



Renmark Paringa
Council



Policy Review Committee Meeting Agenda – Tuesday 1 June 2021

Committed to a sustainable future

Notice is hereby given that the next Policy Review Committee Meeting of Council is to be held at the Community and Civic Centre, 61 Eighteenth Street, Renmark on Tuesday 1 June 2021 commencing at 7:00 PM.

Mr Tim Pfeiffer
Director Corporate and Community Services
26 May 2021

**RENMARK PARINGA COUNCIL POLICY REVIEW COMMITTEE
MEETING****Tuesday 1 June 2021****TABLE OF CONTENTS**

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1. OPENING BY THE CHAIRPERSON

Acknowledgement of Country

“Council would like to acknowledge and pay its respects to the First Peoples of the River Murray and Mallee region who are the traditional custodians of this land. Council would also like to pay its respects to Elders past and present and recognise and respect their cultural heritage, beliefs and relationships with this land on which we meet”

2. PRESENT

Chairperson

Margaret Howie

Committee Members

Mayor Neil Martinson
Peter Hunter
Allan Maddocks
Ben Townsend

Chief Executive Officer

Tony Siviour

Director Corporate and Community Services

Tim Pfeiffer

Director Infrastructure and Environmental Services

Tim Tol

Executive Assistant/Minutes

Ashleigh Baker

3. APOLOGIES

Cr Singh-Malhi (personal leave)

4. MEMBER'S DECLARATION OF INTEREST

Member's Declaration of Interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Material – where any of a defined list of persons would gain benefit, or suffer a loss (whether directly or indirectly, personal or pecuniary) depending on the outcome of the consideration of the meeting.

Actual – where a Member has a Conflict of Interest (not being a material conflict of interest) between their own interests and the public interest that might lead to a decision that is contrary to the public interest.

Perceived – where from the perspective of an impartial, far-minded person it could reasonably be perceived that a Member has a Conflict of Interest in a matter.

Where an actual or perceived Conflict of Interest exists, the Member must inform the meeting of the interest and how (if they propose to participate in the meeting) they intend to deal with the actual / perceived Conflict of Interest. This information will be documented by the Minute Taker.

5. DEPUTATIONS

Nil

6. MINUTES

6.1. Confirmation of the Policy Review Committee Meeting Minutes

6.1.1. Confirmation of Minutes of the Policy Review Committee Meeting Minutes held 2 March 2021

Recommendation:

That the minutes of the Policy Review Committee meeting held 2 March 2021 be received and confirmed.



Renmark Paringa
Council

Minutes of the Policy Review Committee Meeting

Tuesday 2 March 2021

Community and Civic Centre, 61 Eighteenth Street,
Renmark

1. OPENING BY THE CHAIRPERSON

Cr Howie declared the meeting open at 07:06 pm.

Cr Howie read the Acknowledgement of Country.

"I would like to acknowledge and pay respect to the First Peoples of the River Murray and Mallee region who are the traditional custodians of this land on which we meet."

2. PRESENT

Chairperson	Margaret Howie
Committee Members	Mayor Neil Martinson Peter Hunter Allan Maddocks Ben Townsend
Director Corporate and Community Services	Tim Pfeiffer
Executive Assistant/Minutes	Ashleigh Baker

3. APOLOGIES

Cr Singh-Malhi (personal leave)

4. MEMBER'S DECLARATION OF INTEREST

Nil

5. DEPUTATIONS

Nil

6. MINUTES

6.1. Confirmation of the Policy Review Committee Meeting Minutes

6.1.1. Confirmation of Minutes of the Policy Review Committee Meeting Minutes held 11 November 2020

COUNCIL RESOLUTION PRC2021 - 1

Moved Cr Townsend

Seconded Mayor Martinson

That the minutes of the Policy Review Committee meeting held 11 November 2020 be received and confirmed.

CARRIED

7. BUSINESS ARISING FROM THE MINUTES

7.1. Business arising from Policy Review Committee Meeting Minutes

Nil

8. NOTICE OF MOTION

Nil

9. COMMITTEE MEMBERS REPORTS

Nil

10. LATE REPORTS

Nil

11. CHIEF EXECUTIVE OFFICER REPORTS

Nil

12. DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORTS

12.1. Council Buildings Hire/Use Policy

COUNCIL RESOLUTION PRC2021 - 2

Moved Mayor Martinson Seconded Cr Maddocks

The Policy Review Committee recommend Council ratify the Council Buildings Hire/Use Policy with the minor amendments made during this meeting.

CARRIED

12.2. Order Making Policy

COUNCIL RESOLUTION PRC2021 - 3

Moved Cr Hunter Seconded Cr Townsend

The Policy Review Committee recommend Council lay the Order Making Policy on the table.

CARRIED

Mayor Martinson left the meeting at 7:29 pm.

14.3. Director Infrastructure and Environmental Services

Nil

15. MOTIONS WITHOUT NOTICE

Nil

16. GENERAL BUSINESS

Nil

17. CLOSURE

Cr Howie declared the meeting closed at 07:42 pm.

Subject to confirmation

7. BUSINESS ARISING FROM THE MINUTES7.1. Business arising from Policy Review Committee Meeting Minutes

Nil

8. NOTICE OF MOTION

Nil

9. COMMITTEE MEMBERS REPORTS

Nil

10. LATE REPORTS

Nil

11. CHIEF EXECUTIVE OFFICER REPORTS

Nil

12. DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORTS

12.1. Order Making Policy

Reporting Officer	Ashleigh Baker - Executive Assistant to Director Corporate and Community Services
CEO/Director	Tim Pfeiffer - Director Corporate and Community Services
Relevant Legislation	Local Government Act 1999
Attachments	<ol style="list-style-type: none"> Order Making Policy Final [12.1.1 - 4 pages] Order Making Policy Track Changes [12.1.2 - 8 pages]

Recommendation:

The Policy Review Committee recommend Council:

- Lift the Order Making Policy off the table.
- Ratify the Order Making Policy.

Purpose

To review the Order Making Policy.

Background

At the March Policy Review Committee Meeting, the Order Making Policy was laid on the table. The following changes have since been made:

- Removal of Attachment 1, which is a duplication and repetition of the *Local Government Act 1999 Section 254 Power to Make Orders*. This has now been referenced at the beginning of the policy under relevant legislation.
- The policy and procedure section has also been reworded to be clearer.
- Formatting has also been tidied up.

As there were several changes made in track changes a clean version has also been attached.

Strategic Alignment

4 A Positive Experience

CORE ACTIVITY - Review and improve governance structure, policies and decision making processes on a regular basis

Engagement

Stakeholder	
Elected Members	Through Policy Review Committee
Staff	

Risk Management Consideration

No risk assessment has been carried out at this stage in Skytrust

Financial Implications

Budget Source	No financial impact
Current Budget Impact	
Future Budget Impact	

Asset Management Impact

Nil

Relevant documents

Local Government Act.



Order Making Policy

Statutory Policy

Renmark Paringa Council

Responsible Officer	Director of Corporate and Community Services
Relevant Legislation	Local Government Act 1999 Chapter 12 Part 2 – Orders Sections 216, 218, 254, 255, 257, 259 and 260.
Adopted	March 2001
Reviewed	May 2021
Next Review	May 2023

Objective

The Renmark Paringa Council is committed to using the order making powers available to it under the Local Government Act 1999 (the Act) as necessary and appropriate to provide for the safety and welfare of the public, to improve the amenity of a locality and generally for the good governance of its area.

This policy has been prepared and adopted pursuant to section 259 of the Act and sets out the matters about which orders will be made and the steps the Council will take in making orders.

Policy

Section 259 of the Act requires the Council to prepare and adopt a policy concerning the operation of Part 2 of Chapter 12 of the Act. Part 2 deals with the making of orders.

This Policy will apply to those circumstances listed in Section 254 of the Act which states that Council may order a person to do or refrain from doing a thing under certain circumstances, as specified in the table included within that Section of the Act (*refer Attachment 1*).

In accordance with the requirements of the Act, this Policy also applies in respect of orders issued by Council under Section 216 (power to order the owner of private road to carry out



specified roadworks) and Section 218 (power to require owner of adjoining land to carry out specified work).

Local nuisances (other than those found in the Local Government Act) are also contained in the Local Nuisance and Litter Control Act 2016. Nuisance and littering actions that fall within the jurisdiction of the Local Nuisance and Litter Control Act will be dealt with in accordance with the procedures set out in that Act.

Guiding Principles

The Council will apply the principles set out below in the exercise of its powers to make orders.

On each occasion that the Council is considering making an order to require a person to act or to refrain from acting, within its powers to do so, the Council will investigate and consider (the extent that is relevant and necessary) the following:

- the severity of the incident or circumstance
- the hazard or danger posed to the community
- the risk to health and safety of the community
- the degree of detraction from the amenity of the locality (if any)
- the number of occurrences of the activity or incident
- the impact of any previous actions to deal with the activity or incident
- the significance of the breach, any other public interest or well-being considerations
- the availability of a more appropriate response by the Council
- the effect of any initial negotiations with a landowner or occupier in resolving a matter.

Process and Procedures

Except in the case of an emergency described below, council will take reasonable steps, within available resources, to resolve cases of local nuisance by negotiation and agreement before issuing an order.

Except in the case of an emergency described below, before making an order council will give notice of its intention to make an order in accordance with Section 255 of the Act by:

- giving the person to whom an order is intended to be directed a notice in writing stating the –
 - I. proposed action
 - II. terms of the proposed order
 - III. period within which compliance with the order would be required
 - IV. penalties for non-compliance



V. reasons for the proposed order

- inviting the person notified to give reasons, within a specified time, as to why the proposed action should not be taken.

Council will proceed to make an order without negotiation or notice, in accordance with section 255(12) where council considers the circumstance or activity constitutes, or is likely to constitute:

- a threat to life; or
- an immediate threat to public health or public safety; or
- an emergency situation.

Review Rights

Pursuant to section 256 of the Act any person to whom an order is issued (including an order issued under sections 254, 216 or 218 of the Act) has a right to appeal against the order. Any such appeal must be lodged within 14 days of that person's receipt of the order. The Council will ensure that reference to this right of appeal is included in any order issued.

Non-compliance with an order

If an order is not complied within the time fixed for compliance (or if there is an application for review, within 14 days after the determination of the review) the Council may (subject to the outcome of any review) take the action required by the order.

The reasonable costs and expenses incurred by Council in taking action under this section may be recovered by Council as a debt from the person who failed to comply with the requirements of the order.

Where an amount is recoverable by Council, Council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period, the person is liable to pay interest and Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with section 257(5) of the Act.

Non-compliance with an order of Council is an offence for which a person may incur a statutory penalty provided for in the Act. Section 258 of the Act provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the Act. The Council may expiate or prosecute any failure to comply with an order as it sees fit.



Responsibilities & Delegations

This policy will be enforced by Authorised Persons who have been appointed (in writing) by the Council under Section 260 of the Act¹.

Council may also choose to delegate the power to issue orders under Sections 254, 216 and 218 of the Act to Council staff, in which case, Council will ensure appropriate delegations are in place.

Council Endorsement of the Policy

Any future amendment or alteration to the Policy or a substitution of a new Policy, will be subject to the public consultation provisions of the Act at section 259 (2), unless the alteration has only minor significance and is likely to attract little or no community interest.

Document Control

Version #	Approval Date	Approved by	Amendment
	June 2021	Policy Review Committee	Policy format/template updated. Updated to remove the inclusion of Section 254 of the Act table.

