

Policies to be adopted

Policies
<ul style="list-style-type: none">• Aged Care Services Policy• Borrowing Management Policy• Debt Recovery Policy• Work, Health and Safety Policy

Policy title	Aged Care Services
Responsible manager(s)	Manager Community Care
Contact officer(s)	Manager Community Care
Directorate	Community, Arts and Recreation
Approval date	TBA
Focus area	Liveable Communities
Delivery Program link	Provide access and social participation opportunities
Operational Plan link	Provide social support and recreation activities

Purpose

This policy is designed to outline the relationships and parameters of Aged Care service delivery by Council and key areas of responsibility under legislation and funding agreements.

Policy aims

Make Council's policies and requirements for Aged Care services readily accessible and understandable to the public.

Policy details

1	Application This policy applies to Council's Community Care programs and services.
2	Legislation Eurobodalla Shire Council must comply with the Home Care Common Standards when delivering Australian government funded aged care services. The three Standards are linked to eighteen expected outcomes. The Standards are: <ol style="list-style-type: none"> 1. Effective management – with eight expected outcomes to meet. 2. Appropriate access and service delivery – with five expected outcomes to meet. 3. Service user's rights and responsibilities – with five expected outcomes to meet.
3	Council is responsible for delivering Aged Care services consistently, in line with Home Care Common Standards and funding requirements, as prescribed by the Australian Government Department of Health.
4	Program Policies Details of the acceptance and management of aged care clients against the Home Care Common Standards are provided in the Community Care Program Policies and Program Operation Manuals, which outlines all aspects of service delivery and reporting, in line with Home Care Standards and funding guidelines.
5	Concerns Concerns received regarding the provision of Community Care aged care services will be entered into Council's Records Management system and will remain confidential, in accordance with Council's Privacy Management Plan and funding requirements. Complaints will be dealt with in accordance with Council's Complaints Policy and Home Care Common Standards (Expected Outcome 3.3).

Implementation

Implementation steps		Responsibility
1	Operational guidelines This policy will be implemented according to Council's Community Care Policies and Program Operation Manuals, which specify in detail how the programs will be managed, in line with Council, the Home Care Common Standards and funding guidelines.	Council Officers
2	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council Officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As required

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 when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Aged Care Services.

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

Performance indicator	Data source(s)
Quality Review against the Home Care Common Standards and Community Options Australia (for ComPack) Service Review	Community Care records
Complaints	Council Records
Funding Requirements	Output Records

Governance

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

Related legislation and policies

Name	Link
Home Care Common Standards Guidelines	www.aacqa.gov.au/for-providers/home-care/processes-and-resources/resources-specifically-for-home-care/fact-sheets/homecarecommonstandardsv14_0.pdf

Related external references

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

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2009	Council	09/369	E06.0378 E09.3418	Policy adopted – report G09/145
2	23 Jul 2013	Council	13/172	E06.0378 E13.7095	Updated Template, updated review date, links, policy statement and implementation steps –report O13/112
3	TBA 2016	Council	TBA	E06.0378 E16.0297	Updated review date, links, standards, government funding agencies

Internal use

Responsible officer		Director, Community, Arts and Recreation			Approved by	Council
Min no.	TBA	Report no.	TBA	Effective date	TBA	
File no.	E06.0378 E16.0297	Review date	Sept 2020	Pages	3	

Policy title	Borrowing Management Policy
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	To be inserted
Focus area	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations SS1.2 Maintain a sound governance framework within which Council operates
Operational Plan link	SS1.1.1 Provide integrated corporate accounting and financial management systems and procedures SS1.1.2 Undertake forward budgeting and financial reporting SS1.2.1 Manage council risk and insurances SS1.2.2 Ensure transparency in council dealings

Purpose

Council seeks to ensure that its borrowing policy and related procedures are publicly transparent and meet good business and best practice criteria including controls over identified risks. Council has a strong preference for certainty in relation to debt repayment, management of risk, and to minimise administrative complexity.

Eurobodalla Shire Council's policy was developed to govern the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.

