be sought by a member of the public in accordance with the *Freedom of Information Act 1991*.

- 1.3.4 In both of the above situations, when a copy of an audio recording is provided to a person, the status of the record changes and requires different treatment under the *State Records Act 1997*. Where a copy is provided to an Elected Member, the retention period is prescribed by clause 9.33.6 of GDS20 and is six years after the last action in relation to the record. Where a copy is provided in response to an FOI application, the retention period is prescribed within clause 13.40 of GDS20 and depending on the circumstances relating to the FOI matter the audio

recording may be defined as a permanent record, may be destroyed or may be defined as a temporary record with retention periods ranging from 2-10 years.

1.4 Current Code of Practice for Meeting Procedures – Audio Recording provision

- 1.4.1 The City of Salisbury Code of Practice for Meeting Procedures contains a Salisbury specific provision in relation to the recording of meetings which states:

S.REC RECORDING OF MEETINGS

- (1) *Meetings of Council and Council Committees convened in the Council Chamber may be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for the purpose; however, where a recording of a meeting is taken the recording will be stored in the City of Salisbury record keeping system and managed in accordance with the requirements of the State Records Act.*

2. REPORT

- 2.1 Part 1a) of Council Resolution 1896/2017 sought changes required to the Code of Practice for Meeting Procedures to incorporate a requirement to retain audio recordings of all Committee and Council meetings for the term of Council.
- 2.2 The primary change required to the Code of Practice for Meeting Procedures in response to this part of the motion is the retention period for audio records taken. This could be addressed by modifying section S.REC to read as follows:

S.REC RECORDING OF MEETINGS

- (1) *Public meetings of Council and Council Standing Committees may be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose.*
- (2) *Any recording of a Council or Council Standing Committee meeting will be retained for the remainder of the current term of the council.*
- (3) *Where a copy of any recording of a Council or Council Standing Committee meeting is accessed/provided for a purpose other than preparation of the minutes, the recording will be retained within the City of Salisbury record keeping system in accordance with the requirements of the State Records Act 1997 with the retention period as determined by the General Disposal Schedule 20.*
- 2.3 However, there are other matters within Council Resolution 1896/2017 that require clarification/decision that may mean further changes are required to the meeting procedures.
- 2.4 Meetings to be recorded**
- 2.4.1 Part 1a of the resolution refers to “...requirements to retain audio recordings of all [emphasis added] committee and council meetings”.

When taken as read, this would include the following meetings which are not currently recorded:

- Resources and Governance Committee*
- Sports, Recreation and Grants Committee*
- Audit Committee of Council*
- CEO Review Committee
- Program Review Sub Committee
- Strategic and International Partnership Sub Committee
- Strategic Property Development Sub Committee
- Tourism and Visitor Sub Committee
- Youth Council Sub Committee

* indicates a Standing Committee of Council.

2.4.2 Part 1b of the resolution refers to “*requirements and costs for installation of equipment to facilitation audio recording of all standing committee meetings*” [emphasis added], which would include the following meetings in addition to those that are currently recorded:

- Resources and Governance Committee
- Sports, Recreation and Grants Committee
- Audit Committee of Council

2.4.3 While this may have been a drafting oversight, that is 1a refers to *all committee and council meetings* whereas 1b refers to *all standing committees*, there is a need to clarify which meetings are to be recorded, as this will require different responses in terms of equipment.

2.4.4 In considering which meetings are to be audio recorded, it is worth noting that:

- the primary purpose of audio recording is to assist with preparation of the minutes, and under the State Records Act, the audio recording is defined as a facilitative record; and
- matters discussed at sub-committee meetings are referred to a standing committee for formal discussion and final referral to Council for decision. As such, the need to record sub-committee meetings is considered unnecessary.

2.5 Increased use of the Council Chamber

2.5.1 Based on current scheduling of meetings it would be possible to increase the use of the Council Chamber for meetings that are currently convened in Committee Room 1 (or other meeting rooms, subject to the meeting schedule). At a minimum, it would be possible to convene the following Standing Committee meetings in the Council Chamber:

- Sports, Recreation and Grants Committee
- Audit Committee of Council

with a table configuration suitable for the meetings, which would enable the use of existing equipment to record these meetings and also to have minutes on display during the course of the meeting.

- 2.5.2 Given the current committee structure/meeting schedule, the Resources and Governance Committee is the only meeting that could not be re-located to the Council Chamber, which would mean an audio recording solution would be required to enable recording of those meetings.
- 2.5.3 Subject to a decision in relation to which meetings are to be recorded, Sub Committees could also be relocated to the Council Chamber (with an appropriate table configuration) which would enable use of existing equipment for those meetings as well.
- 2.5.4 Based on the current meeting schedule it would not be possible to convene all Sub Committee meetings within the Council Chamber, which would suggest at a minimum, audio recording capability would be required for one other meeting space if Council were to determine that all committee meetings are to be recorded.