¹ Authorised Persons have powers under Section 261 of the Act to enforce breach of orders by way of expiation



Order Making Policy

Statutory Policy

Renmark Paringa Council

Responsible Officer	Director of Corporate and Community Services
Relevant Legislation	Part 2 Local Government Act (1999) Chapter 12 Part 2 – Orders Sections 216, 218, 254, 255, 257, 259 and 260. S259 – Councils to develop policies
Adopted	March 2001
Reviewed	May 2021 November 2017
Next Review	May 2023 November 2020

Objective

The Renmark Paringa Council is committed to using the order making powers available to it under the Local Government Act 1999 (the Act) as necessary and appropriate to provide for the safety and welfare of the public, to improve the amenity of a locality and generally for the good governance of its area.

This policy has been prepared and adopted pursuant to section 259 of the Act and sets out the matters about which orders will be made and the steps the Council will take in making orders.

Policy

Powers to make orders

~~Section 259 of the Act requires the Council to prepare and adopt a policy concerning the operation of Part 2 of Chapter 12 of the Act. Part 2 deals with the making of orders regarding the exercise of its order making powers under the Act. The policy is subject to public consultation, review and evaluation.~~



~~The exercise of Council's order-making powers, in accordance with this policy and relevant statutes, exists with Council's other regulatory powers to make and enforce by-laws in certain circumstances and to enforce compliance with the requirements of the Act and a range of other statutes.~~

Matters to which policy applies

This Policy will apply to those circumstances listed in Section 254 of the Act which states that Council may order a person to do or refrain from doing a thing under certain circumstances, as specified in the table included within that Section of the Act (*refer Attachment 1*).

In accordance with the requirements of the Act, this Policy also applies in respect of orders issued by Council under Section 216 (power to order the owner of private road to carry out specified roadworks) and Section 218 (power to require owner of adjoining land to carry out specified work) ~~of the Act.~~

Local nuisances (other than those found in the Local Government Act) are also contained in the Local Nuisance and Litter Control Act 2016. Nuisance and littering actions that fall within the jurisdiction of the Local Nuisance and Litter Control Act will be dealt with in accordance with the procedures set out in that Act.

Guiding Principles

The Council will apply the principles set out below in the exercise of its powers to make orders.

On each occasion that the Council is considering making an order to require a person to act or to refrain from acting, within its powers to do so, the Council will investigate and consider (the extent that is relevant and necessary) the following:

- the severity of the incident or circumstance
- the hazard or danger posed to the community
- the risk to health and safety of the community
- the degree of detraction from the amenity of the locality (if any)
- the number of occurrences of the activity or incident
- the impact of any previous actions to deal with the activity or incident
- the significance of the breach, any other public interest or well-being considerations
- the availability of a more appropriate response by the Council
- the effect of any initial negotiations with a landowner or occupier in resolving a matter.

Process and Procedures



Except in the case of an emergency described below, council will take reasonable steps, within available resources, to resolve cases of local nuisance by negotiation and agreement before issuing an order.

Except in the case of an emergency described below, before making an order council will give notice of its intention to make an order in accordance with Section 255 of the Act by:: Before making an order, unless the circumstances are urgent, the Council will take the following actions as required by section 255 of the Act:

- givegiving the person to whom an order is intended to be directed a notice in writing stating the –
 - I. proposed action
 - II. terms of the proposed order
 - III. period within which compliance with the order would be required
 - IV. penalties for non-compliance
 - V. reasons for the proposed order
- invite the person notified to give reasons, within a specified time, as to why the proposed action should not be taken

Council will proceed to make an order without negotiation or notice, in accordance with section 255(12) where council considers the circumstance or activity constitutes, or is likely to constitute:

- a threat to life; or
- an immediate threat to public health or public safety; or
- an emergency situation. -

Where notice of a proposed order has been given to a person who is not the owner of the relevant land, the Council must, in accordance with section 255(2) of the Act, take reasonable steps to serve a copy of the notice on the owner of the land.

After considering the representations made by the person to whom notice of the proposed order is directed, the Council may make an order in the terms proposed or, without further notice to the intended recipient make an order in amended terms or, determine not to proceed with making an order.

The Council may vary any order or revoke any order as it considers fit.

Review Rights

Pursuant to section 256 of the Act any person to whom an order is issued (including an order issued under sections 254, 216 or 218 of the Act) has a right to appeal against the order. Any such appeal must be lodged within 14 days of that person's receipt of the order. The Council will ensure that reference to this right of appeal is included in any order issued.



Non-compliance with an order

If an order ~~issued under section 254, 216 or 218 of the Act~~ is not complied ~~with~~ within the time fixed for compliance (or if there is an application for review, within 14 days after the determination of the review) the Council may (subject to the outcome of any review) take the action required by the order.

The reasonable costs and expenses incurred by Council in taking action under this section may be recovered by Council as a debt from the person who failed to comply with the requirements of the order.

Where an amount is recoverable by Council, Council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period, the person is liable to pay interest and Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with section 257(5) of the Act.

Non-compliance with an order of Council is an offence for which a person may incur a statutory penalty provided for in the Act. Section 258 of the Act provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the Act. The Council may expiate or prosecute any failure to comply with an order as it sees fit.

Responsibilities & Delegations

This policy will be enforced by Authorised Persons who have been appointed (in writing) by the Council under Section 260 of the Act¹.

Council may also choose to delegate the power to issue orders under Sections 254, 216 and 218 of the Act to Council staff, in which case, Council will ensure appropriate delegations are in place.

¹ Authorised Persons have powers under Section 261 of the Act to enforce breach of orders by way of expiation



Council Endorsement of the Policy

Any future amendment or alteration to the Policy or a substitution of a new Policy, will be subject to the public consultation provisions of the Act at section 259 (2), unless the alteration has only minor significance and is likely to attract little or no community interest.

Responsibilities & Delegations

~~This policy will be enforced by Authorised Persons who have been appointed (in writing) by the Council under Section 260 of the Act².~~

~~Council may also choose to delegate the power to issue orders under Sections 254, 216 and 218 of the Act to Council staff, in which case, Council will ensure appropriate delegations are in place.~~

Document Control

Version #	Approval Date	Approved by	Amendment
	<u>June 2021</u>	<u>Policy Review Committee</u>	<u>Policy format/template updated. Updated to be in line with the LGA model Order Making Policy</u>

² Authorised Persons have powers under Section 261 of the Act to enforce breach of orders by way of expiation



Attachment 1

Local Government Act 1999

~~254—Power to make orders~~

~~(1) A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.~~

~~(2) A reference in the table to an animal or animals includes birds and insects.~~

~~216—Power to order owner of private road to carry out specified roadwork~~

~~(1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.~~

~~218—Power to require owner of adjoining land to carry out specified work~~

~~(1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.~~



<p><u>254—Power to make orders</u> (1) A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table. Column 1 To do or to refrain from</p>	<p>Column 2 In what circumstances?</p>	<p>Column 3 To whom? doing what?</p>
<p>2. Hazards on lands adjoining a public place (1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure). (2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree. (3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place. (4) Where the public place is a road to take action necessary to protect the road or to remove a hazard to road users.</p>	<p>(1) A hazard exists that is, or is likely to become, a danger to the public. (2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place. (3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place. (4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.</p>	<p>(1) The owner or occupier of the land. (2) The owner or occupier of the land. (3) The owner or occupier of the land. (4) The owner or occupier of the land.</p>
<p>Examples— · To fill an excavation, or to prevent drainage of water across the road. · To construct a retaining wall or to remove or modify a fence. · To fence land to prevent the escape of animals. · To remove a structure or vegetation near an intersection.</p>		
<p>4. Inappropriate use of vehicle</p>	<p>A person is using a caravan or vehicle as a place of</p>	<p>The owner or occupier of the land or a person apparently</p>



To refrain from using a caravan or vehicle as a place of habitation.

habitation in circumstances that—

(a) present a risk to the health or safety of an occupant; or

(b) cause a threat of damage to the environment; or

(c) detract significantly from the amenity of the locality

occupying the caravan or vehicle.

12.2. Unreasonable Complaints Policy

Reporting Officer	Ashleigh Baker - Executive Assistant to Director Corporate and Community Services
CEO/Director	Tim Pfeiffer - Director Corporate and Community Services
Relevant Legislation	Local Government Act 1999
Attachments	1. Unreasonable Complaints Policy [4D21] [12.2.1 - 4 pages]

Recommendation:

The Policy Review Committee recommend Council ratify the Unreasonable Complaints Policy.

Purpose

To review the Unreasonable Complaints Policy.

Background

The Unreasonable Complaints Policy was adopted in May 2019. Fortunately, the policy has not been needed on a regular basis.

Analysis

It is recommended the policy be endorsed with no changes.

Strategic Alignment

4 A Positive Experience

CORE ACTIVITY - Review and improve governance structure, policies and decision making processes on a regular basis

Engagement

Stakeholder	
Elected Members	Through Policy Review Committee Meeting
Staff	

Risk Management Consideration

Risk Rating 1 - Low (Acceptable Risk, managed by procedures)

Financial Implications

Budget Source	No financial impact
Current Budget Impact	
Future Budget Impact	

Asset Management Impact

Nil

Relevant documents

Nil



Unreasonable Complaints Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director Corporate and Community Services
Relevant Legislation	Local Government Act 1999
Adopted	May 2019
Reviewed	June 2021
Next Review	May 2024 June 2024

Objective

The objective of this Policy is to assist Councillors and Council officers when managing unreasonable complainant conduct.

The Council is committed to being accessible and responsive to all complainants however, Council will take proactive and decisive action when complainants conduct themselves unreasonably.

Policy

Definitions

Unreasonable complainant conduct (UCC) - is any conduct by a complainant which, because of its nature raises health, safety, or equity issues for the Council or has a disproportionate and unreasonable impact on Councillors, Council officers, services, time or resources.

Unreasonable complainant conduct can be divided into five categories:

Unreasonable persistence

Continued, incessant or unrelenting conduct by a complainant.

Unreasonable demands

Demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Councillors, Council officers, services time and/or resources.



Unreasonable lack of cooperation

An unwillingness and/or inability by a complainant to cooperate with Councillors, Council officers and/or Council's customer service processes.

Unreasonable complaints

Any complaints that are not based on reason or logic, incomprehensible, defamatory, false or inflammatory, or trivial or vexatious.

Unreasonable behaviours

Conduct that compromises the health, safety and security of Councillors and/or Council officers including abuse, threats or harm directed towards them.

Policy Statement

Roles and Responsibilities

Unreasonable Complainants will generally be managed by limiting or adapting the ways that complainants can interact with Councillors and Council Officers and/or access council services including:

- Limiting Contact person/s – eg. appointing a sole contact person in Council for the complainant or the particular complaint.
- Limiting subject matter – eg. limiting the subject matter of communications that will be considered and responded to under the complaint.
- Limiting contact times – eg. limiting a complainant's contact to a particular time, day, length of time, or curbing the frequency.
- Limiting contact channels – eg. limiting or modifying the forms of contact that the complainant can have with Council including face-to-face interviews, telephone and written communications, prohibiting access to Council premises, and making contact through a representative only.

In specific instances a decision may be taken to:

- take no further action on the complaint; and/or
- terminate Council services altogether; and/or
- decline to acknowledge or take action on any future complaints.
- request SAPOL to attend to remove a person(s).
- take action under Section 261(6) of the Local Government Act 1999
- take action to have an individual banned or restrained from entering the designated Council premise(s).