Policy aims

- To ensure compliance with legislative requirements under sections 621 – 624 of the *Local Government Act 1993* (the Act), sections 229 – 230 of the *Local Government (General) Regulation 2005* and a borrowing order signed by the Minister Local Government (Office of Local Government Circular to Councils NO: 09.21)
- To promote awareness of the requirements of the Act with respect to borrowing management.
- To make Council's policies and requirements for borrowing management readily accessible and understandable to the public.
- To ensure Council has appropriate working capital (an unrestricted current ratio equal to or greater than 1.5:1 per the current OLG benchmark) to satisfy its obligations when they fall due, to deliver the outcomes of its Operational Plan and Delivery Program and to inform its long term financial strategies. Where Council finds itself in a strong liquidity position it shall consider replacing borrowings with cash. However, the intergenerational responsibility element of any loan funding will also be considered.
- To ensure that the costs of any expenditure can be recovered at the time that the benefits of that expenditure accrue. In particular debt may be used to fund capital expenditure that provides future service benefits (the principle of improving the valuation and pricing of social and ecological resources applies - the users of goods

and services should pay prices based on the full life cycle costs, this particularly applies to the matching of debt profiles to infrastructure asset profiles).

- To ensure that the debt is used in a manner consistent with competitive neutrality policy requirements.
- For procedures and controls to address risk and meet good business and best practice requirements.

Policy details

1	Application This borrowing policy is intended to govern the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with Sections 621 – 624 of the <i>Local Government Act 1993</i> , Sections 229 – 230 of the <i>Local Government (General) Regulation 2005</i> and borrowing order signed by the Minister Local Government (Office of Local Government Circular to Councils NO: 09.21).

Implementation

Requirements		Responsibility
1	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
2	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
3	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

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 when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Borrowing.

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

Performance indicator	Data source(s)
External review	Auditor
Interest rate exposure	Financial system
Liquidity risk	Financial system
Credit risk	Credit ratings

Governance

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

Related legislation and policies

Name	Link
Asset Disposals policy	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Local Government (General) Regulation 2005	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/
Minister For Local Government Revised Borrowing Order	www.olg.nsw.gov.au/news/09-21-revised-borrowing-order

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24/11/2009	Council	09/369	E09.3418	Policy commenced
2	23/04/2016	Council	13/110	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Director Finance and Business Development			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

Policy title	Debt Recovery
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	
Focus area	Support Services
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.1.3 Levying and collection of rates and charges

Purpose

The purpose of this policy is to ensure ethical, effective and efficient debt recovery, including rates, charges and other debts.

Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council's financial position.

Debt recovery procedures of Council and any agent employed by Council must meet the highest ethical and professional standards, such as the Debt Collection Guideline for collectors and creditors, developed jointly by the Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC), in 2010.

Policy aims:

- To promote a clear guideline for the recovery of debts.
- To ensure consistency and fairness in the way Council deals with debt recovery.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding debt recovery readily accessible and understandable to the public.

Policy details

1	Application This policy applies to Eurobodalla Shire Council and its ratepayers and debtors.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> and follows ACCC and ASIC debt collection guidelines.
3	Rates and Property Debts <ul style="list-style-type: none"> • All rates and property debts are to be recorded so that they are correctly and automatically included within any S603 certificate (or like certificate) and therefore correctly dealt with and settled during any property sale process.

	<ul style="list-style-type: none"> Commercial debt recovery procedures will be pursued in order to minimise the impact of outstanding debts on council's financial position. Council will adhere to ethical guidelines in respect of debt recovery procedures. Debtors will be advised of the likely additional legal costs prior to the issue of any summons. Land may be sold, with Council approval, where rate or other property debt arrears are greater than the land value of the property, or rates are in arrears for five years.
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Implementation

Requirements		Responsibility
1	Coordination and Implementation The Divisional Manager Finance and the Revenue Accountant are responsible for coordinating and implementing the policy.	Divisional Manager Finance and the Revenue Accountant
2	Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
4	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

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 when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Debt Recovery.

