



OPERATIONS COMMITTEE MEETING

A meeting of the OPERATIONS COMMITTEE will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00PM, TUESDAY 5 APRIL 2016

A handwritten signature in black ink, appearing to read 'Kyron', is positioned above the printed name.

Arthur Kyron
General Manager

Waverley Council
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Delegations of the Waverley Operations Committee

On 10 December 2013, Waverley Council delegated to the Waverley Operations Committee the authority to determine any matter **other than**:

1. Those activities designated under S377(1) of the Local Government Act which are as follows:
 - (a) The appointment of a general manager,
 - (b) The making of a rate,
 - (c) A determination under section 549 as to the levying of a rate,
 - (d) The making of a charge,
 - (e) The fixing of a fee,
 - (f) The borrowing of money,
 - (g) The voting of money for expenditure on its works, services or operations,
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) The acceptance of tenders which are required under this Act to be invited by the council,
 - (j) The adoption of an operational plan under section 405,
 - (k) The adoption of a financial statement included in an annual financial report,
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the Act,
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) This power of delegation,
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under Sections 402, 403, and 404 of the Local Government Act.
3. The determination of urgent matters raised in the Committee without prior notice.

Committee decisions will be made by majority vote of the quorum present.

The Committee's Minutes will be confirmed at the following committee meeting in line with the provisions of Clause 266 of the Local Government Regulation 2005 which are:

- (1) *Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept.*
- (2) *As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.*

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

“God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area”.

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses to Council by Members of the Public

4. Confirmation of Minutes

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6. Meeting Closure

CONFIRMATION OF MINUTES

OC/4.1/16.04



Subject: Confirmation of Minutes - Operations Committee Meeting
- 1 March 2016

TRIM No.: SF16/414

Author: Al Johnston, Governance Officer

RECOMMENDATION:

That the Minutes of the Operations Committee Meeting held on 1 March 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of the Operations Committee meeting must be submitted to the next meeting of the Operations Committee for confirmation, in accordance with Section 375 of the Local Government Act 1993.

Attachments:

1. Operations Committee Meeting Minutes - 1 March 2016



**MINUTES OF THE OPERATIONS COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS
ON TUESDAY, 1 MARCH 2016**

Present:

| | |
|------------------------------------|---------------|
| Councillor Bill Mouroukas (Chair) | Waverley Ward |
| Councillor Joy Clayton | Bondi Ward |
| Councillor John Wakefield | Bondi Ward |
| Councillor Dominic Wy Kanak | Bondi Ward |
| Councillor Sally Betts (Mayor) | Hunter Ward |
| Councillor Leon Goltsman | Hunter Ward |
| Councillor Miriam Guttman-Jones | Hunter Ward |
| Councillor Angela Burrill | Lawson Ward |
| Councillor Paula Masselos | Lawson Ward |
| Councillor Tony Kay (Deputy Mayor) | Waverley Ward |

Staff in attendance:

| | |
|-----------------|----------------------------|
| Arthur Kyron | General Manager |
| Cathy Henderson | Director, Waverley Life |
| Peter Monks | Director, Waverley Futures |
| Emily Scott | Director, Waverley Renewal |
| Jane Worthy | Internal Ombudsman |

At the commencement of proceedings at 7.17 pm, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Cusack.

Cr Strewe was previously granted a leave of absence for this meeting.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses to Council by Members of the Public

There were no addresses to Council.

4. Confirmation of Minutes

See OC/5.1/16.03.

5. Reports

OC/5.1/16.03 Operations Committee Meeting Minutes – 1 December 2015 (A14/0063)

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Burrill

That the minutes of the Operations Committee Meeting held on 1 December 2015 be received and noted, and that the minutes be confirmed as a true record of the proceedings of that meeting.

Cr Kanak requested that it be recorded in the minutes that he voted against the Motion.

OC/5.2/16.03 Dealing with Anti-social Behaviour in Waverley's Public Spaces (A03/0544-04)**MOTION / DECISION**

Mover: Cr Kay
Seconder: Cr Burrill

That Council writes to Southern Sydney Region of Councils (SSROC) to gain its support for a collaborative submission to the New South Wales Attorney General to give additional powers to the police, including consideration of:

- (a) Issuing an infringement for failing to stop drinking alcohol in an Alcohol Prohibited Area.
- (b) Issuing an infringement for vehicles being used for sleeping during certain hours overnight.

Cr Kanak requested that it be recorded in the minutes that he voted against the Motion.

OC/5.3/16.03 Parking Restrictions in Bondi Junction – Results of Trial (A15/0279)**MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill
Seconder: Cr Kay

That Council:

1. Notes the success of the recent trial introduction of afternoon 2P restrictions for parking meters in Oxford Street, Vernon Street and Denison Street in Bondi Junction.
2. Approves the following changes to parking restrictions on a permanent basis:
 - (a) Oxford Street (between Denison Street and Nelson Street): 1/2P Ticket 8am – 12noon, 2P Ticket 12noon – 7pm.
 - (b) Vernon Street: 1/2P Ticket 8am – 12noon, 2P Ticket 12noon – 7pm.
 - (c) Denison Street (between Oxford Street and Ebley Street): 1/2P Ticket 8am – 12noon, 2P Ticket 12 noon – 9pm (Permit Holders Excepted Area 22).
3. Investigates a trial of 1P and/or 2P ticket parking restrictions from midday in the remaining inner core commercial streets within Bondi Junction, with a report to be submitted to the Waverley Traffic Committee so that any endorsed changes may be implemented from July 2016.