Under this Policy the Chief Executive Officer may change or restrict a complainant's access to Council services.



Process

In dealing with UCC, the Chief Executive Officer will undertake the following:

Provide a warning letter

Unless a complainant's conduct poses a substantial threat to the health and safety of Councillors or Council officers, the Chief Executive Officer will provide the complainant with a written warning about their conduct in the first instance.

Provide a notification letter

If a complainant's conduct continues after they have been given a warning letter or in cases of aggression, violence, assault or other unlawful/unacceptable conduct, the Chief Executive Officer has the discretion to send a notification letter immediately restricting the complainant's access to Council services and premises. Details of these complainants and the restrictions imposed will be kept in a register.

Notify relevant staff about access changes/restrictions

Where appropriate, the Chief Executive Officer will notify the Mayor, Councillors and relevant Council officers about any decisions to change or restrict a complainant's access to Council's services and premises, in particular Council staff in cases where a complainant is prohibited from entering Council premises.

Continued monitoring

Once a complainant has been issued with a warning letter or notification letter, the Chief Executive Officer will review the complainant's record/restriction as required, on request by the Mayor or a Councillor, or following any further incidents of Unreasonable Complaints that involve the particular complainant to ensure that they are complying with the restrictions and that the arrangement is working.

If the Chief Executive Officer determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate, the Chief Executive Officer may decide to modify the restrictions, impose further restrictions or terminate the complainant's access to a Council service(s) altogether.

Conversely, the Chief Executive Officer may determine that the restrictions be removed and that the complainant can contact the Council using any of its normal servicing options. Each time a review is conducted, the complainant will be notified in writing about the outcome.

Right of appeal

A complainant is entitled to appeal a decision to change/restrict access to Council services by lodging a written submission outlining the reasons for appeal with Council.



Document Control

Version #	Approval Date	Approved by	Amendment
1	May 2019	Policy Review Committee	New Policy
<u>2</u>	<u>June 2021</u>	<u>Policy Review Committee</u>	<u>Nil</u>

12.3. Public Interest Disclosure Policy and Procedure

Reporting Officer	Ashleigh Baker - Executive Assistant to Director Corporate and Community Services
CEO/Director	Tim Pfeiffer - Director Corporate and Community Services
Relevant Legislation	Local Government Act 1999
Attachments	<ol style="list-style-type: none"> 1. Statutory Policy Public Interest Disclosure Policy [12.3.1 - 13 pages] 2. Statutory Policy Public Interest Disclosure Procedure [12.3.2 - 27 pages]

Recommendation:

The Policy Review Committee recommend Council ratify the Public Interest Disclosure Policy and Public Interest Disclosure Procedure.

Purpose

To review the Public Interest Disclosure Policy and the Public Interest Disclosure Procedure.

Background

The Public Interest Disclosure Policy was adopted in 2019 as a replacement to the Whistleblower Policy.

Analysis

Since the Public Interest Disclosure Policy and Procedure was adopted, there have been no changes made to the policy or procedure by the Local Government Association.

The only minor change that is suggested is to review the policy biennially rather than annually as in line with all other statutory policies.

Strategic Alignment

4 A Positive Experience

CORE ACTIVITY - Review and improve governance structure, policies and decision making processes on a regular basis

Engagement

Stakeholder	
Elected Members	Through Policy Review Committee Meeting
Staff	

Risk Management Consideration

No risk assessment has been carried out at this stage in Skytrust

Financial Implications

Budget Source	No financial impact
Current Budget Impact	
Future Budget Impact	

Asset Management Impact

Nil

Relevant documents

Public Interest Disclosure Act

Public Interest Disclosure Policy

Statutory Policy

Renmark Paringa Council

Responsible Officer	Director Corporate and Community Services
Relevant Legislation	The Public Interest Disclosure Act 2018
Adopted	July 2019
Reviewed	June 2021
Next Review	July 2024 June 2023

1. Objective

- 1.1. Renmark Paringa Council is committed to upholding the principles of transparency and accountability in its administrative and management practices and, therefore, encourages the making of disclosures that reveal public interest information.

- 1.2. The purpose of this Policy is to ensure that Renmark Paringa Council:
 - properly fulfils its responsibilities under the Public Interest Disclosure Act 2018;
 - encourages and facilitates Disclosures of Public Interest Information in accordance with the objects and requirements of the PID Act ;
 - ensures there is appropriate oversight of public interest disclosures about corruption, misconduct and maladministration in public administration;
 - provides appropriate protection for those who make Disclosures in accordance with the Act; and
 - acknowledges the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.

- 1.3. The Council will review and update this Policy ~~each year~~[biennially](#) as part of its annual policy review.



2. Scope

- 2.1. This Policy applies to appropriate Disclosures of Public Interest Information that are made in accordance with the PID Act by Council Members, Employees of the Council, and members of the public, and is intended to complement the reporting framework under the ICAC Act.
- 2.2. This Policy is also designed to complement the existing communication channels within Council, and operate in conjunction with other existing policies, including:
- Fraud & Corruption Prevention Policy;
 - Code of Conduct for Council Employees;
 - Code of Conduct for Council Members; and
 - Internal Review of Council Decisions Policy under section 270 of the Local Government Act 1999.
- 2.3. The Council is committed to:
- referring, as necessary, appropriate Disclosures to another Relevant Authority;
 - where the Disclosure relates to Corruption, or serious or systemic Misconduct or Maladministration in public administration, reporting the Disclosure directly to the OPI in accordance with the Guidelines and the requirements of the ICAC Act;
 - otherwise facilitating the investigation of appropriate Disclosures— in a manner which promotes fair and objective treatment of those involved; and
 - rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

3. Definitions

For the purposes of this Policy the following definitions apply.

- 3.1. **Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption.
- 3.2. **Corruption in public administration** is defined in section 5(1) of the ICAC Act and means:
- 3.2.1. an offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences
- I. bribery or corruption of public officers;
 - II. threats or reprisals against public officers;



- III. abuse of public office;
 - IV. demanding or requiring benefit on basis of public office;
 - V. offences relating to appointment to public office; or
 - VI. an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence;
- 3.2.2. an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or
- 3.2.3. any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
- 3.2.4. any of the following in relation to an offence referred to in a preceding paragraph:
- I. aiding, abetting, counselling or procuring the commission of the offence;
 - II. inducing, whether by threats or promises or otherwise, the commission of the offence;
 - III. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - IV. conspiring with others to effect the commission of the offence
- 3.3. **Council** means Renmark Paringa Council.
- 3.4. **Detriment includes:**
- injury, harm (including psychological harm), damage (including damage to reputation) or loss;
 - intimidation or harassment;
 - discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
 - threats of reprisal (which may be express or implied, and/or conditional or unconditional).



- 3.5. **Directions and Guidelines** is a reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commissioner's website (www.icac.sa.gov.au).
- 3.6. **Disclosure** means an appropriate disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an **appropriate disclosure of environmental and health information** if:

(a) The person:

- I. believes on reasonable grounds that the information is true; or
- II. is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated; and

(b) The disclosure is made to a Relevant Authority.

A person makes an **appropriate disclosure of public administration information** if

(a) The person

- III. Is a public officer;
- IV. reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and

(b) the disclosure is made to a Relevant Authority.

- 3.7. **Employee** refers to all the Council's employees and includes trainees, work experience students, volunteers, and contractors whether they are working in a full-time, part-time or casual capacity.
- 3.8. **Environmental** and health information means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.
- 3.9. **Fraud** is an intentional dishonest act or omission done with the purpose of deceiving.



- 3.10. **ICAC Act** is the Independent Commissioner Against Corruption Act 2012.
- 3.11. **Independent Assessor** means the person designated by the Responsible Officer as being responsible for investigating a disclosure made to Renmark Paringa Council in accordance with the Public Interest Disclosure Procedure.
- 3.12. **Informant** means a person who makes an appropriate disclosure of public interest information to a Relevant Authority.
- 3.13. **Maladministration in public administration** is defined in section 5(4) of the ICAC Act and
- 3.13.1. means:
- I. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - II. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
- 3.13.2. includes conduct resulting from impropriety, incompetence or negligence; and
- 3.13.3. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- 3.14. **Misconduct in public administration** is defined in section 5(3) of the ICAC Act and means:
- 3.14.1. contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
 - 3.14.2. other misconduct of a public officer while acting in his or her capacity as a public officer.
- 3.15. **Office for Public Integrity (OPI)** is the office established under the ICAC Act that has the function to:



- 3.15.1. receive and assess complaints about public administration from members of the public;
 - 3.15.2. receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers;
 - 3.15.3. refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;
 - 3.15.4. give directions or guidance to public authorities in circumstances approved by the Commissioner;
 - 3.15.5. perform other functions assigned to the Office by the Commissioner.
- 3.16. **Public administration** defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.
- 3.17. **Public administration information** means information that raises a potential issue of corruption, misconduct or maladministration in public administration.
- 3.18. **Public interest information** means environmental or health information, or public administration information.
- 3.19. **PID Act** means the Public Interest Disclosure Act 2018.
- 3.20. **Principal Officer** for the purposes of the PID Act means the Chief Executive Officer of the Council.
- 3.21. **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:
- a Council Member; and
 - an Employee or Officer of the Council;
- 3.22. **Relevant Authority** means the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act, as set out in Appendix A to this Policy.



- 3.23. **Responsible Officer** is a person who has completed any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by the Council as responsible officer under section 12 of the PID Act.
- 3.24. **Victimisation** occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate disclosure of public interest information.

4. Confidentiality

- 4.1. The identity of an Informant will be maintained as confidential in accordance with the PID Act.
- 4.2. A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:
- 4.2.1. the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person;
 - 4.2.2. the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient **must** disclose the identity of the Informant to the OPI;
 - 4.2.3. doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
 - 4.2.4. the Informant consents to his/her identity being disclosed.
- 4.3. The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure the Council should be mindful of the prohibition against Victimisation in the PID Act.



- 4.4. An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

5. Disclosure Process

- 5.1. Disclosures are to be handled by the Council in accordance with the Public Interest Disclosure Procedure.
- 5.2. Nothing in this Policy prevents a person from making a Disclosure to a Relevant Authority external to the Council (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant at his/her discretion. The Council recommends an Informant have regard to the factors at clause 6.4 of the Public Interest Disclosure Procedure when deciding where to direct a Disclosure.
- 5.3. A Disclosure may be made to the Council's designated Responsible Officer in person, by telephone or in writing. The relevant contact details are:
- Telephone: 08 8580 3000
 - Email: pid@renmarkparinga.sa.gov.au
 - Address: Confidential
Responsible Officer, Public Interest Disclosure
PO BOX 730
REMARKSA 5341

6. The Role of the Responsible Officer

- 6.1. A person designated as a Responsible Officer for the Council must:
- 6.1.1. receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and the Public Interest Disclosure Procedure, in relation to any such Disclosures;
 - 6.1.2. make appropriate recommendations to the principal officer of the Council in relation to dealing with Disclosures, including any suggested changes to this Policy or the Public Interest Disclosure Procedure; and
 - 6.1.3. provide advice to officer and employees of the Council in relation to the administration of the PID Act; and



- 6.1.4. complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations; and
- 6.1.5. may carry out any other functions relating to the PID Act
- 6.2. Upon the receipt of a Disclosure, the Responsible Officer will deal with the disclosure in accordance with the Public Interest Disclosure Procedure.
- 6.3. In making any determination or taking any action under this Policy or pursuant to the Public Interest Disclosure Procedure:
 - 6.3.1. the Responsible Officer may seek legal advice from Council's Lawyers and/or guidance from SAPOL or the Ombudsman in relation to the most appropriate course of action to pursue; and
 - 6.3.2. is authorised to incur costs in accordance with the Council's Budget for that purpose.
- 6.4. The Responsible Officer will liaise as required with the Informant and any Independent Assessor in relation to any investigation process undertaken in accordance with the Public Interest Disclosure Procedure, and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.