2.6 Ability to capture audio for Standing Committees in locations other than the Council Chamber

- 2.6.1 The audio recording software in the Council Chamber is proprietary to that room and the equipment in it and is not transferable.
- 2.6.2 Capture of audio recording for the purposes of assisting with preparation of the minutes for meetings other than those convened in the Council Chamber could be achieved relatively simply depending on the location of those meetings and the number of meetings to be recorded.
- 2.6.3 To facilitate the audio recording of meetings, other than those convened in the Council Chamber, there is a need to have a dedicated audio recording solution for the purpose of assisting with preparation of minutes.
- 2.6.4 On the basis that the intention of Council Resolution 1896/2017 was to capture audio recording of Standing Committees (not all Committees), the costs associated to facilitate and capture audio recordings of meetings, other than those convened in the Council Chamber, the estimated cost, based on mobile solution (such as a laptop computer) with a single microphone, is between \$2,000 and \$2,500.
- 2.6.5 If there was a requirement to facilitate audio recording for Sub-Committee meetings, based on the current meeting schedule it would be necessary to purchase two lots of the equipment listed above (\$4,000 to \$5,000 in total) as there are circumstances where Sub-Committee meetings are scheduled concurrently.
- 2.6.6 The existing Governance procedures relating to the audio recording of meetings for the purpose of preparation of the meeting minutes, can be utilised, albeit modified to reference the inclusion of all Standing Committees (and if required, Sub-Committees).
- 2.6.7 Some additional training for staff would be required, particularly for those that take minutes infrequently or have not used InfoCouncil to take

minutes. Costs for training have not been quantified as it is not considered to be substantial and could be provided as on the job training by Governance (use of InfoCouncil for minute taking) and Business Systems & Solutions (equipment setup).

2.7 Ability to capture video and audio simultaneously for Council meetings in the Council Chamber for the purpose of hosted live streaming

- 2.7.1 Part 1c of Council Resolution 1896/2017 sought information on “*the costs associated with implementation of live streaming for Council meetings*”. As this option was constrained to Council meetings only, any solution to be implemented would only be required within the Council Chamber.
- 2.7.2 From a record keeping perspective, when a video recording of the Council meeting is captured, the status of the record does not differ from an audio recording. Any video recording would still be defined as a facilitative record, and could be destroyed following confirmation of the minutes of the meeting it relates to.
- 2.7.3 In the event that a video recording solution is implemented for Council meetings to facilitate live streaming, the output would be saved and replace the current audio recording and facilitative record for the purposes of preparation of the minutes. There would be no separate audio recording captured.
- 2.7.4 A factor to be determined would be whether post live streaming, Council wanted to post an externally web-hosted copy of the video and audio recording to enable viewing of past meetings. An issue for consideration in relation to this is the length of time any video and audio recording would remain accessible via the web. Council can determine this time period, with six months considered to be a reasonable period to retain access to video and audio recordings of past Council meetings.
- 2.7.5 If Council were to proceed with video and audio recording of Council meetings, the existing microphone hardware, audio coordination software (not recording software) and desktop computer within the Council Chamber can continue to be utilised to capture the audio recording for the meeting (i.e. there is no need to purchase additional audio recording equipment for the Council Chamber to achieve this outcome).
- 2.7.6 Additional video capture equipment will need to be installed in the Council Chamber. Research around the different types of video capture equipment has been completed based on consultation with the City of Adelaide and City of Prospect.
- 2.7.7 The most cost effective solution would involve a single camera providing a wide view of the Chamber at a cost of around \$3,500 to a more sophisticated solution enabling the camera to ‘follow the speaker’ at around \$11,500.
- 2.7.8 The above costs include the purchase of specialist software to enable the video and audio content to be processed to enable livestreaming.
- 2.7.9 The video camera solution needs to be as unobtrusive as possible and further work would be required to assess suitable locations within the

Chamber. Estimated installation costs could be in the range of \$1,500 to \$5,000.

- 2.7.10 It is proposed the existing City of Salisbury YouTube account would be leveraged to publish the video and audio content; other content solutions are available and could be considered, which could be done as a livestream, an 'event' or published after the meeting, by adding to an existing 'playlist', or both.
- 2.7.11 Based on informal discussions with technology representatives at the City of Adelaide and City of Prospect regarding their use of livestreaming or publication of video and audio recordings of Council meetings their anecdotal advice is the content does not receive a high number of views.
- 2.7.12 Whilst these technology solutions are not particularly new, should it be decided to proceed with publishing audio and video content, it is proposed it is approached as a pilot to enable a better understanding of the scope of the process changes required and to test the implementation of the technology solution.
- 2.7.13 In light of Council's current deliberations regarding the Community Hub, it would be appropriate to defer any decision for video-capture/live streaming until a decision is made on the Community Hub.
- 2.7.14 The current design of the Council chamber in the proposed Community Hub incorporates new technology to accommodate audio and video capture, and live streaming.

3. CONCLUSION / PROPOSAL

- 3.1 This report has been prepared in response to Council Resolution 1896/2017. The report contemplates the following:
 - 3.1.1 The retention period of audio recordings taken of Committee/Council meetings;
 - 3.1.2 The changes required to the Code of Practice for Meeting Procedures to reflect the relevant retention period;
 - 3.1.3 Determining which Committee meetings are to be audio recorded;
 - 3.1.4 The preferred 'solution' to deliver the required outcome.
 - 3.1.5 Proposes the deferral of live streaming and the provision of an externally web-hosted video recording of Council and Committee meetings pending Council's decision on the Community Hub design.
- 3.2 The recommendation has been drafted to reflect each of the points above, as follows:
 - (1) Audio recording be undertaken for all Council and standing committee meetings.
 - (2) Where an audio recording of a meeting is taken, the minimum retention period be for the remainder of the current term of the Council with retention beyond that period then determined by the *State Records Act 1997* and General Disposal Schedule 20.

- (3) The Code of Practice for Meeting Procedures be modified to include the following:

S.REC RECORDING OF MEETINGS

- (1) Public meetings of Council and Council Standing Committees may be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose.
- (2) Any recording of a Council or Council Standing Committee meeting will be retained for the remainder of the current term of the council.
- (3) Where a copy of any recording of a Council or Council Committee meeting is accessed/provided for a purpose other than preparation of the minutes, the recording will be retained within the City of Salisbury record keeping system in accordance with the requirements of the State Records Act 1997 with the retention period as determined by the General Disposal Schedule 20.
- (4) To facilitate audio recording of meetings convened in locations other than the Council Chamber, a mobile recording solution, microphone and laptop allocated to the Governance Division, be purchased or leased at an estimated purchase cost of up to \$2,500.
- (5) The facilitation of an externally web-hosted video recording of Council and committee meetings and associated publishing be deferred subject to the decision of Council regarding the Community Hub design.