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

Performance indicator	Data source(s)
Concerns	Council records
Customer Feedback Survey Responses	Surveys

Audit (Internal or External)	Audit
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Governance

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

Related legislation and policies

Name	Link
Rates and Debtors Hardship Policy	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Debt Collection Guideline for collectors and creditors (ACCC/ASIC) 2010	www.accc.gov.au/business/treating-customers-fairly/debt-collection#read-the-joint-accc-asic-guide

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	2006	Council	06/136	E06.0380	Debt Recovery and Debtor Accounts - Commercial Operations policy commenced.
2	22/09/2009	Council	09/369	E09.3418	Policy updated report G09-99.
3	27/08/2013	Council	13/246	E13.7095	Updated template, review date and links, renamed policy, consolidated 'Debtors and Recoveries' and 'Rates Recovery' policies into one policy. Report O13/131.
4	dd mmm 2016	Council	TBA	E16.30297	Reviewed and updated (start of new Council term).

Internal use

Responsible officer	Relevant director or GM			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	3

POLICY

Policy name	Work Health And Safety Policy
Responsible manager(s)	General Manager
Contact officer(s)	Manager Organisation Development/WHS Advisor
Directorate	General Manager
Approval date	December 2016

Purpose

The purpose of this policy is to document Council's commitment to Work, Health and Safety (WHS) and to ensure that adequate resources are made available to comply with Council's legal WHS obligations. This policy also sets out responsibilities and accountabilities in relation to the management of WHS.

The objectives of this policy are:

- (a) to ensure that Council complies with the 'reasonably practical' standard, which is intended to be a very high one;
- (b) to give the highest level of protection from hazards and risks arising from work so far as is 'reasonably practicable';
- (c) to provide for consultation, co-operation and co-ordination between all 'persons conducting a business or undertaking' (PCBUs) and workers and others at a workplace; and
- (d) to ensure that any workplace under Council management or control is, as far as is reasonably practicable, without risk to the health and safety of any person.

Policy statement

1	Application This policy applies to PCBUs, workers and other persons affected by Eurobodalla Shire Council activities at Council workplaces.
2	Legislation Council recognises that it has a legal obligation to ensure the health and safety of workers, and other persons affected by Council activities. In meeting this obligation Council shall comply, so far as it is reasonably practicable, with all work health and safety laws including (but not limited to) the <i>Work Health and Safety Act 2011</i> and the <i>Work Health and Safety Regulation 2011</i> .
3	WHS Goal The work health and safety goal of the Council is: "For Council, senior management and workers to continually improve work systems that ensure the health and safety of personnel, contractors, volunteers and the community whilst maintaining the competitiveness and long term employment prospects of the workforce".
4	Duty of Care Council's primary 'duty of care' is to ensure the health and safety of workers while they are at work and that the work carried out does not carry risks to the health and safety of these workers and others. To achieve this, Council will adopt a systematic risk management approach to the management of work health and safety.

5	Responsibilities Responsibilities of the PCBU (Council), Officers, and Workers are as described below:
5.1	Council (PCBU) shall demonstrate continued commitment in meeting its moral and legal obligation by ensuring that adequate human and financial resources are made available so that the objectives of this policy are met. Council must also consult, coordinate and cooperate with other PCBUs working for or on behalf of Council.
5.2	Councillors (workers) , while conducting business for Council, have a responsibility to ensure that they take reasonable care for their own safety and that their general interaction with Council workers and others does not adversely affect the health, safety or welfare of these people. They must comply with reasonable instructions to assist Council in complying with the WHS legislation.
5.3	The General Manager (officer) as the Council's most senior management representative is responsible, and accountable to the Council, for ensuring that the objectives of this policy are met. The General Manager is responsible for ensuring that a Work Health and Safety Management System (WHSMS), including return to work provisions is developed, implemented, reviewed and maintained. The General Manager shall: <ul style="list-style-type: none"> • approve all work health and safety policies • regularly review and document organisational WHS performance • support and encourage Directors and Divisional Managers in the application of the WHSMS and hold them accountable for their specific WHS responsibilities • actively support the integration of WHS as part of normal management practices • seek and consider the views of workers when making decisions on issues, which may affect their health, safety and welfare
5.4	Directors (officers) are responsible for ensuring that the requirements of the WHSMS are communicated to employees and are implemented at all workplaces within areas of responsibility. Directors shall: <ul style="list-style-type: none"> • actively support the integration of WHS as part of normal management practices • support and encourage Divisional Managers in the application of the WHSMS and hold them accountable for their specific WHS responsibilities • regularly report to the General Manager on WHS initiatives implemented and the WHS performance of their Directorates • seek and consider the views of workers when making decisions on issues, which may affect worker health and safety • provide appropriate resources and funding as required to ensure Councils WHS obligations are met • actively maintain current WHS knowledge as applicable to area of responsibility Director commitment to WHS, its implementation and continuous improvement will be measured via annual performance appraisals.
5.5	Divisional Managers (officers) are responsible for ensuring that the requirements of the WHSM system are communicated to workers and implemented at all workplaces within their area of responsibility. Divisional Managers shall: <ul style="list-style-type: none"> • actively support the integration of WHS as part of normal management practices • support and encourage workers with supervisory responsibilities in the application of the WHSMS and hold them accountable for specific WHS responsibilities