7. Information to Elected Body

- 7.1. As a matter of discretion, the Chief Executive Officer may inform the elected body, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation.
- 7.2. Factors the Chief Executive Officer will take into account in determining whether to inform the elected body under paragraph 7.1 above and the level of detail provided in doing so are to include:
 - 7.2.1. if known, the identity of the Informant, and whether the Informant has consented to his/her identity being divulged;
 - 7.2.2. if applicable, the identity of any person the subject of the Disclosure;



- 7.2.3. the impact (if any) of the investigation upon the Council's achievement of its objectives under its Strategic Plan and/or policies; and
 - 7.2.4. the impact of any action taken to finalise the matter upon the Council's operations and/or budget.
- 7.3. In the event the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon Council staff and human resource processes, the Chief Executive Officer will not inform the elected body of the fact of the Disclosure and/or investigation (since these matters fall outside the roles and responsibilities of elected members under the Local Government Act 1999).

8. Protection for the Informant

- 8.1. An Informant who makes an appropriate Disclosure is protected by:
 - 8.1.1. immunity from criminal or civil liability as provided for in section 5(1) of the PID Act;
 - 8.1.2. a prohibition on disclosure of his/her identity as provided for in section 8 of the PID Act;
 - 8.1.3. a prohibition against Victimisation as provided for in section 9 of the PID Act; and
 - 8.1.4. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure as provided for in section 11 of the PID Act.
- 8.2. The PID Act does not provide any protection to people who knowingly make disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).
- 8.3. A person who knowingly makes a Disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted.
- 8.4. A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
- 8.5. The Council will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include



acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.

- 8.6. Any Council Member or employee or officer of the Council who:
 - 8.6.1. knowingly makes a disclosure that is false or misleading in a material particular; or
 - 8.6.2. commits an act of Victimisation in relation to an Informant; or
 - 8.6.3. acts otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure

may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

9. Availability of the Policy

9.1. This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website <https://www.renmarkparinga.sa.gov.au/page.aspx>. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges

Document Control

Version #	Approval Date	Approved by	Amendment
<u>1.0</u>	<u>June 2019</u>	<u>Ordinary Council Meeting</u>	<u>Replaced Whistleblower Policy</u>
<u>2.0</u>	<u>June 2021</u>	<u>Policy Review Committee</u>	<u>Nil</u>



**Appendix A
Relevant Authorities**

Where the information relates to...	the relevant authority is...
<p>a public officer*</p> <p><i>*as defined and set out in Schedule 1 of the Independent Commissioner Against Corruption Act 2012 - relevantly, this includes members, officers and employees of local government bodies</i></p>	<p>either:</p> <p>the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or</p> <p>the person who is in fact responsible for the management or supervision of the public officer; or</p> <p>the relevant responsible officer (as designated by the Council in accordance with section 12 of the PID Act)</p>
<p>a public sector agency or public sector employee</p>	<p>either:</p> <p>the Commissioner for Public Sector Employment; or</p> <p>the responsible officer for the relevant public sector agency</p>
<p>an agency to which the <i>Ombudsman Act 1972</i> applies</p>	<p>the Ombudsman</p>
<p>a location within the area of a particular council established under the <i>Local Government Act 1999</i></p>	<p>a member, officer or employee of that Council</p>
<p>a risk to the environment</p>	<p>the Environment Protection Authority</p>
<p>an irregular and unauthorised use of public money or substantial</p>	<p>the Auditor-General</p>
<p>the commission, or suspected commission, of any offence</p>	<p>a member of the police force</p>
<p>a judicial officer</p>	<p>the Judicial Conduct Commissioner</p>
<p>a member of Parliament</p>	<p>the Presiding Officer of the House of Parliament to which the member belongs</p>



Where the information relates to...	the relevant authority is...
a person or a matter of a prescribed class ¹	an authority declared by the regulations to be a relevant authority in relation to such information
public interest information - being: environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)	the OPI; a Minister of the Crown; or any other prescribed person or person of a prescribed class

¹ at this stage, no prescribed persons or classes have been identified



Public Interest Disclosure Procedure Renmark Paringa Council

Responsible Officer	Director Corporate and Community Services
Adopted	July 2019
Reviewed	June 2021
Next Review	July 2021 June 2023



Principal Officer - Statement of Intent

This Procedure has been prepared in accordance with the requirements of sections 12(4) and (5) of the *Public Interest Disclosure Act 2018* (PID Act).

As Chief Executive Officer of Renmark Paringa Council, and designated Principal Officer for the purposes of the PID Act, I expect that the implementation and operation of the PID Act will encourage and facilitate:

- further transparency and accountability in the Council's administrative and management practices; and
- the Disclosure, in the public interest, of information about substantial risks to public health or safety, or to the environment, and about corruption, misconduct and maladministration in public administration.

This Procedure, and the Council's Public Interest Disclosure Policy, are designed to enable that to occur, by ensuring that proper procedures are in place for the making of such Disclosures and for dealing with such Disclosures, and by providing appropriate protections for those who make such Disclosures.

I, and the other staff, officers and Council Members at Renmark Paringa Council remain deeply committed to the protection of informants who make public interest Disclosures in accordance with the objectives of the PID Act, and to the genuine and efficient consideration and action in relation to information provided to the Council via a public interest Disclosure, as contemplated and demonstrated by this Procedure.

Any questions about this Procedure or the Council's Public Interest Disclosure Policy should be directed in the first instance to the Responsible Officer, whose details are at Part 4 of this Procedure.

Tony Siviour

Chief Executive Officer, Renmark Paringa Council



1. Introduction

1.1. Renmark Paringa Council is committed to:

- upholding the principles of transparency and accountability in its administrative and management practices;
- the protection of informants who make public interest Disclosures; and
- the genuine and efficient consideration and action in relation to information provided in a public interest Disclosure

and, therefore, encourages the making of appropriate Disclosures that reveal public interest information in accordance with this Procedure.

1.2. The Council is also committed to:

- referring, as necessary, appropriate Disclosures to another Relevant Authority;
- where the Disclosure relates to Corruption, or serious or systemic Misconduct or Maladministration in public administration, reporting the Disclosure directly to the OPI in accordance with the Guidelines and the requirements of the ICAC Act;
- otherwise facilitating the investigation of appropriate Disclosures in a manner which promotes fair and objective treatment of those involved; and
- rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

1.3. This document explains the applicable procedures and processes that Renmark Paringa Council has in place for making and dealing with appropriate Disclosures of public interest information, to ensure that Renmark Paringa Council:

- properly fulfils its responsibilities under the PID Act and the ICAC Act;
- appropriately encourages and facilitates Disclosures of Public Interest Information, including environmental and health information regarding a location within the area of Renmark Paringa Council;
- provides a process by which Disclosures may be made so that they are properly investigated;
- provides appropriate protection for those who make Disclosures in accordance with the Act; and



- recognises the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.

1.4. The Council will review and update this Procedure [each year/biennial](#) as part of its annual policy review.

2. Scope

- 2.1. This Procedure applies to appropriate Disclosures of Public Interest Information, that are made in accordance with the PID Act, by Council Members, Officers and Employees of the Council and by members of the public.
- 2.2. This Procedure is intended to complement the reporting framework under the ICAC Act, and designed to complement the existing communication channels within Council and to operate in conjunction with other existing policies, including the:
- Public Interest Disclosure Policy;
 - Fraud & Corruption Prevention Policy;
 - Code of Conduct for Council Employees;
 - Code of Conduct for Council Members; and
 - Internal Review of Council Decisions Policy under section 270 of the Local Government Act 1999.

3. Definitions

For the purposes of this Procedure the following definitions apply.

- 3.1. **Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption.
- 3.2. **Corruption in public administration** is defined in section 5(1) of the ICAC Act and means:
- 3.2.1. an offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
- I. bribery or corruption of public officers;
 - II. threats or reprisals against public officers;
 - III. abuse of public office;
 - IV. demanding or requiring benefit on basis of public office;
 - V. offences relating to appointment to public office; or



- 3.2.2. an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or
- 3.2.3. an offence against *the Lobbyists Act 2015*, or an attempt to commit such an offence; or
- 3.2.4. any other offence (including an offence against Part 5 (Offences of dishonesty) of *the Criminal Law Consolidation Act 1935*) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
- 3.2.5. any of the following in relation to an offence referred to in a preceding paragraph:
- I. aiding, abetting, counselling or procuring the commission of the offence;
 - II. inducing, whether by threats or promises or otherwise, the commission of the offence;
 - III. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - IV. conspiring with others to effect the commission of the offence
- 3.3. **Council** means Renmark Paringa Council.
- 3.4. **Detriment** includes:
- injury, harm (including psychological harm), damage (including damage to reputation) or loss;
 - intimidation or harassment;
 - discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
 - threats of reprisal (which may be express or implied, and/or conditional or unconditional).
- 3.5. **Directions and Guidelines** is a reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commissioner's website (www.icac.sa.gov.au).



- 3.6. **Disclosure** means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an **appropriate Disclosure of environmental and health information** if:

- a) the person:
 - I. believes on reasonable grounds that the information is true; or
 - II. is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its Disclosure so that its truth may be investigated; and
- b) the Disclosure is made to a Relevant Authority.

A person makes an **appropriate Disclosure of public administration information** if:

- a) the person:
 - I. is a public officer; and
 - II. reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
- b) the Disclosure is made to a Relevant Authority.

- 3.7. **Employee** refers to all the Council's employees and includes trainees, work experience students, volunteers, and contractors whether they are working in a full-time, part-time or casual capacity.
- 3.8. **Environmental and health information** means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.
- 3.9. **Fraud** is an intentional dishonest act or omission done with the purpose of deceiving.
- 3.10. **ICAC Act** is the Independent Commissioner Against Corruption Act 2012.



- 3.11. **Independent Assessor** means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to [INSERT COUNCIL NAME] in accordance with clause 10 of this Procedure.
- 3.12. **Informant** means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority.
- 3.13. **Maladministration** in public administration is defined in section 5(4) of the ICAC Act and
- 3.13.1. means:
- I. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - II. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
- 3.13.2. includes conduct resulting from impropriety, incompetence or negligence; and
- 3.13.3. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- 3.14. **Misconduct in public administration** is defined in section 5(3) of the ICAC Act and means:
- 3.14.1. contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
- 3.14.2. other misconduct of a public officer while acting in his or her capacity as a public officer.
- 3.15. **Office for Public Integrity (OPI)** is the office established under the ICAC Act that has the function to:
- 3.15.1. receive and assess complaints about public administration from members of the public;



- 3.15.2. receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers;
- 3.15.3. refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;
- 3.15.4. give directions or guidance to public authorities in circumstances approved by the Commissioner;
- 3.15.5. perform other functions assigned to the Office by the Commissioner.
- 3.16. **Public administration** is defined in section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.
- 3.17. **Public administration information** means information that raises a potential issue of corruption, misconduct or maladministration in public administration.
- 3.18. **Public interest information** means environmental and health information, or public administration information.
- 3.19. **PID Act** means the Public Interest Disclosure Act 2018.
- 3.20. **Principal Officer** for the purposes of the PID Act means the Chief Executive Officer of the Council.
- 3.21. **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes
- a Council Member; and
 - an Employee or Officer of the Council;
- 3.22. **Relevant Authority** means the person or entity that receives an appropriate Disclosure of public interest information in accordance with the PID Act, as set out in Appendix A to this Procedure.