CO-ORDINATION

Officer: Executive Group
Date: 09/10/2017

ITEM

3.6.2

RESOURCES AND GOVERNANCE COMMITTEE

DATE

16 October 2017

HEADING

Amendments to Local Government Act and Regulations Mobile Food Vans

PREV REFS

EG5.415/09/2015

Resources and Governance Committee3.6.220/06/2016

AUTHOR

Tim Starr, Coordinator Property, City Infrastructure

CITY PLAN LINKS

1.3 Have a thriving business sector that supports community wellbeing, is globally oriented and creates job opportunities.

3.2 Have interesting places where people want to be.

4.3 Have robust processes that support consistent service delivery and informed decision making.

SUMMARY

This report is to provide Council an update in relation to the South Australian Parliament passing the Local Government (Mobile Food Vendors) Amendment Act 2017 (the Amendment Act) (attachment 1). This act together with the Local Government (General) (Mobile Food Vendors) Variation Regulations 2017 (attachment 2) are expected to come into effect in January 2018.

As a result of this change in legislation Council will be required to permit Mobile Food Vendors to trade on designated sections of Council roads. It is recommended that a Mobile Food Vendors Policy be drafted which will provide a framework under which these operators may trade within the City of Salisbury.

RECOMMENDATION

1. This report be received and noted.

2. Staff provide a further report in December 2017 for Council to consider adoption of a Mobile Food Vendors Policy

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Local Government (Mobile Food Vendors) Amendment Act 2017

2. Local Government (General) (Mobile Food Vendors) Variation Regulations 2017

3. Response to Local Government Association

1. BACKGROUND

- 1.1 In late 2015 The South Australian Government released the *Food Trucks in SA Discussion Paper* for the purpose of engaging with Councils and the broader community to adopt a more consistent approach in managing enquiries and issuing permits to mobile food truck operators.
- 1.2 This initiative was a result of the State Government identifying that food trucks are an opportunity for energetic entrepreneurs to test their ideas in the marketplace. In recent years, there has been a resurgence of interest in food trucks, both by consumers keen to sample different food in a relaxed setting, and by traders seeking to create new business opportunities in a flexible and relatively low cost setting. Their popularity has spread across the world, with many cities now highlighting their food trucks as an important part of their unique culture and identity. The flexibility and relatively low start-up costs for food trucks enable people to have a go at creating opportunities and jobs in South Australia.
- 1.3 A further Position Paper was issued by the State Government in May 2016 outlining the Governments position and proposed changes to the Local Government Act 1999 Sections 222 and 224.
- 1.4 At an Informal Strategy meeting held on the 7th June 2016 Elected Members were advised of the State Governments proposal and feedback was received. This feedback was considered in the preparation of a report to the Resources and Governance Committee (Item 3.6.2 of the 20/06/2016)
- 1.5 Council resolved vide item 3.6.2 Resolution Number 1150/2016 that *“A response be provided to the Local Government Association in relation to the State Government “Food Trucks in South Australia” Position Paper objecting to the proposal.”* (attachment 3) It was further resolved that *“Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for Endorsement”*

2. CITY PLAN CRITICAL ACTION

- 2.1 Promote a positive image of Salisbury to attract investment, visitors and tourists and increase community pride.
- 2.2 Enhance the Polaris Centre’s ability to support industry development, international trade, entrepreneurship and engage meaningfully with business.

3. CONSULTATION / COMMUNICATION

- 3.1 Internal
 - 3.1.1 Economic Development and Urban Policy
 - 3.1.2 Environmental Health and Safety Division
- 3.2 External
 - 3.2.1 Local Government Association

4. REPORT

- 4.1 On 7 August 2017, the South Australian Parliament passed the Local Government (Mobile Food Vendors) Amendment Act 2017 (the Amendment Act) (attachment 1). This act together with the Local Government (General) (Mobile Food

Vendors) Variation Regulations 2017 (attachment 2) is expected to come into operation in January 2018.

- 4.2 The impact of the changes made in this Act and the Regulations, has resulted in councils no longer retaining any discretion to issue or not issue permits for mobile food vendors on roads only. It has no effect on permits being issued on other council land ie community land or Council owned land and these can continue to be managed at the discretion of Council.
- 4.3 Additionally the changes do not apply in relation to a mobile food vending business primarily engaged in the sale of ice cream and these permit applications will be considered under the existing provisions of Section 222 of the Local Government Act, currently managed by the Environmental Health and Safety Division.
- 4.4 The intent of the amendment of the Act and variation of Regulations is that Council's will develop policies to encourage mobile food vendors to trade within the council area whilst protecting fixed premises food traders. Council must prepare and adopt rules which set out locations within a council's area in which mobile food vending businesses may operate. These locations must comply with the requirements prescribed by the regulations such as;
 - Ensuring that there is a reasonable distance between mobile food vendors and fixed food businesses
 - The location of the fixed food businesses; and
 - The number of these businesses; and
 - The operating hours of these businesses
 - The effect the operation of a mobile food business will have on
 - Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
 - The requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules; and
 - Residents and businesses at the locations in which mobile food vending businesses may operate under the location rules; and
 - The location rules are consistent with any other requirement of the regulations.
 - A council's location rules may show the locations within the council area in which mobile food vending businesses are permitted to operate by use of maps.
 - A copy of the location rules must be published on Council's website
- 4.5 Upon the commencement of the legislation, subject to the regulations Council must grant a permit under this section for the purposes of a mobile food vending business. Further to this Council is prohibited from imposing a condition restricting the kind of food that may be sold by a mobile food vending business.
- 4.6 Council may impose a condition requiring the payment of a fee in relation to the permit. The permit holder may elect to pay either an annual or monthly fee up to a maximum amount of either \$2,000 per year excluding GST or \$200 per month excluding GST.