	<ul style="list-style-type: none"> • ensure that adequate provisions are made in their annual budget estimates to meet WHS requirements • identify, develop and implement any necessary WHS procedures or safe systems of work required to comply with WHS legislative requirements • seek and consider the views of workers when making decisions on issues which may affect their health and safety • refer to senior management any WHS matter or concern that falls outside their area of responsibility or authority • regularly report to the Director on WHS initiatives implemented and the WHS performance of their area of responsibility • regularly report on WHS initiatives implemented and the WHS performance of their areas to the WHS Committee • ensure that systems of work are regularly reviewed and provide areas for continuous improvement • ensure all hazard reports raised are dealt with in a timely manner • actively maintain current WHS knowledge as applicable to area of responsibility <p>Divisional Managers' commitment to WHS, its implementation and continuous improvement will be measured via annual performance appraisals.</p>
5.6	<p>Workers with supervisory responsibilities (workers) are responsible for ensuring that the requirements of the WHSMS are communicated to employees and are implemented at all workplaces within their area of responsibility. In line with their supervisory roles, workers with supervisory responsibilities shall:</p> <ul style="list-style-type: none"> • support and encourage workers, and hold them accountable for their specific WHS responsibilities • ensure that WHS policies, procedures and work methods are complied with • ensure adequate supervision, training and information is provided to enable employees to carry out tasks safely • notify the divisional manager of budgetary requirements to meet WHS obligations • refer to an officer any WHS hazard, incident or risk • seek and consider the views of workers when making decisions on issues that affect health and safety • identify, report and rectify workplace hazards, and act on hazards reported in a timely manner • investigate accidents and incidents and report the outcome of the investigation to the responsible officer • respond in a timely manner to issues raised by WHS representatives • ensure that work systems are reviewed and provide areas for continuous improvement • regularly report to the responsible officer on the WHS performance of the section <p>The commitment, implementation and continuous improvement to work health and safety matters by Workers with supervisory responsibilities will be measured via annual performance appraisals.</p>
5.7	<p>Workers without supervisory responsibilities (workers) have a responsibility to take reasonably practicable care for their own safety and that of other people at the workplace, who may be affected by the work being done. Workers without supervisory responsibilities shall:</p> <ul style="list-style-type: none"> • co-operate with other workers and management to ensure that legal WHS requirements are met

	<ul style="list-style-type: none"> actively participate in WHS initiatives at both team and organisational level actively participate in WHS consultation immediately report all accidents, injuries, incidents, hazards, dangerous occurrences, unsafe conditions and near misses to management not intentionally interfere with or misuse anything provided in the interests of health and safety carry out their work activities in accordance with all policies, procedures and approved work methods comply with any lawful WHS directive <p>Workers commitment to WHS, its implementation and continuous improvement will be measured as follows:</p> <ul style="list-style-type: none"> <i>For Employees:</i> - via annual performance appraisals. <i>For Contractors/ Sub contractors:</i> - through contractor performance reviews. <i>For Volunteers:</i> - via on the job review
5.8	<p>Other persons at the workplace have a responsibility to take reasonable care for their own health and safety, and take reasonable care to ensure their acts or omissions do not adversely affect the health and safety of others. Other persons at the workplace shall comply so far as reasonably practicable with any reasonable instruction.</p>