- 3.23. **Responsible Officer** is a person who has completed any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by the Council as responsible officer under section 12 of the PID Act.
- 3.24. **Victimisation** occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate Disclosure of public interest information.

4. Responsibilities

- 4.1. The Principal Officer is responsible for
- 4.1.1. ensuring that one or more appropriately qualified officers or employees of the Council are designated as responsible officers of the Council for the purposes of the PID Act and undertake any training required by the Public Interest Disclosure Regulations; and
 - 4.1.2. ensuring that the name and contact details of each responsible officer of the Council are made available to officers and employees of the council; and
 - 4.1.3. the preparation and maintenance of this Procedure in accordance with the requirements of the PID Act and the Directions and Guidelines, in particular the Public Interest Disclosure Guidelines.
- 4.2. A person designated as a Responsible Officer for the Council:
- 4.2.1. must:
 - 4.2.1.1. receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and this Procedure, in relation to any such Disclosures;
 - 4.2.1.2. make appropriate recommendations to the principal officer of the Council in relation to dealing with Disclosures, including any suggested changes to this Procedure or the Public Interest Disclosure Policy; and
 - 4.2.1.3. provide advice to officers and employees of the Council in relation to the administration of the PID Act; and



- 4.2.1.4. complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations; and
- 4.2.2. may carry out any other functions relating to the PID Act.
- 4.3. A Council Member, employee or officer of the Council is responsible for
 - 4.3.1. ensuring they comply with this Procedure and the Public Interest Disclosure Policy when dealing with any Disclosure; and
 - 4.3.2. immediately referring any Disclosure of environmental and health information made to them by a member of the public to the Responsible Officer.
- 4.4. Upon receipt of a Disclosure, the Responsible Officer will deal with the Disclosure in accordance with the processes described in this Procedure, and within the authority granted by the Public Interest Disclosure Policy and the PID Act.
- 4.5. If an Informant believes that his/her Disclosure is not being dealt with appropriately or in accordance with this Procedure or the Public Interest Disclosure Policy, they should contact the Responsible Officer in the first instance.
- 4.6. The Responsible Officer may be contacted in person, by telephone or in writing. The relevant contact details are:

Director of Corporate and Community Services
Director of Infrastructure and Environmental Services

- Telephone: 08 8580 3000
- Email: pid@renmarkparinga.sa.gov.au
- Address: Confidential
Responsible Officer, Public Disclosure
PO BOX 730
Renmark SA 5341

5. Confidentiality



- 5.1. The identity of an Informant will be maintained as confidential in accordance with the PID Act.
- 5.2. A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:
 - 5.2.1. the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person;
 - 5.2.2. the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI;
 - 5.2.3. doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
 - 5.2.4. the Informant consents to his/her identity being disclosed.
- 5.3. The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure the Council should be mindful of the prohibition against Victimisation in the PID Act.
- 5.4. An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

6. Disclosure Process

- 6.1. Relevantly for the purposes of this Procedure, the PID Act provides for protection for Informants where public interest Disclosures are made:



- 6.1.1. by a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area of a particular council; and/or
- 6.1.2. by a public officer about public administration information regarding a public officer who is a member, officer or employee of the Council.
- 6.2. Disclosures should generally, and wherever possible, be directed in the first instance to the Responsible Officer, who has the responsibility for receiving appropriate Disclosures relating to the Council.
- 6.3. However, nothing in this Procedure prevents a person from making a Disclosure to another Relevant Authority, including a Relevant Authority external to the Council. This is a choice to be made by the Informant at his/her discretion.
- 6.4. The following are relevant considerations for an Informant in determining where to direct a Disclosure:
 - 6.4.1. when choosing to make a Disclosure internally, Disclosures relating to an elected member or a member of council staff, including the Chief Executive Officer (or person acting in that position), should usually be made to a Responsible Officer;
 - 6.4.2. any Disclosure relating to a person appointed as a Responsible Officer should be made to the other person appointed as a Responsible Officer or failing this, to a Relevant Authority external to the Council (such as the OPI);
 - 6.4.3. any Disclosure relating to public administration information about a public officer who is a member, officer or employee of the Council may be made to a Responsible Officer, or to the person responsible (either in fact, or as may be designated by the PID Act) for the management or supervision of the public officer the subject of the Disclosure;



- 6.4.4. any Disclosure relating to Maladministration or Misconduct in public administration may be reported to OPI in accordance with the ICAC Act;
- 6.4.5. if there is a reasonable suspicion of Corruption, or of Maladministration or Misconduct that is serious or systemic, it must be reported to the OPI in accordance with the Directions and Guidelines;
- 6.4.6. if a Disclosure contains allegations of Fraud or Corruption, the Informant should report the matter in accordance with the Council's Fraud and Corruption Policy, which provides that:
 - 6.4.6.1. if the Disclosure relates to Corruption in public administration it will be reported to the OPI; and
 - 6.4.6.2. if the Disclosure relates to Fraud, it may be reported to the Responsible Officer or direct to SAPOL.
- 6.5. A Disclosure may be made in person, by telephone or in writing (either by post, email or at the website <https://www.renmarkparinga.sa.gov.au/page.aspx>). Where a Disclosure is made by telephone, the recipient must take notes of the conversation and, where possible, should ask the Informant to verify and sign the notes.
- 6.6. The following steps will be taken to ensure that a Disclosure is received securely:
 - 6.6.1. Council has established a secure email address that is only accessible to the responsible officers and the chief executive officer.

7. Receipt of a Disclosure

- 7.1. A flowchart outlining the Disclosure Process is at Appendix B to this Procedure.
- 7.2. If a Council Member, employee or officer receives a Disclosure of environmental and health information regarding a location within the Council area, the recipient of that Disclosure will:



- 7.2.1. ask the Informant whether they consent to the details of their identity being provided to the Responsible Officer, and in doing so advise the Informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and
 - 7.2.2. refer the Disclosure to the Responsible Officer and, in doing so, comply with the wishes of the Informant with respect to whether details of their identity may be divulged.
- 7.3. Upon the receipt of a Disclosure (whether directly, or by referral from a Council Member, employee or officer), the Responsible Officer will:
- 7.3.1. immediately undertake a Preliminary Assessment in accordance with Part 8 of this Procedure; and
 - 7.3.2. as soon as practicable thereafter, in accordance with Part 9 of this Procedure:
 - 7.3.2.1. notify the OPI of the Disclosure; and
 - 7.3.2.2. confirm receipt of the Disclosure with the Informant; and
 - 7.3.3. subject to the outcome of the Preliminary Assessment, then take appropriate action, including, where required:
 - 7.3.3.1. appointing an Independent Assessor to further investigate the Disclosure in accordance with Part 10 of this Procedure; and
 - 7.3.3.2. notifying the Informant of the outcome of any action, including any investigation in accordance with Part 11 of this Procedure; and
 - 7.3.3.3. notifying the OPI of the outcome of any action taken in accordance with Part 11 of this Procedure; and/or
 - 7.3.3.4. reporting the outcome of any action taken to the Minister in accordance with Part 11 of this Procedure; and



- 7.3.3.5. preparing and issuing a final report to the Principal Officer in accordance with Part 12 of this Procedure.

8. Preliminary Assessment of Disclosure

- 8.1. Where the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the Disclosure within 2 days and in doing so, will provide a copy of this Policy to the Informant.
- 8.2. Upon receipt of a Disclosure, the Responsible Officer will undertake a preliminary assessment to determine:
 - 8.2.1. if the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or the public generally;
 - 8.2.2. if the matter/s the subject of the Disclosure involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration; or
 - 8.2.3. if the information disclosed justifies further action, including a decision as to whether the Disclosure:
 - 8.2.3.1. is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the Disclosure);
 - 8.2.3.2. involves a matter which has already been investigated or acted upon by a Relevant Authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the Disclosure);
 - 8.2.3.3. requires referral to another Relevant Authority external to the Council; or
 - 8.2.3.4. warrants referral to an Independent Assessor for a formal investigation and report to Council.
- 8.3. Where the Disclosure relates to public administration information about a public officer who is a member, officer or employee of the Council and it is



made to the person responsible for the management or supervision of the public officer the subject of the Disclosure (the Supervisor), the Supervisor will conduct the Preliminary Assessment instead of the Responsible Officer, and will then report the outcome of his/her determination following the Preliminary Assessment to the Responsible Officer to action.

- 8.4. The Responsible Officer must report the outcome of his/her determination following the Preliminary Assessment to the Chief Executive Officer (unless the Disclosure relates to the Chief Executive Officer). Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 8.5. Where the Responsible Officer (or Supervisor) determines that the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer (or Supervisor) must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (for example, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer or Supervisor must also have regard to clause 5.2.1 of this Procedure.
- 8.6. Where the Responsible Officer (or Supervisor) forms a reasonable suspicion that the matter/s the subject of the Disclosure involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration, the Responsible Officer (or Supervisor) must comply with his/her reporting obligations under the ICAC Act in accordance with the Directions and Guidelines.
- 8.7. Where the Responsible Officer determines the Disclosure warrants referral to an external body or another Relevant Authority, the Responsible Officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take that action. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in his/her report to the Responsible Officer for the Responsible Officer to action.
- 8.8. Where the Responsible Officer determines the Disclosure warrants further investigation, the Responsible Officer will, having regard to available resources, appoint the Independent Assessor and refer the Disclosure to



the Independent Assessor for investigation. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in his/her report to the Responsible Officer for the Responsible Officer to action.

- 8.9. Where the Responsible Officer determines the Disclosure requires any other action to ensure the matter the subject of the Disclosure is properly addressed, the Responsible Officer will include in his/her determination details of that other recommended action. Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation in his/her report to the Responsible Officer for the Responsible Officer to action.

9. Notification of Preliminary Assessment

- 9.1. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of his/her determination in writing as soon as is reasonably practicable after the Preliminary Assessment has been made, and in any event within 30 days of receipt of the Disclosure. In doing so, the Responsible Officer must advise the Informant of:
- 9.1.1. any action that has been, or will be, taken in relation to the Disclosure; or
 - 9.1.2. if no action is being taken in relation to the Disclosure, the reason/s why.
- 9.2. If the Responsible Officer fails to notify the Informant in accordance with clause 9.1 above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.
- 9.3. If the Informant is dissatisfied with the Responsible Officer's determination, it is open to him/her to report the Disclosure to another Relevant Authority external to the Council.
- 9.4. As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the Disclosure (Initial Notification), and in doing so must ensure that the



details required by Guideline 1.4 of the Public Interest Disclosure Guidelines are included in the Initial Notification.

- 9.5. The Responsible Officer will retain the unique reference number issued by the OPI upon making the Initial Notification, and will ensure that reference number is provided to any other person or authority to whom the Disclosure is referred.