- 4.7 These permits may be subject to a condition that the permit holder must have insurance of a kind specified by the Council such as public liability insurance.
- 4.8 Should the operator of a food business within the council area feel that they are adversely affected by the location rules the operator may apply to the Small Business Commissioner for review. After conducting a review the Commissioner may accept the location rules as they are, or recommend to council to amend its location rules.
- 4.9 Should the Commissioner recommend that Council amend its location rules, Council must give consideration to doing so in accordance with the recommendation. Should Council decide against changing the location rules, under these amendments, it will be required to provide written reasons for doing so.
- 4.10 However, should the original applicant not be satisfied with this outcome, they will be permitted to ask the Small Business Commissioner to direct the council to change their location rules. If the Small Business Commissioner directs the Council to change their location rules and the Council refuses, a penalty of \$5,000 will apply.
- 4.11 Mobile food vendors will be responsible to have their equipment inspected by authorised Environmental Health Officers within the Council area that the mobile food van is garaged. This inspection will result in a food passport being issued by SA Health allowing the operators to trade within different council's with no further food inspection fees. Environmental Health Officers can continue to inspect when vehicles are trading within the Council areas however no additional fees will be imposed.

These inspections will observe and assess the operators preparing and selling food and ensure their food handling is compliant with the requirements of the Food Act.

5. CONCLUSION / PROPOSAL

- 5.1 The City of Salisbury is positioned as a progressive, pro-business and proactive city that supports entrepreneurship and business innovation, growth and investment.
- 5.2 The introduction of the Local Government (Mobile Food Vendors) Amendment Act 2017 (the Amendment Act) and the Local Government (General) (Mobile Food Vendors) Variation Regulations 2017 will require Council to consider how it manages food truck operations within the City of Salisbury.
- 5.3 This will require adoption and publication of operating rules, including the locations mobile food vendors may trade from, number of food vans authorised to trade from each location, and the fees payable both annually and monthly.
- 5.4 Council staff must develop a checklist to determine the suitability of mobile food vendors.
- 5.5 Staff will need to investigate this further and provide a report back to Council addressing the requirements and adoption of a Mobile Food Vendors Policy.

CO-ORDINATION

Officer: A/GMCI
Date: 03/10/2017

No 33 of 2017 assented to 22.8.2017

South Australia

Local Government (Mobile Food Vendors) Amendment Act 2017

An Act to amend the *Local Government Act 1999*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Local Government Act 1999*

- 4 Amendment of section 4—Interpretation
- 5 Amendment of section 222—Permits for business purposes
- 6 Amendment of section 224—Conditions of authorisation or permit
- 7 Insertion of section 224A
 - 224A Breach of condition of authorisation or permit
- 8 Amendment of section 225—Cancellation of authorisation or permit
- 9 Insertion of section 225A
 - 225A Location rules—general
 - 225B Location rules—disputes

Schedule 1—Transitional provision

- 1 Transitional provision
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Local Government (Mobile Food Vendors) Amendment Act 2017*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

1

Local Government (Mobile Food Vendors) Amendment Act 2017—No 33 of 2017
 Part 2—Amendment of *Local Government Act 1999*

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *member* insert:

mobile food vending business means a business involving the sale of food or beverages from a vehicle (within the meaning of the *Road Traffic Act 1961*);

5—Amendment of section 222—Permits for business purposes

Section 222—after subsection (1) insert:

- (1a) However, subject to the regulations, a council must grant a permit under this section for the purposes of a mobile food vending business.

6—Amendment of section 224—Conditions of authorisation or permit

Section 224—after its present contents (now to be designated as subsection (1)) insert:

- (2) Subject to subsection (3), a condition made in relation to a permit for the purposes of a mobile food vending business under section 222 must be consistent with—
 - (a) the location rules adopted by the council under section 225A; and
 - (b) any requirement prescribed by the regulations.
- (3) Without limiting subsection (2), the regulations may—
 - (a) require that certain conditions be imposed in prescribed cases; and
 - (b) prohibit the imposition of certain conditions in prescribed cases; and
 - (c) prescribe requirements in relation to conditions relating to the payment of fees.
- (4) Subsection (2)(a) does not apply in relation to a permit for the purposes of a mobile food vending business primarily engaged in the sale of ice cream.

7—Insertion of section 224A

After section 224 insert:

224A—Breach of condition of authorisation or permit

A person must not breach or fail to comply with a condition of a permit for the purposes of a mobile food vending business under section 222.

Maximum penalty: \$2 500.

Expiation fee: \$210.

No 33 of 2017—Local Government (Mobile Food Vendors) Amendment Act 2017
Amendment of *Local Government Act 1999*—Part 2

8—Amendment of section 225—Cancellation of authorisation or permit

- (1) Section 225—delete subsection (1) and substitute:
- (1) A council may, by notice in writing to the holder of an authorisation or permit—
- (a) in the case of a permit for the purposes of a mobile food vending business under section 222—cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or
- (b) in any other case—cancel the authorisation or permit for breach of a condition.
- (2) Section 225—after subsection (3) insert:
- (4) If a council cancels a permit under subsection (1)(a), an application for a permit for the purposes of a mobile food vending business under section 222 must not, for a period (not exceeding 6 months) specified by the council at the time of cancellation, be made by or on behalf of the person who, before the cancellation, held the permit.