Implementation

Requirements		Responsibility
1	<p>Authorisation</p> <p>This policy is the overriding WHS policy of Eurobodalla Shire Council. The policy is approved by Council and administered by the General Manager. The General Manager shall sign the policy.</p> <p>A summary of this policy shall be prominently displayed at all permanent workplaces and available electronically for reference by officers and workers.</p>	General Manager
2	<p>Compliance</p> <p>Failure by any Council-employed person to comply with this policy is likely to result in disciplinary action in accordance with Council's current discipline procedures.</p> <p>Contractors that fail to comply with this policy shall be stood down until such time as the site supervisor or other authorised person is satisfied that the contractor will not commit any further breaches. Any serious or continued non-compliance shall be considered a breach of the contract and grounds for termination of that contract.</p> <p>The participation of volunteers in Council activities is conditional upon compliance with Council's policies and procedures. Any serious or continued non-compliance with this policy will result in the volunteer being instructed to leave the site and refused permission to participate in further volunteer activities.</p> <p>Visitors that fail to comply with this policy shall be required to leave the premises or worksite.</p>	Officers
3	<p>Staff</p>	Council Officers

	Staff, where appropriately trained and instructed, are required to comply with Council policy and to ensure that the provisions of those policies are adhered to within their work area.	
4	Concerns Concerns and requests received regarding WHS will be recorded on Council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer service policy. This information will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
5	Complaints Complaints received regarding this policy will be lodged with the public officer and handled in accordance with council's complaints policy.	Public Officer
6	Consultation The Work Health Safety Committee ensures that regular ongoing WHS consultation occurs throughout Council. Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies and other agencies. It will occur in response to changes in relevant legislation, codes of practice, industry guidelines, standards and any organisational or legislative requirements.	As applicable

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.*

The General Manager in consultation with officers and workers shall review this policy every 3 years and after any reportable serious incident. This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages WHS. Where the review indicates any changes to the policy the General Manager shall refer the policy to Council for adoption.

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

Performance indicator	Data source(s)
Number of breaches (Hazards and Incidents)	Council records
Concerns or requests regarding WHS	Council records
Employee Feedback Survey Responses	Surveys
Commitment to WHS, its implementation and continuous improvement, measured via: <ul style="list-style-type: none"> Annual Performance Appraisals Contractor Performance Review On the Job Review 	Council records
Audit Records <ul style="list-style-type: none"> the current written and dated policy, signed by the General Manager induction training content and induction records 	Council records

<ul style="list-style-type: none"> tool box/team meeting minutes or other documentation indicating communication of the policy. 	
Internal or external review	Audit
Compliance with Council's WHS Strategy	Council records

Governance

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

Related legislation and policies

Name	Link
Work Health and Safety Act 2011	www.legislation.nsw.gov.au/maintop/view/inforce/act+10+2011+cd+0+N
Work Health and Safety Regulation 2011	www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+674+2011+cd+0+N
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
WHS Codes of Practice (Safe Work Australia)	http://www.safeworkaustralia.gov.au/sites/swa/model-whs-laws/model-cop/pages/model-cop

Related external references

Name	Link
WorkCover NSW	www.workcover.nsw.gov.au/Pages/default.aspx

Supporting documents

Name	Link
Appendix 1	Definitions and Responsibilities per <i>WHS Act 2011</i>

Definitions

Word/Term	Short Definition – See Appendix 1 for long definition
PCBU	Person Conducting a Business or Undertaking (i.e. Council)
Officers	The persons within Council who make or participate in making decisions that affect the whole or a significant part of the organisation. Council's officers are the General Manager, All Directors and All Divisional Managers. The officers are required to exercise "Due Diligence" in ensuring Council meets its obligations under the Act.
Workers	Anyone carrying out work, in any capacity for or on behalf of Council. This includes employees, contractors and their employees, sub-contractors and their employees, labour hire employees engaged to work for Council, outworkers, apprentices, trainees, work experience students and volunteers.

Other person at the workplace	Any person present at a place where Council carries out work, who is not conducting work for or on behalf of Council (e.g. members of the public, visitors not performing work).
Due Diligence	To take every precaution reasonable in the circumstances to protect the health, safety and welfare of workers and other persons at the workplace.
Reasonably Practicable	Doing what is effective and possible at a particular time to ensure the health and safety of workers and others. All people must be given the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable.
Duties / Responsibilities	<p>The principles applicable to duties are that:-</p> <ul style="list-style-type: none"> • Duties are not transferable, and • Duties cannot be delegated to another person, and • A person can have more than one duty (i.e. Officers also have duties as Workers), and • More than one person can have the same duty.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E09.3418	Reviewed and approved, report G09/145
2	26 Jun 2012	Council	12/165	E09.3418	Reviewed and approved, updated to reflect legislation, report O12/128
3	10 Sep 2013	Council	13/272	E13.7095	Updated to new Policy Template, updated review date, updated references and links
4	DD Dec 2016	Council	TBA		Reviewed and approved, updated to reflect org structure.