10. Investigation Procedure

- 10.1. Where the Responsible Officer determines, following a Preliminary Assessment, that a Disclosure warrants referral to an Independent Assessor for a formal investigation and report to Council, the Responsible Officer will appoint an Independent Assessor in accordance with this Part to investigate the Disclosure.
- 10.2. The Independent Assessor will be appointed on a case-by-case basis depending on the nature of the Disclosure. The Council may prepare a list of pre-approved persons who may be appointed as an Independent Assessor in any given circumstances, in which case the Responsible Officer must have regard to this list in appointing the Independent Assessor.
- 10.3. The objectives of the investigation process are:
 - 10.3.1. in appropriate circumstances, to investigate the substance of the Disclosure and to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made;.
 - 10.3.2. to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
 - 10.3.3. to consider the information collected and to draw conclusions objectively and impartially;
 - 10.3.4. to observe procedural fairness in the treatment of any person who is subject of the Disclosure; and
 - 10.3.5. to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.



- 10.4. The Independent Assessor will observe the principles of natural justice throughout the investigation process. The investigation will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.
- 10.5. Upon receipt of a Disclosure referral under this Part, the Independent Assessor will bring the fact of the Disclosure to the attention of the person who is the subject of it in writing within 5 days, and provide them with an opportunity to respond to the Disclosure within a reasonable timeframe (either in writing or in person). The full details of any allegations contained in the Disclosure need not be brought to the person's attention if the Independent Assessor considers that doing so will compromise the investigation.
- 10.6. During any interview with the Independent Assessor, the person who is the subject of a Disclosure may be accompanied by any person providing support to him/her (including a lawyer) as he/she considers fit. Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person subject of the Disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.
- 10.7. The investigation will be undertaken in confidence. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Independent Assessor will keep the identity of the Informant confidential unless the circumstances in clause 5.2 of this Procedure apply.
- 10.8. The Independent Assessor will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of his/her investigation report to the Responsible Officer.
- 10.9. Upon finalising an investigation the Independent Assessor must prepare an investigation report to the Responsible Officer that will contain the following details:
 - 10.9.1. The allegations(s);



- 10.9.2. an account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred;
- 10.9.3. the conclusions reached and the basis for them; and
- 10.9.4. any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.

The report is to be accompanied by:

- 10.9.5. the transcript or other record of any verbal evidence taken, including tape recordings; and
 - 10.9.6. all documents, statements or other exhibits received by the Independent Assessor and accepted as evidence during the course of the investigation.
- 10.10. Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 10.11. The Responsible Officer must take whatever action is, in his/her discretion, considered appropriate in the circumstances having regard to the matters identified in the Independent Assessor's report

11. Notification of Further Action

- 11.1. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of his/her determination in writing as soon as is reasonably practicable after the Further Action has been taken and, in any event, within either:
- 11.1.1. 90 days of receipt of the Disclosure; or
 - 11.1.2. such longer period as may be specified by written notice given by the Responsible Officer within that 90 day period.
- 11.2. In doing so the Responsible Officer must advise the Informant of:
- 11.2.1. any action that has been, or will be, taken in relation to the Disclosure; or



- 11.2.2. if no action is being taken in relation to the Disclosure, the reason/s why.
- 11.3. If the Responsible Officer fails to notify the Informant in accordance with clauses 11.1 and 11.2 above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.
- 11.4. If the Informant is dissatisfied with the Responsible Officer's determination or the action taken it is open to him/her to report the Disclosure to another Relevant Authority external to the Council.
- 11.5. As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the action taken in relation to the Disclosure (Further Notification) and, in doing so, must ensure that the details required by Guideline 2 of the Public Interest Disclosure Guidelines are included in the Further Notification.
- 11.6. If the Disclosure came to the Council by way of a referral from a Minister, the Responsible Officer must ensure that the Minister is also notified of the action taken in relation to the Disclosure, and the outcome of any such action. The Minister should be notified in accordance with this clause following the Preliminary Assessment if the Responsible Officer determines that no action is to be taken.

12. Final Report and Recommendation

- 12.1. Upon finalising any action required in relation to a Disclosure, the Responsible Officer must prepare a report that will contain the following details:
- 12.1.1. the subject of the Disclosure;
- 12.1.2. an account of the steps taken by the Responsible Officer in accordance with this Procedure, including, where appropriate, enclosing a copy of any Independent Assessor's report;
- 12.1.3. conclusions reached as a result of the steps taken in response to the Disclosure and the basis for them; and



- 12.1.4. any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.
- 12.2. Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 12.3. The Responsible Officer's Report must be provided to the Chief Executive Officer to action as he/she considers appropriate.
- 12.4. The Chief Executive Officer may, in his/her discretion, inform the elected body, on a confidential basis, about a Disclosure in accordance with Part 7 of the Public Interest Disclosure Policy.

13. Secure Handling and Storage of Information

- 13.1. The Responsible Officer must ensure accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.
- 13.2. The Responsible Officer will ensure all information relating to an appropriate Disclosure is maintained as confidential and as such, will be solely responsible for the secure storage of this information, which will be stored separately from the Council's records.
- 13.3. In performing his/her duties, the Responsible Officer will maintain a confidential file of information (including written documents, disks, tapes, film or other objects that contain information) that relates to a Disclosure and/or is a product of the associated investigation/reporting process. All such information will be recorded in a register which is to remain confidential and be securely stored. The Electronic Document Management System of Synergy Soft is used to record all Renmark Paringa Council related information, the security code for files related to Public Disclosure will be at a high level that only the Chief Executive Officer and two Directors can access.
- 13.4. In the event that a person's appointment as a Responsible Officer is terminated, the person must provide this information to the newly-appointed Responsible Officer and having done so will continue to be bound by a duty of confidentiality in respect of an Informant's identity and the information received as a result of the Disclosure.



- 13.5. Although the Responsible Officer is ultimately responsible to ensure public interest information will be securely received and stored, the security and confidentiality obligations outlined in this Part also apply to any Independent Assessor appointed pursuant to this Procedure in relation to any Investigation.

14. Protection for the Informant

- 14.1. Although the PID Act does not provide any protection to people who knowingly make Disclosures that are false or misleading in a material particular, an Informant who makes an appropriate Disclosure will ordinarily be protected by:
- 14.1.1. immunity from criminal or civil liability;
 - 14.1.2. a prohibition on Disclosure of his/her identity, other than in limited specific circumstances;
 - 14.1.3. a prohibition against Victimisation; and
 - 14.1.4. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure.
- 14.2. A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
- 14.3. The Council will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation, and/or from being hindered or obstructed in making a Disclosure. Such action may include acting in accordance with the following risk minimisation steps:
- 14.3.1. Secure email accessible only by the responsible officers and the Chief Executive Officer to protect the anonymity of a person making a disclosure and a secure records storage strategy for any documents.
 - 14.3.2. set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.
 - 14.3.3. disciplinary action by the Council or the Chief Executive Officer (as appropriate) for any failure to act otherwise than in accordance with this Procedure or the Public Interest



Disclosure Policy (including with respect to divulging the identity of an Informant) in relation to a Disclosure.

15. Availability of the Procedure

- 15.1. This Procedure will be available free of charge for inspection at the Council's Offices during ordinary business hours and via the Council's website <https://www.renmarkparinga.sa.gov.au/page.aspx>. Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Document Control

Version #	Approval Date	Approved by	Amendment
<u>1.0</u>	<u>June 2019</u>	<u>Ordinary Council Meeting</u>	<u>Replaced Whistleblower Policy</u>
<u>2.0</u>	<u>June 2021</u>	<u>Policy Review Committee</u>	<u>Nil</u>



**Appendix A
Relevant Authorities**

Where the information relates to...	the relevant authority is...
<p>a public officer*</p> <p>*as defined and set out in Schedule 1 of the <i>Independent Commissioner Against Corruption Act 2012</i> - relevantly, this includes members, officers and employees of local government bodies</p>	<p>either:</p> <p>the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or</p> <p>the person who is in fact responsible for the management or supervision of the public officer; or</p> <p>the relevant responsible officer (as designated by the Council in accordance with section 12 of the PID Act)</p>
<p>a public sector agency or public sector employee</p>	<p>either:</p> <p>the Commissioner for Public Sector Employment; or</p> <p>the responsible officer for the relevant public sector agency</p>
<p>an agency to which the <i>Ombudsman Act 1972</i> applies</p>	<p>the Ombudsman</p>
<p>a location within the area of a particular council established under the <i>Local Government Act 1999</i></p>	<p>a member, officer or employee of that Council</p>
<p>a risk to the environment</p>	<p>the Environment Protection Authority</p>
<p>an irregular and unauthorised use of public money or substantial</p>	<p>the Auditor-General</p>
<p>the commission, or suspected commission, of any offence</p>	<p>a member of the police force</p>
<p>a judicial officer</p>	<p>the Judicial Conduct Commissioner</p>
<p>a member of Parliament</p>	<p>the Presiding Officer of the House of Parliament to which the member belongs</p>