9—Insertion of section 225A

After section 225 insert:

225A—Location rules—general

- (1) For the purposes of section 224(2)(a), a council must prepare and adopt rules (*location rules*) that set out locations within the council area in which mobile food vending businesses may operate.
- (2) A council's location rules must comply with the following requirements:
- (a) requirements prescribed by the regulations;
- (b) requirements (if any) specified by the Minister by notice in the Gazette.
- (3) A requirement specified by the Minister under subsection (2)(b) may relate to location rules of councils generally or those of a particular council or councils.
- (4) A council—
- (a) may from time to time amend its location rules; and
- (b) must amend its location rules in order to ensure that the rules comply with—
- (i) any requirement specified by the Minister under subsection (2)(b); or
- (ii) any direction given by the Small Business Commissioner under subsection (7).

Local Government (Mobile Food Vendors) Amendment Act 2017—No 33 of 2017Part 2—Amendment of *Local Government Act 1999*

- (5) If the Small Business Commissioner recommends under section 225B(5) that a council amend its location rules—
 - (a) the council must give consideration to amending its location rules in accordance with the recommendation; and
 - (b) if the council resolves not to amend its location rules in accordance with the recommendation—the council must provide written reasons for the resolution to the Small Business Commissioner and the applicant under section 225B.
- (6) If the applicant under section 225B is dissatisfied with the written reasons provided by a council in relation to a recommendation under section 225B(5) that the council amend its location rules, the applicant may request the Small Business Commissioner to consider directing the council to amend its location rules in accordance with the recommendation.
- (7) The Small Business Commissioner may, on a request under subsection (6) and if satisfied that it is appropriate to do so taking into account the written reasons of the council, direct the council to amend its location rules in accordance with the recommendation referred to in subsection (6).
- (8) If a council is given a direction by the Small Business Commissioner under subsection (7), the council must not fail to comply with the direction.

Maximum penalty: \$5 000.

225B—Location rules—disputes

- (1) If the operator of a food business in a council area is directly adversely affected by the location rules of the council under section 225A, the operator may apply to the Small Business Commissioner for a review of the location rules by the Small Business Commissioner (who is conferred with the function of conducting such a review).
- (2) An application under subsection (1) must—
 - (a) be made in a manner and form determined by the Small Business Commissioner; and
 - (b) include any information required by the Small Business Commissioner.
- (3) The Small Business Commissioner may—
 - (a) conduct a review under this section in such manner as the Commissioner determines to be appropriate; and
 - (b) specify procedures and requirements that are to apply in connection with a review under this section.

No 33 of 2017—Local Government (Mobile Food Vendors) Amendment Act 2017
Amendment of *Local Government Act 1999*—Part 2

- (4) The Small Business Commissioner may, in conducting a review under this section, exercise any power of the Commissioner that applies under the *Small Business Commissioner Act 2011* in relation to the performance of the Commissioner's functions under that Act.
- (5) After conducting a review under this section, the Small Business Commissioner may, if the Commissioner considers it appropriate to do so, recommend to the relevant council that the council amend its location rules.
- (6) In this regulation—
food business means a business the primary purpose of which is the retail sale of food or beverages.

Schedule 1—Transitional provision

1—Transitional provision

- (1) The holder of a permit for the purposes of a mobile food vending business granted under section 222 of the *Local Government Act 1999* before the commencement of this clause and in force on that commencement may surrender the permit to the council and request the issue of a fresh permit under section 222 (as in force immediately after the commencement of this clause).
- (2) On receiving a request under subclause (1), the council must grant the holder of the surrendered permit a fresh permit in accordance with section 222 (as in force immediately after the commencement of this clause).
- (3) The issue of a fresh permit automatically cancels the permit that was surrendered.
- (4) If the holder of a permit who surrenders the permit under this clause paid an annual fee or charge to the council in respect of the permit, the council must refund the fee or charge on a *pro rata* basis, such that the amount of the refund is calculated by multiplying—
 - (a) the annual fee or charge that was paid; and
 - (b) the proportion that the number of whole months between the date of surrender of the permit and the date of the end of the term of the permit bears to 12 months.

Draft

31.8.2017 (20)

South Australia

**Local Government (General) (Mobile Food Vendors)
Variation Regulations 2017**

under the *Local Government Act 1999*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Local Government (General) Regulations 2013*

- 4 Insertion of regulation 24A
 - 24A Permits for business purposes—mobile food vendors
 - 24B Requirements relating to cancellation of permits
 - 24C Requirements relating to location rules
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which the *Local Government (Mobile Food Vendors) Amendment Act 2017* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Local Government (General) Regulations 2013*

4—Insertion of regulation 24A

After regulation 24 insert:

24A—Permits for business purposes—mobile food vendors

- (1) In accordance with section 224(2) of the Act, the following requirements relating to conditions of a permit for the purposes of a mobile food vending business are prescribed:
 - (a) a council is prohibited from imposing a condition restricting the kind of food that may be sold by the mobile food vending business;
 - (b) a condition imposed by a council requiring the payment of a fee in relation to the permit—
 - (i) must allow the permit holder to elect to pay either an annual or monthly fee; and
 - (ii) must not require the payment of a fee exceeding—
 - (A) in the case of an annual fee—\$2000 per year (excluding GST); or
 - (B) in the case of a monthly fee—\$200 per month (excluding GST);
 - (c) a council must ensure that the permit is subject to—
 - (i) a condition requiring the permit holder to have insurance of a kind specified by the council (such as public liability insurance); and
 - (ii) conditions requiring that the operation of the mobile food vending business not unduly interfere with—
 - (A) vehicles driven on roads; or
 - (B) vehicles parking or standing on roads; or
 - (C) a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*); or
 - (D) public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes); or
 - (E) other road related infrastructure; or
 - (F) infrastructure designed to give access to roads, footpaths and buildings; and
 - (iii) conditions requiring compliance with requirements under—

