Purpose

This Policy provides for the management of Eurobodalla Shire Council’s parks and reserves facilities, including playgrounds. Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from defects on Council’s parks and reserves facilities. Pathways within reserves are covered by the Pathways Risk Management Policy. Signs as remote supervision are covered by the Signs as Remote Supervision Policy.

Section 42 of the Civil Liability Act 2002 makes allowance for Council’s ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its parks and reserves facilities.

Policy aims

- Promote an integrated framework for dealing with the appropriate management of Council’s parks and reserves facilities and take reasonable steps to ensure that Council delivers its required duty of care.
- Ensure consistency and fairness in the manner in which the Council manages the risks arising from defects on Council’s parks and reserves facilities.
- Ensure compliance with legislative requirements under the Local Government Act 1993 and the Civil Liability Act 2002.
- Promote awareness of the requirements of the Civil Liability Act 2002, with respect to acceptance by the community and the Court, of the shared duty of care for parks and reserves users to take reasonable care for their own safety when using these facilities. Council promotes awareness as set out in the Signs as Remote Supervision Policy and Code of Practice.
- Make Council’s policies and requirements for Parks and Reserves Facilities Risk Management readily accessible and understandable to the public.
Policy details

1 Application
This Policy applies to all parks and reserves facilities, including playgrounds, under the care and control of Eurobodalla Shire Council.

2 Legislation
Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Civil Liability Act 2002.

3 Duty of Care
It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council will be based on prioritising works within the limited budgets available to Council.

The implementation of a systematic approach to managing the risk arising from defects on Council controlled parks and reserve facilities provides for better management of reserve assets, reduces the risk to the community, minimises the cost of public liability insurance premiums Council pays to protect the community’s interest, and assists in providing a legal defence where claims are made against Council.

4 Financial and Other Resources
Council will establish an annual budget for the maintenance and renewal of its parks and reserves facilities, taking account of the changing extent and type of assets provided.

Implementation

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Council officers</td>
</tr>
</tbody>
</table>

1 Risk Identification and Management
In relation to Council’s formed parks and reserves facilities, including playgrounds, Council will develop appropriate systems to:

a) record all built parks and reserves facilities under Council’s control;
b) identify hazards through formal inspection of its parks and reserves facilities;
c) rate the identified hazard(s);
d) prioritise the work based on the hazard rating and the efficiency of undertaking works;
e) keep appropriate records of actions taken;
f) manage customer inquiries relating to parks and reserves facilities;
g) undertake condition assessment of assets;
h) replace parks and reserves facilities at the end of their useful life in accord with the available budget.
Review

The Policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by Section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This Policy may also be reviewed and updated as necessary if legislation requires it; or when Council’s functions, structure or activities change; or when technological advances or new systems change the way that Council manages risk management of parks and reserves facilities.

Reviews of the effectiveness of this Policy could include the following:

<table>
<thead>
<tr>
<th>Performance indicator</th>
<th>Data source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Concerns</td>
<td>Council records</td>
</tr>
<tr>
<td>Customer Feedback Survey Responses</td>
<td>Surveys</td>
</tr>
<tr>
<td>Internal or external audit</td>
<td>Audit</td>
</tr>
</tbody>
</table>

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

<table>
<thead>
<tr>
<th>Name</th>
<th>Link</th>
</tr>
</thead>
</table>
Eurobodalla Shire Council Gathering Information for Risk Management policy


Eurobodalla Shire Council’s Signs as Remote Supervision Policy


Eurobodalla Shire Council’s Signs as Remote Supervision Code of Practice


Local Government Act 1993


Civil Liability Act 2002


Related external references

Name | Link
---|---
Office of Local Government | www.olg.nsw.gov.au

Change history

<table>
<thead>
<tr>
<th>Version</th>
<th>Approval date</th>
<th>Approved by</th>
<th>Min No</th>
<th>File No</th>
<th>Change</th>
</tr>
</thead>
</table>

Internal use

<table>
<thead>
<tr>
<th>Responsible officer</th>
<th>Director, Infrastructure Services</th>
<th>Approved by</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minute</td>
<td>Report</td>
<td>GMR17/006</td>
<td>Effective date</td>
</tr>
<tr>
<td>File</td>
<td>E16.0297 E06.0375</td>
<td>Review date</td>
<td>Sep 2020 Pages</td>
</tr>
</tbody>
</table>