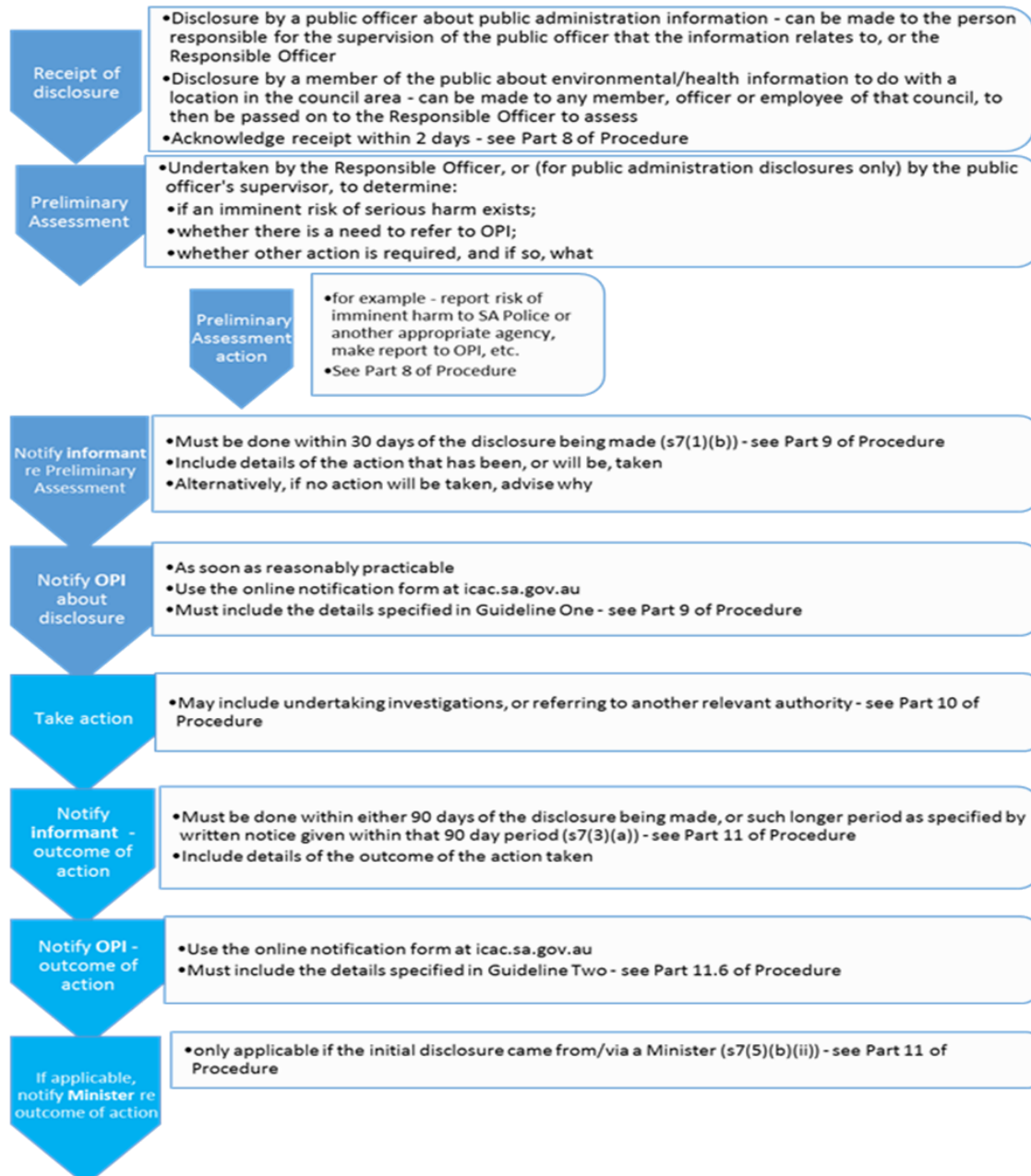


Where the information relates to...	the relevant authority is...
a person or a matter of a prescribed class ¹	an authority declared by the regulations to be a relevant authority in relation to such information
<p>public interest information - being:</p> <p>environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or</p> <p>public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)</p>	<p>the OPI;</p> <p>a Minister of the Crown; or</p> <p>any other prescribed person or person of a prescribed class</p>



Appendix B

Notification Process Flowchart



12.4. Policy Workplan

Reporting Officer	Ashleigh Baker - Executive Assistant to Director Corporate and Community Services
CEO/Director	Tim Pfeiffer - Director Corporate and Community Services
Relevant Legislation	Local Government Act 1999
Attachments	1. POLICY REGISTER [12.4.1 - 3 pages]

Recommendation:

That the Policy Review Committee recommend to Council that it approves the committees work plan.

Purpose

The Policy Review Committee work plan (Attachment 1) provides the committee with an update of the current status of items due for review and sets out the timing of such attention. The work plan will be presented for review at each meeting.

Background

Council staff maintain a policy register and review the highest priority policies due for review.

Strategic Alignment

4 A Positive Experience

CORE ACTIVITY - Review and improve governance structure, policies and decision making processes on a regular basis

Engagement

Stakeholder	
Elected Members	Through Policy Review Committee
Staff	

Risk Management Consideration

No risk assessment has been carried out at this stage in Skytrust

Financial Implications

Budget Source	No financial impact
Current Budget Impact	
Future Budget Impact	

Asset Management Impact

Nil

Relevant documents

Nil

Next Meeting:	Policy	Type	Review Due Date	Review Effectiveness	Responsible Officer	Comments
2020	Information Bay - Business Advertising Signage Policy	Council	Aug-19		VIC	Postponed until the delivery of RP Wayfinding Strategy Project
	Code of Practice for Meeting Procedures	Council			DCCS	Review pending as of Gazette Notice 2. Variations are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.
	Access to Council Meetings, Committees and Council Documents	Statutory			DCCS	Review pending as of Gazette Notice 2. Variations are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.
	Public Consultation Policy	Statutory			CEO	Review pending as of Gazette Notice 2. Variations are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.
	Informal Gathering Policy	Statutory			DCCS	Review pending as of Gazette Notice 2. Variations are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.

Next Meeting:	Policy	Type	Review Due Date	Review Effectiveness	Responsible Officer	Comments
Jun-21	Council IT and Communications Security Policy	Council	Nov-20		ITBTA	Review to be postponed pending the final roll out of the G3 IT Policy System and in line with all three Riverland Councils.
	Order Making Policy	Statutory	Nov-20		DCCS	LAI D ON THE TABLE
	Public Interest Disclosure Policy and Procedure	Statutory	Jun-21		DCCS	
	Food Act Inspection Fees Policy	Council	Jul-21		EO	
	Unreasonable Complaints Policy	Council	May-21		DCCS	
Sep-21	Rate Rebate Policy	Council	May-21		MCS	Audit Committee Only
	Fraud and Corruption	Council	Feb-21	✓	DCCS	Audit Committee Only
	Rates Hardship Policy	Council	Mar-21		RO/DCCS	Audit Committee Only
	Treasury Management	Council	Apr-21	✓	CEO/MCS	Audit Committee Only Review effectiveness with a annual report to the Audit Committee that addresses the specific policy review criteria.
	Unsolicited Proposals Policy	Council	May-21	✓	CEO	Review effectiveness every year
	Complaint Handling Procedure under council members code of conduct	Statutory	Jul-21		DCCS	
	Complaints relating to Employee Code of Conduct & Behaviour Policy	Council	Aug-21		CEO	
	Motor Vehicle Replacement Policy (MV Procurement Policy)	Council	Aug-21		MCS	
Payment of fines and Remissions Policy	Council	Aug-21		MCS/RATES	Audit Committee Only	
Dec-21	Request for Service Policy	Statutory	Nov-21		DCCS	
	Internal Review of council decisions Policy and Procedures	Statutory	Nov-21		DCCS	
	Tree Management Policy	Council	Nov-21		DIES	
	Public Consultation Policy	Statutory	Nov-21		CEO	

Next Meeting:	Policy	Type	Review Due Date	Review Effectiveness	Responsible Officer	Comments
2022	Aus Day Awards	Council	Feb-22		VIC	
	Emergency Management Policy	Council	Feb-22		DIES	
	Privacy Policy	Council	May-22		ITBTA	
	Caretaker Policy	Statutory	Aug-22		DCCS	
	Social Media Policy	Council	Aug-22		DCCS	
	Community Grants Policy	Council	Aug-22		DCCS	
	Prudential Review Policy	Statutory	Nov-22		CEO	
	Procurement Policy	Statutory	Sep-22		DCCS	<i>Audit Committee Only</i>
	Cemetery Policy	Council	Nov-22		RATE/MCS	
	Internal Financial Controls Policy	Council	Nov-22		MCS	<i>Audit Committee Only</i>
	Road and Public Place Naming Policy	Statutory	Nov-22		DCCS/DIES	
	Elected Member - Allowances and Support Policy	Statutory	Nov-22		DCCS	
	Elected Member - Training and Development Policy	Statutory	Nov-22		CEO	
	Supplementary Election Policy	Statutory	Nov-22		DCCS	

Next Meeting:	Policy	Type	Review Due Date	Review Effectiveness	Responsible Officer	Comments
2023	Land & Asset Disposal	Statutory	Feb-23		DIES	
	Unsolicited Proposals Policy	Council	Feb-23	✓	CEO	Annual Report for EMs addressing all the unsolicited proposals submitted to Council in the proceeding 12 months and assessment of the effectiveness of the policy objectives in processing the unsolicited bids.
	Staff Service Awards	Council	Feb-23		CEO	
	Delegations Policy	Council	Feb-23		DCCS	
	Memorial Policy	Council	Feb-23		DIES	
	Sign Posting Business Finger Point Policy	Council	Feb-23		DIES	
	Elected Members iPad	Council	Feb-23		MCS	
	Flag Flying	Council	Feb-23		MCS	
	Correspondence - Community Members Policy	Council	Feb-23		CEO	
	Records Management Policy	Council	Feb-23		MCS/REC	
	Circus Siting	Council	Feb-23		DIES/VIC	
	Council Emblem	Council	Feb-23		CEO	
	Asset Recognition & Accounting Policy	Council	Mar-23		MCS	<i>Audit Committee Only</i>
	Entertainment and Hospitality Policy	Council	Mar-23		MCS	<i>Audit Committee Only</i>
	Risk Management Framework	Council	May-23		MPC	<i>Audit Committee Only</i>
	Credit Card Use Policy	Council	Mar-23		MCS	<i>Audit Committee Only</i>
	Private Jetties and pontoons Policy	Council	May-23		DIES	
	Council Meetings - Late Agenda Items	Council	May-23		DCCS	
	Council Meetings - Protocols	Council	May-23		DCCS	
	Council Meetings - Questions from the Gallery	Council	May-23		DCCS	
	Display Material	Council	May-23		DCCS	
	Elected Member Service Recognition	Council	May-23		DCCS	
	Alternative Effluent Disposal	Council	May-23		DIES	
	Roadside Waste Management	Council	Jul-23		DIES	
	Roadside Waste Management	Council	Jul-23		DCCS	
	Volunteer Policy	Council	Jul-23		CDTL	
	Volunteer Code of Conduct	Council	Jul-23		CDTL	
	Provision of Council Resources to support the Emergency Services in Emergency Policy	Council	Jul-23		DIES	
	Mayor Seeking Legal Advice	Council	Nov-23		CEO	
	Flammable Undergrowth Policy	Council	Nov-23		GI/DIES	
	Annual Staff & Elected members Function	Council	Nov-23		DCCS	
	Media Statements Policy	Council	Nov-23		CEO	
	External Organisations Representation Policy	Council	Nov-23		CEO	
	Code of Conduct - Council Members	Statutory	Mandated by LGA		DCCS/MPC	
Code of Conduct - Employpss	Statutory	Mandated by LGA		DCCS/MPC		

Next Meeting:	Policy	Type	Review Due Date	Review Effectiveness	Responsible Officer	Comments
2024	Property Numbering Policy	Council	Feb-24		RATES	
	Enforcement Policy	Council	Feb-24		DIES	
	Council Buildings Hire/Use Policy	Council	Mar-24		MCS	
	Citizenship Ceremonies Dress Code	Council	May-24		DCCS	
	Mobile Food Vending Policy	Council	Aug-24		DIES	
	Policy Framework	Council	Aug-24		DCCS	
	Sundry Debt Recovery Policy	Council	Nov-24		MCS	<i>Audit Committee only</i>
	Hardship Policy for Residential Customers of Minor & Intermediate Water Retailers	Council	Apr-21		MCS	<i>Audit Committee Only</i>

13. DIRECTOR INFRASTRUCTURE AND ENVIRONMENTAL SERVICES REPORTS

13.2. Food Business Inspection Fees Policy

Reporting Officer	Dara Frankel – Environmental Health Officer
CEO/Director	Timothy Tol - Director Infrastructure and Environmental Services
Relevant Legislation	Food Act 2001 Local Government Act 1999
Attachments	<ol style="list-style-type: none"> Food Business Inspection Fees Policy Final [13.2.1 - 2 pages] Food Business Inspection Fees Policy Track changes [13.2.2 - 3 pages]

Recommendation:

That the Policy Review Committee recommend that Council ratify the Food Business Inspection Fees Policy.

Purpose

To review Council's position regarding the application of food business inspection fees.

Background

Council has previously charged an inspection fee for food business inspections when typically, inspections were conducted by a contractor. During the Covid-19 pandemic these fees were waived with the approval of Council to provide financial hardship support to food businesses.

Analysis

The implementation of the fee waiving period was well received by food businesses during the Covid-19 pandemic, with the focus of inspections being on food safety education and compliance. The policy has been reviewed to now focus on follow-up inspections being charged an inspection fee, whilst the initial routine inspection incurring no charge. This is aimed to not only provide financial support to food businesses but also an incentive to maintain food safety standards.