Draft**Local Government (General) (Mobile Food Vendors) Variation Regulations 2017**
Variation of *Local Government (General) Regulations 2013*—Part 2

- (A) the *Food Act 2001*; and
 - (B) the *South Australian Public Health Act 2011*; and
 - (C) the *Environment Protection Act 1993*; and
 - (D) the *Local Nuisance and Litter Control Act 2016*; and
 - (E) the *Motor Vehicles Act 1959* and *Road Traffic Act 1961*; and
 - (F) any law or legislative provision relating to electrical or gas installations or appliances; and
 - (G) any other relevant law or legislative provision relating to health, safety or the environment.
- (2) In accordance with section 222(1a) of the Act, a council is not required to grant a permit for the purposes of a mobile food vending business under that subsection if the vehicle proposed to be used would unduly obstruct the use of public roads in a manner that cannot be adequately addressed by conditions under section 224 of the Act.

24B—Requirements relating to cancellation of permits

- (1) If a council cancels a permit for the purposes of a mobile food vending business under section 225(1)(a) of the Act, the following requirements apply to the person who held the permit (prior to its cancellation):
- (a) if the person holds a permit for the purposes of a mobile food vending business granted by another council, the person must inform that council of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation;
 - (b) if, during the prohibited period, the person applies to another council for a permit for the purposes of a mobile food vending business, the person must inform that council of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation.
- (2) A person who fails to comply with a requirement under subregulation (1) is guilty of an offence.
Maximum penalty: \$500.

Local Government (General) (Mobile Food Vendors) Variation Regulations 2017

Part 2—Variation of *Local Government (General) Regulations 2013*

- (3) In this regulation—

prohibited period means the period, specified by a council that cancels a permit for the purposes of a mobile food vending business, during which an application to the council for such a permit may not be made by or on behalf of the person who held the permit (prior to its cancellation).

24C—Requirements relating to location rules

- (1) For the purposes of section 225A(2)(a) of the Act, a council, in adopting or amending its location rules—
- (a) must ensure that its location rules provide for a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of fixed food businesses, taking into account the—
 - (i) location; and
 - (ii) number; and
 - (iii) operating hours,
 of fixed food businesses in the council area; and
 - (b) must take into account the effect of the operation of mobile food vending businesses on—
 - (i) vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
 - (ii) the requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules; and
 - (iii) residents and businesses at the locations in which mobile food vending businesses may operate under the location rules; and
 - (c) must ensure that its location rules are consistent with any other relevant requirement under regulation 24A (including any relevant requirement under a law or legislative provision referred to in that regulation).
- (2) A council's location rules may show the locations within the council area in which mobile food vending businesses are permitted to operate by use of maps.
- (3) A council must ensure that a copy of its location rules is published on its website.
- (4) In this regulation—
- fixed food business*** means a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises.

Draft

Local Government (General) (Mobile Food Vendors) Variation Regulations 2017 Variation of *Local Government (General) Regulations 2013*—Part 2

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on

No of 2017



City of Salisbury
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Australia

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30 June 2016

Ms A Molone
Director Legislation
Local Government Association of SA
148 Frome Street
Adelaide SA 5000

Dear Ms Molone

Re: Mobile Food Van Policy

I write in reference to the State Government Position Paper relating to Mobile Food Vans and specifically how they are to be managed within the Local Government areas.

At the Council meeting held on the 30th June 2016 Item 3.6.2 Council resolved vide Resolution Number 1150/2016 that;

1. The report be received
2. A response be provided to the Local Government Association in relation to the State Government "Food Trucks in South Australia" Position Paper objecting to the proposal.
3. Once the State Government position in relation to Food Trucks has been finalised a report be prepared setting out a Mobile Food Van Policy for endorsement.

The City of Salisbury have considered the State Governments proposal and consider that a Statewide approach imposing conditions on how Council's manage their assets is not in the interest of local traders or the community. The City of Salisbury considers that due to the different demographics and density of populations in each Council area, plus the different types of businesses which may operate within these areas a one size fits all approach is not appropriate.

The City of Salisbury have resolved to develop a Mobile Food Van policy of our own which considers the unique factors which affect our Council area. This policy will provide for how applications are assessed and managed and will be based on local decisions not a state based direction.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tim Starr".

Tim Starr
Coordinator Property
Phone: 08 8406 8577
Email: tstarr@salisbury.sa.gov.au

ITEM	3.6.3
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	16 October 2017
HEADING	Variations to Delegations
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This report sets out changes required to City of Salisbury delegations to enable the Salisbury Water Business Unit to apply for various permits, licences and authorisations in accordance with the <i>Natural Resources Management Act 2004</i> and <i>Environmental Protection Act 1993</i> .

RECOMMENDATION

1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts contained in the proposed Instruments of Delegation forming attachments to this report (Attachments 1 and 2, Item No. 3.6.3, Resources and Governance Committee, 16/10/2017), are hereby delegated from 30 October 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions and / or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation as follows:
 - 2.1 *Natural Resources Management Act 2004*
 - Sections 135(1), 135(2), 135(16), 135(18), 147(2), 149(1), 149(2), 149(4), 150(1), 150(4) – Attachment 1
 - 2.2 *Environment Protection Act 1993*
 - Section 38(1), 38(3), 54C(2), – Attachment 2
2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated in the conditions and/or limitations specified in the Delegations Register.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Instrument of Delegation Under the Natural Resources Management Act 2004 and Regulations
2. Instrument of Delegation Under the Environment Protection Act 1993 and the Environment Protection (Waste to Resources) Policy 2010

1. BACKGROUND

- 1.1 This report deals with variations to the delegations to enable the Salisbury Water Business Unit to apply for various permits, licences and authorisations in accordance with the *Natural Resources Management Act 2004* and *Environmental Protection Act 1993*.