Internal use

Responsible officer		General Manager		Approved by		General Manager	
Min no	13/272	Report no			Effective date	TBA	
File No	E13.7095	Review date		May 2016	Pages	10	

Appendix 1 – Definitions and Responsibilities per WHS Act 2011

Definitions

Duties / Responsibilities:

The principles applicable to duties are that:-

- Duties are not transferable, and
- Duties cannot be delegated to another person, and
- A person can have more than one duty (i.e. Officers also have duties as Workers), and
- More than one person can have the same duty.

Duty of Care:

1. A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:
 - (a) workers engaged, or caused to be engaged by the person, and
 - (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
2. A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

Due Diligence:

The WHS Act sets out a non-exhaustive list of steps which officers are expected to take in order to exercise due diligence. Due diligence includes taking reasonable steps:

- To acquire and keep up-to-date knowledge of work health and safety matters; and
- To gain an understanding of the nature of the operations of the business or undertaking and of the hazards and risks associated with those operations; and
- To ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- To ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
- To ensure that the person conducting the business or undertaking has, and person conducting the business or undertaking under this Act; and
- To verify the provision and use of these resources and processes.

Reasonably Practicable:

What is reasonably practicable to be done at a particular time in relation to ensuring the work health and safety of others. It takes into account and weighs up all matters, including:

- The likelihood of the hazard (identified) or the risk concerned occurring; and
- The degree of harm that might result from the hazard or the risk; and
- What the person concerned knows or ought 'reasonably' to know about the hazard, the risk and ways of eliminating or minimising the risk; and
- The availability and suitability of ways to eliminate or minimise the risk; then finally

- The cost associated with controlling the risk must also be considered, including whether the cost is grossly dis-proportionate to the risk.

Responsibilities

PCBU – (WHS Act 2011 divisions 2 and 3)

Council's primary 'duty of care' is to ensure the health and safety of workers while they are at work and that the work carried out does not carry risks to the health and safety of others. Additionally the PCBU, must consult, coordinate and cooperate with other PCBUs working for or on behalf of Council.

To meet these duties Council will, as far as is reasonably practical:

- Provide and maintain a safe work environment.
- Provide and maintain safe plant and structures.
- Provide and maintain safe systems of work.
- Ensure the safe use, handling and storage of plant, structures and substances.
- Provide adequate facilities (and ensure access is maintained).
- Provide instruction, training, information and supervision.
- Monitor the health of workers and conditions at Council workplaces.

Officers (WHS Act 2011 section 27)

Officers are required to exercise due diligence to ensure the PCBU meets its' duties.

They must take reasonable steps to:

- Gain and update knowledge of WHS matters.
- Understand the nature of Council's operations, and the general hazards and risks involved.
- Ensure Council has and uses appropriate resources for eliminating or minimizing risks.
- Ensure Council has processes for receiving, reviewing and responding to information about incidents, hazards and risks.
- Ensure Council implements processes for complying with its duties including consultation, providing training and instruction and reporting of notifiable incidents.

Workers (WHS Act 2011 section 28)

Workers shall, as far as is reasonably practicable:

- Take reasonable care for his or her own health and safety, and
- Take reasonable care to ensure their acts or omissions do not adversely affect the health and safety of others, and
- Comply so far as reasonably able with reasonable instructions from the PCBU to assist in complying with the WHS Act, and
- Cooperate with any reasonable policy and procedure of the PCBU relating to health or safety at the workplace that the workers have been informed of.

Other persons at the workplace (WHS Act 2011 section 29)

Others must as far as is reasonably practicable:

- Take reasonable care for their own health and safety, and
- Take reasonable care to ensure their acts or omissions do not adversely affect the health and safety of others, and
- Comply so far as the person is reasonably able with any reasonable instructions from the PCBU to assist in complying with the WHS Act.