Food inspections are undertaken by Council's Environmental Health Officer which no longer requires the engagement of an external contractor.

Strategic Alignment

4 A Positive Experience

CORE ACTIVITY - Review and improve governance structure, policies and decision making processes on a regular basis

Engagement

Stakeholder	
Elected Members	Through Policy Review Committee
Staff	

Risk Management Consideration

No risk assessment has been carried out at this stage in Skytrust

Financial Implications

Budget Source	Within current budget
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Current Budget Impact	
Future Budget Impact	

Asset Management Impact

Nil

Relevant documents

Nil



Food Business Inspection Fees Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director of Infrastructure and Environmental Services
Relevant Legislation	Food Act 2001 and Food Regulations 2017
Adopted	
Reviewed	July 2021
Next Review	July 2024

Objective

The objective of the Food Business Inspection Fee Policy is to outline the circumstances that inspection fees are applied to food businesses operating within the Renmark Paringa Council area as provided by the Regulation 13 of the Food Regulations 2017.

Scope

This policy applies to food businesses that are permanent, temporary or mobile in nature. Food businesses are defined under the Food Act 2001 as a business, enterprise or activity (other than a primary food producer) that involves:

- the handling of food intended for sale; or
- the sale of food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.



Policy

1. Standard Routine Inspections
 - 1.1 Council will not impose a fee for the routine inspection of any food business as defined in this policy.
2. Follow-up Inspections
 - 2.1 Council will impose inspection fees for follow-up inspections related to non-compliance with the Food Safety Standards, Food Act 2001 and Food Regulations 2017. Fees will be charged pursuant to Regulation 13 of the Food Regulations 2017.
3. Complaint Inspections
 - 3.1 Council will not impose an inspection fee for inspections carried out in relation to complaints received from the public.
4. Community Groups/Charitable Organisations
 - 4.1 Council will not impose an inspection fee for community groups and charitable organisations or fundraising events.
5. Festivals, Fetes, Shows and Food Markets
 - 5.1 Council will not impose an inspection fee for festivals, fetes, shows or food markets.
6. Mobile Food Vehicles
 - 6.1 Council will not impose an inspection fee for mobile food vehicles.
7. Business with Food Safety Programs
 - 7.1 Council will not impose an inspection fee for food businesses that have formal audited food safety programs.
8. Delegation
 - 8.1 The authority to negotiate/waive or alter food inspection fees charged to businesses is delegated to officers authorised pursuant to Section 94 of the Food Act, 2001.

Document Control

Version #	Approval Date	Approved by	Amendment
Unknown	1 June 2021	Policy Review Committee	Structure change of food business inspection fees.



Food Business Act Inspection Fees Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director of Infrastructure and Environmental Services
Relevant Legislation	Food Act 2001 and Food Regulations 2017
Adopted	
Reviewed	July 2021 18
Next Review	July 2024 1

Objective

The objective of the Food Business Inspection Fee Policy is to outline the circumstances that ~~o specify the application of~~ inspection fees are applied relative to food businesses operating within the Renmark Paringa Council area as provided by the Regulation 13 of s under the Food Act 2001 (~~Food Regulations 201702, Regulation 11~~).

Scope

This policy applies to food businesses that are permanent, temporary or mobile in nature. Food businesses are defined under the Food Act 2001 as a business, enterprise or activity (other than a primary food producer) that involves:

- the handling of food intended for sale; or
- the sale of food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Policy

1. Standard Routine Inspections



- ~~1.1 Council will not impose a fee for the routine inspection of any food business as defined in this policy. Standard routine food premises inspections will attract a fee for _____ inspection.~~
- ~~1.2 The applicable fee will be set out within Regulation 11 of the Food Regulations 2002.~~
2. Follow-up Compliance Inspections
 - ~~2.1 Council will impose inspection fees for follow-up inspections related to non-compliance with the Food Safety Standards, Food Act 2001 and Food Regulations 2017. Fees will be charged pursuant to Regulation 13 of the Food Regulations 2017. Follow up inspections related to compliance issues will not generally attract an inspection fee, however in instances where continual inspections are required as a result of inaction by a business, fees as per 1.2 above may apply for each follow up inspection. The imposition of fees in this instance will be at the discretion of Council's Authorised Officer and Council may use other appropriate mechanisms available to ensure compliance using the provisions of the Food Act, for example expiation notices, prohibition orders and improvement notices~~
3. Complaint Inspections
 - ~~3.1 Council will not impose an inspection fee for inspections carried out in relation to complaints received from the public. If a complaint inspection is justified then it will attract a fee for inspection.~~
 - ~~3.2 The authority to determine whether a complaint is justified is delegated to Council's Authorised Officers~~
4. Community Groups/Charitable Organisations
 - ~~4.1 Council will not impose an inspection fee for community groups and charitable organisations or fundraising events. Community groups that are exempt from paying GST are exempt from being charged Food Act inspection fees.~~
5. Festivals, Fetes, Shows and Food Markets
 - ~~5.1 Council will not impose an inspection fee for festivals, fetes, shows or food markets. Council will impose an inspections fee for food stalls that have completed their notification process in the Renmark Paringa Council area. Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business.~~
 - ~~5.2 Council will not impose an inspection fee for food stalls where the business has completed their notification process in an alternative Council area provided that the stall holder has clearly displayed or has available a current certificate to that effect.~~
- 6.7. Mobile Food Vans/Vehicles
 - 6.7.1 Council will not impose an inspection fee for mobile food vans vehicles that have completed their notification process in the Renmark Paringa Council area.



~~Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business.~~

~~7.2 Council shall not impose fees for inspections of mobile food vans that have completed their business notification process in an alternative Council area, provided the proprietor can display:~~

~~7.2.1 Evidence of having notified the enforcement agency for the Council area where the vehicle is normally garaged (as required under Sec 86 of the Food Act, 2001); and~~

~~7.2.2 Evidence of the vehicle having been inspected by the enforcement agency receiving the notification.~~

78. Business with Food Safety Programs

~~78.1 Council will not impose an inspection fee for food businesses that have formal audited food safety programs. inspection fee charging practices will not vary for food businesses that have formal audited food safety programs in place.~~

89. Delegation

89.1 The authority to negotiate/waive or alter food inspection fees charged to businesses is delegated to officers authorised pursuant to Section 94 of the Food Act, 2001.

References/Related Documents

Document Control

Version #	Approval Date	Approved by	Amendment
Unknown	1 June 2021	Policy Review Committee	Structure change of food business inspection fees.

13.3. Discharge of Trade Waste to Council's Community Wastewater Management System (CWMS) Policy

Reporting Officer	Dara Frankel - Environmental Health Officer
CEO/Director	Timothy Tol - Director Infrastructure and Environmental Services
Relevant Legislation	Local Government Act 1999 Water Industries Act 2012
Attachments	1. Discharge of Trade Waste to Councils CWMS Policy [13.3.1 - 3 pages]

Recommendation:

That the Policy Review Committee recommend that Council adopt the new Discharge of Trade Waste to Council's Community Wastewater Management System (CWMS) Policy.

Purpose

To protect Council's effluent system infrastructure and operations through the adoption of the Discharge of Trade Waste to Council's CWMS Policy.

Background

This policy has been developed to provide awareness and information to business and industry on trade waste requirements to ensure prohibited substances are restricted from entering Council's CWMS.

Analysis

Trade waste discharge to Council's CWMS can be damaging and costly to wastewater infrastructure and operations if not appropriately managed. Council's wastewater treatment plant is not equipped or designed to treat trade waste and these materials should be eliminated or pre-treated at the source premises prior to being discharged into the CWMS.

This policy aims to create awareness regarding substances that are prohibited to being discharged to Council's CWMS. These substances can be solid, liquid or gaseous materials and include fats, oils, grease, acid, rainwater, stormwater, heavy metals and suspended solids. The temperature of these materials can also be problematic and damaging to the electrical wiring and controls within effluent pump stations.

It is the responsibility of the business operator and property owner to ensure the appropriate trade waste pre-treatment devices and management practices are in place to restrict the discharge of these prohibited substances into Council's CWMS. Council staff are authorised under the Water Industry Act 2012 to secure compliance in situations where these substances are being discharged without permission and likely to cause damage to the system's infrastructure.

Strategic Alignment

4 A Positive Experience

CORE ACTIVITY - Review and improve governance structure, policies and decision making processes on a regular basis

Engagement

Stakeholder	
Elected Members	Through Policy Review Committee Meeting
Staff	

Risk Management Consideration

No risk assessment has been carried out at this stage in Skytrust

Financial Implications

Budget Source	No financial impact
Current Budget Impact	
Future Budget Impact	

Asset Management Impact

Nil

Relevant documents

Nil



Discharge of Trade Waste to Council's Community Wastewater Management System (CWMS) Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director of Infrastructure and Environmental Services
Relevant Legislation	
Adopted	June 2021
Reviewed	
Next Review	June 2024

Objective

- Ensure the effective management and regulation of trade waste discharged to Council's effluent system
- Prevent damage to Council's Community Wastewater System (CWMS) infrastructure and wastewater disposal facility
- Assist Council meet its statutory obligations for management of the wastewater disposal facility
- Maintain public and environmental health outcomes
- Encourage waste minimisation and cleaner production
- Protect the health and safety of Council employees

Scope

This policy has been developed to provide information to business and industry on trade waste requirements and restrictions to protect Council's CWMS infrastructure and operations.



Policy

Trade waste is defined as any liquid or solid waste discharged from any commercial, industrial, manufacturing or other similar premises that is not domestic wastewater.

In most cases trade waste requires some form of treatment prior to being discharged to Council's CWMS. Treatment includes the removal of harmful chemicals, fats and grease, or the correction of wastewater characteristics, such as pH and temperature. Examples of pre-treatment devices include grease arrestors, cooling pits, neutralising tanks and oil water separators. The type of pre-treatment device is determined by the trade waste requiring treatment prior to discharge.

It is an offence to discharge any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure without proper authority from Council. Penalties may apply for failure to comply with this requirement under the Water Industry Act 2012.

Section 56 of the Water Industry Act 2012 states:

A person must not, without proper authority, discharge into any sewerage infrastructure any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure.

Maximum penalty: \$25 000.

Restricted substances prohibited to be discharged to Council's CWMS without pre-treatment include:

- Acid (low pH)
- Alkali (high pH)
- Biodegradable material (BOD) in large quantity
- Cyanide
- Fats, oils and grease
- Heavy metals e.g. cadmium, zinc and lead
- Pesticides and herbicides
- Rainwater or stormwater
- Sulphides
- Suspended solids
- Temperature
- Volatile substances

Only trade waste which complies with SA Water acceptable standards for restricted substances can be discharged into Council's CWMS. A full list of the acceptable standards for restricted substances can be found here:

https://www.sawater.com.au/data/assets/pdf_file/0017/6722/Restricted-Wastewater-Acceptance-Standards.pdf



The installation of pre-treatment devices and associated pipework requires wastewater approval from Council's Environmental Health Officer. It is the responsibility of the business operator and owner to regularly pump out pre-treatment devices, such as grease arrestors to ensure restricted substances do not enter Council's CWMS.

Document Control

Version #	Approval Date	Approved by	Amendment
1.0	1 June 2021	Policy Review Committee	New Policy

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14. MOTIONS WITHOUT NOTICE

15. GENERAL BUSINESS

Nil

16. CLOSURE