2. REPORT

- 2.1 Section 44 of the *Local Government Act 1999* (the Act) provides Council may delegate a power or function vested or conferred upon it by this or another Act. Such powers and functions may be further delegated by the person occupying the office of Chief Executive Officer in accordance with Sections 44 and 101 of the Act as the Chief Executive Officer sees fit. A delegation made pursuant to Section 44 of the Act is revocable at will and does not prevent the Council from acting in a matter.

- 2.2 This report deals with variations to the Delegations as a consequence of:

2.2.1 Delegations required for the Water Business Unit

Natural Resources Management Act 2004

- To enable the Water Business Unit to apply for permits, water licenses, variations of water licenses and transfer of water licenses in accordance with the *Natural Resources Management Act 2004*.

Environment Protection Act 1993

- To enable the Water Business Unit to make application for environmental authorisations and conditions requiring approval of certain works and processes.

2.3 Process to be followed

- 2.3.1 As the deputations require under the *Natural Resources Management Act 2004* and the *Environment Protection Act 1993* are new, there are no existing delegations to revoke. Council need only adopt the new delegations contained in the shaded sections of the relevant Instruments of Delegation attached to this report (Attachments 1 and 2).
- 2.3.2 Delegations under the *Natural Resources Management Act 2004* and the *Environment Protection Act 1993* will come into force from Monday 30 October 2017. The new delegations will take effect immediately prior to the Chief Executive Officer's approval of the sub-delegations.
- 2.3.3 The exercise of powers and functions delegated by Council shall be undertaken in accordance with existing Council Policies. Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters at any time should the need arise.

3. CONCLUSION / PROPOSAL

- 3.1 A review of Council delegations under the *Natural Resources Management Act 2004* and the *Environment Protection Act 1993* has been carried out to ensure that

the Council's Salisbury Water Business Unit may apply for the various permits, licences and authorisations in accordance with the *Natural Resources Management Act 2004* and *Environmental Protection Act 1993* and is presented to Council for endorsement.

CO-ORDINATION

Officer:	EXECUTIVE GROUP	MSW
Date:	09/10/2017	04/10/2017

ATTACHMENT 1

**INSTRUMENT OF DELEGATION UNDER THE
NATURAL RESOURCES MANAGEMENT ACT 2004
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL
PROVISIONS LEVIES) REGULATIONS 2004**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.
3. In this delegation:

'Council' means the Council.

'constituent council' has the meaning given in Section 3 of the Act, namely:-

- (a) in relation to a regional Natural Resources Management board ('NRM board'), or the region of a regional NRM board, a Council whose area, or part of whose area, comprises or is included in the region of the regional NRM board;
- (b) in relation to a Natural Resources Management group ('NRM group'), or the area of an NRM group, a Council whose area, or part of whose area, comprises or is included in the area of the NRM group

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Collaboration with NRM Board
1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 ('the Act') to work collaboratively with a regional NRM board in the performance of its functions.
2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to:
2.1 performing the functions of the NRM group under the Act or any other Act; or
2.2 assisting in the administration of the Act; or

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**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004
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2.3	furthering the objects of the Act
3.	Special Vesting of Infrastructure
3.1	The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.
4.	Approval of Delegation by NRM Board to Council Officers
4.1	The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.
5.	Use of Facilities
5.1	The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.
6.	Boards Power to Provide Financial Assistance etc
6.1	The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out:
6.1.1	the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and
6.1.2	the purpose or purposes for which and the manner in which the assistance will be used; and
6.1.3	the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.
7.	Assignment of Responsibility for Infrastructure
7.1	The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.
7.2	The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the responsibility for

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the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.	
8.	Appointment of Body to Act as a Board
8.1	The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.
9.	Establishment of Areas
9.1	The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.
9.2	The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.
10.	Composition of NRM groups
10.1	The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act.
11.	Functions of Groups
11.1	The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.
12.	Acting in Conjunction with NRM Group
12.1	The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to:
12.1.1	performing its functions under the Act or any other Act
12.1.2	assisting in the administration of the Act or
12.1.3	furthering the objects of the Act

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pursuant to Section 53(1) of the Act.
13. Power of Delegation
13.1 The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act.
14. Use of Facilities
14.1 The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council.
15. Appointment of Body to Act as Group
15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.
16. Regional Authorised Officers
16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board
17. State NRM Plan
17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.
18. Regional NRM Plans
18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change.

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19. Preparation of Plans and Consultation
19.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan.
19.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act.
20. Submission of Plan to Minister
20.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan – a copy of that part or those parts as amended.
21. Review and Amendment of Plans
21.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act.
22. Time for Implementation of Plans
22.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister.
23. Contributions by Constituent Councils
23.1 The duty pursuant to Section 92(1) of the Act if a regional NRM plan for a regional NRM board specifies an amount (the base contribution amount) to be contributed by the constituent councils for the region towards the costs of the board performing its functions under the Act in a particular financial year, to make a contribution based on that amount in accordance with the requirements of Part 1 of Chapter 5 of the Act in respect of that financial year.
23.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.
24. Payment of Contributions by Councils

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24.1	The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation.
24.2	The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year.
25. Cost of Councils	
25.1	The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.
26. Declaration of Prescribed Water Resources	
26.1	The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area.
27. Permits	
27.1	The power pursuant to Section 135(1) of the Act to apply for a permit in a form approved by the relevant authority and to accompany the application with the fee.
27.2	The power pursuant to Section 135(2) of the Act to provide the relevant authority with such information as the authority reasonably requires to consider the application.
27.3	The power pursuant to Section 135(16) of the Act to consent to a permit being varied, suspended or revoked.
27.4	The power pursuant to Section 135(18) of the Act to appeal to the ERD Court against the variation or revocation of a permit under Section 135 of the Act.

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28. Requirement for Notice of Certain Applications
28.1 The power pursuant to Section 136(3) of the Act, where the Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.
28.2 The duty pursuant to Section 136(6) of the Act, if the Council has made a representation under Section 136(3) of the Act, as part of that representation indicated an interest in appearing before the authority, to appear personally or by representative before the authority to be heard in support of the representation.
28.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.
29. Water Licences – Applications and Matters to be Considered
29.1 The power pursuant to Section 147(2) of the Act to apply for a water licence in a form approved by the Minister and to:
29.1.1 accompany the application with the fee prescribed by the regulations; and
29.1.2 accompany the application with such other information or material as the Minister may require.
30. Variation of Water Licences
30.1 The power pursuant to Section 149(1) of the Act to apply for a consent to a water licence being varied by the Minister.
30.2 The power pursuant to Section 149(2) of the Act to make an application under Section 149(1)(a) of the Act:
30.2.1 in a form approved by the Minister; and
30.2.2 if a person is recorded on The Water Register as having an interest in the water licence (other than as a licensee), with the written consent of that person; and
30.2.3 accompanied by the fee prescribed by the regulations.
30.3 The power pursuant to Section 149(4) of the Act to appeal to the ERD Court against:

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30.3.1	a decision to refuse to grant an application to vary the Council's licence under Section 149(1)(a) of the Act; or
30.3.2	the variation of the Council's licence under Section 149(1)(b), (c) or (d) of the Act.
31. Transfer of Water Licences	
31.1	The power pursuant to Section 150(1) of the Act, subject to the Act and the relevant water allocation plan, to:
31.1.1	transfer a licence to another person; or
31.1.2	transfer a water access entitlement, or part of a water access entitlement, under a licence to another person.
31.2	The power pursuant to Section 150(4) of the Act to apply to the Minister for his or her approval:
31.2.1	in a form approved by the Minister; and
31.2.2	accompanied by the fee prescribed by the regulations.
33. By-Laws	
33.1	The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.
33.2	The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.
34. Orders made by ERD Court	
34.1	The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.
34.2	The duty pursuant to Section 201(7) of the Act where an application is made to the ERD Court to serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court.
35. Management Agreements	
35.1	The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate

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under Section 205(2)(j) of the Act by way of a management agreement.
36. Service of notices or other documents
36.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by:
36.1.1 giving the notice or document to the person or an agent of the person; or
36.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or
36.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or
36.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the occupier of the land; or
36.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or
36.1.6 send the notice or document to the person by facsimile transmission; or
36.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.
36.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.
37. Vesting of Property
37.1 The power pursuant to Clause 46(1)(d) of Schedule 4 of the Act to consent to the vesting in the Council by proclamation of the Governor any asset, right or liability of a statutory body or of a related body nominated

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by the proclamation.

38. Special Provisions Relating to the Repeal of the Water Resources Act 1997

38.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a scheme may provide that an amount be paid to a regional NRM board rather than a catchment water management board).

**DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT
(GENERAL) REGULATIONS 2005**

39. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations ('the Regulations'), when making an agreement under Section 43 of the Act, to include provisions, terms or conditions other than those identified in Regulation 35(1) of the Regulations.

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**INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004
THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005
AND THE NATURAL RESOURCES MANAGEMENT (TRANSITIONAL
PROVISIONS LEVIES) REGULATIONS 2004**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

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ATTACHMENT 2

INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Applications for Environmental Authorisations	
1.1	The power pursuant to Section 38(1) of the Environment Protection Act 1993 ('the Act'), to make an application for an environmental authorisation to the Authority in such manner and form as is determined by the Authority and to accompany the application with the prescribed application fee.
1.2	The power pursuant to Section 38(3) of the Act to combine an application for an exemption with an application for some other environmental authorisation.
2. Conditions Requiring Approval of Certain Works and Processes	
2.1	The power pursuant to Section 54C(2) of the Act, if conditions of an environmental authorisation (whether imposed before or after the commencement of Section 54C of the Act) require the Council to seek the Authority's approval in relation to a matter of a kind referred to in Section 54C(1)(a) or (b), to make an application for such approval:
2.1.1	in a manner and form determined by the Authority
2.1.2	to accompany the application with the prescribed fee.
3.	The power pursuant to Section 85(3) of the Act, to appoint authorised officers for the purposes of the Act.
4.	The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.
5.	The power pursuant to Section 85(5) of the Act to revoke an appointment or to

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**INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993
AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	
6.	Site Contamination Assessment Orders
6.1	The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.
7.	Site Remediation Orders
7.1	The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.

**DELEGATIONS UNDER THE ENVIRONMENT PROTECTION
(WASTE TO RESOURCES) POLICY 2010**

8.	<i>[Metropolitan Councils only]</i> The duty pursuant to Clause 10(2) of the Environment Protection (Waste to Resources) Policy 2010 ('the Policy'), in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.
9.	The duty pursuant to Clause 17(2) of the Policy to ensure that the following provisions are complied with in relation to any medical waste received by the Council:

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AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

9.1	if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
9.2	all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;
9.3	all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
9.4	all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
9.5	all containers of medical waste must be stored in a secure location;
9.6	all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
9.7	discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;
9.8	medical waste must be disposed of as soon as reasonably practicable;
9.9	all medical waste must be:
9.9.1	disposed of by incineration; or
9.9.2	disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;
9.9.3	collected for disposal by:
9.9.3.1	a licensed waste transporter authorised to collect and transport medical waste; or
9.9.3.2	a council;

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AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010**

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| 9.10 | before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste; |
| 9.11 | the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste. |

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SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
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Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations

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