OC/5.4/16.03 Environmental Sustainability Advisory Committee (ESAC) Recommendations (A10/0022)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman
Seconder: Cr Kay

That Council takes the following actions arising from the meeting of the Environmental Sustainability Advisory Committee (ESAC) held on 2 December 2015:

1. Endorses the use of the 'Second Nature' program to increase Waverley employees' capacity to work towards key Environmental Action Plan targets.

2. Endorses methodologies outlined in the ESAC Action Tracking Report, points 1512.1 ATR 20 and 1512.2 ATR21, to build environmental awareness and capacity among Waverley employees and community.
3. Endorses the incorporation of Second Nature messaging appropriate for specific audiences into Council communications, as outlined in point 1512.3 ATR 22.

6. Meeting Closure

THE MEETING CLOSED AT 7.38 PM.

.....
SIGNED AND CONFIRMED
MAYOR
5 APRIL 2016

REPORT
OC/5.1/16.04

Subject: Sustainable Communities Framework - Our Sustainability Engagement Plan

TRIM No.: A15/0394

Author: Kimberly Crawford, Sustainable Communities Manager

Director: Peter Monks, Director Waverley Futures

RECOMMENDATION:

That Council adopts the Sustainable Communities Framework attached to this report.

1. Executive Summary

This report provides a summary of the objectives and benefits of the Sustainable Communities Framework. The Sustainable Communities Framework provides strategic direction for all sustainability engagement initiatives undertaken by Waverley Council. It caters for both internal and external stakeholders and aligns with the broader Second Nature program. This framework is designed to increase awareness of Council's environmental targets and build community capacity to act in a more sustainable manner. It provides a consolidated framework for the development and delivery of education engagement programs which will encourage long-term behaviour change.

2. Introduction/Background

Waverley Council's Sustainable Communities team is responsible for the development of environmental behaviour change programs for both internal and external stakeholders. The team was established to ensure that engagement on sustainability issues was targeted, consistent and strategically aligned to Council's Environmental Action Plan 3. A need for a Framework to provide direction to these programs was identified in 2015. Extensive community and employee consultation was undertaken throughout 2015 and this has informed the development of the Sustainable Communities Framework. A copy of this Framework has been provided in Attachment 1.

This Framework complements Council's "Second Nature" program in guiding the engagement initiatives undertaken to assist Waverley Council to meet its environmental targets. It has been informed by extensive research into best-practice behaviour change theory and engagement methodologies, along with extensive social research into our community's needs and values.

3. Relevant Council Resolutions

| Council or Committee Meeting and Date | Minute No. | Decision |
|---------------------------------------|------------|----------|
| N/A | N/A | N/A |

4. Discussion

In 2015, the Sustainable Communities Team undertook extensive community consultation to inform the development of the Sustainable Communities Framework. The objective was to better understand community knowledge, attitudes and practices regarding environmental sustainability, along with the other

values which influence their behaviour. A variety of methodologies were employed, including face-to-face consultation and online surveying with 493 responses received. Survey results were compiled, reviewed, tabulated and analysed using a pre-defined research framework. The Sustainable Communities Framework includes a summary of these results and outlines the manner in which this data informed the development of Sustainable Waverley's engagement framework.

The Sustainable Communities Team also extensively engaged with internal Council employees on their knowledge and values about sustainability in their workplace. Clear themes emerged, including the notion that sustainability should be embedded in all aspects of Council decision-making, businesses processes and communications. Nearly 90% of staff believed it was important or very important to work for a sustainable Council, stating that Council should act as a leader in reducing environmental impacts into the future.

The results from the community and employee consultations were critical in the development of the Sustainable Communities Framework. This research was complemented with an extensive review of best practice behaviour change theory and engagement methodologies. The Sustainable Communities Framework document reflects new and existing research to ensure Council's sustainability engagement programs are built on best practice and also provides direction on appropriate methodologies to ensure effective and lasting change initiatives. It also provides an effective framework for evaluating and prioritizing existing and future Council engagement programs and also outlines the process by which all future programs will be monitored and evaluated.

The Framework identifies implementation tools which will be utilised to meet the following sustainability engagement objectives:

- Strengthen community capacity to live and work sustainably.
- Build long-term behaviour change and engagement programs to make sustainability second nature.
- Understand our community to better target programs and link them to what people value.
- Communicate more efficiently about our programs to bring them to life.
- Embed the Second Nature approach across Council's internal operations to engage employees on sustainability issues.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: E8 Waverley is an environmentally educated and committed community.
Strategy: E8a Encourage and support community involvement in our environmental program..
Deliverable: Communication and awareness activities on Council's sustainability program rolled out.

6. Financial impact statement/Timeframe/Consultation

The Sustainable Communities Framework will guide engagement initiatives on an ongoing basis. Consultation activities will occur biannually to update the Sustainable Communities qualitative data on community knowledge, attitudes and practices with regards to sustainability.

7. Conclusion

The Sustainable Communities Framework will provide Waverley with a comprehensive guide that will provide new direction for all sustainability engagement undertaken by Council. The introduction of an effective framework for Council's sustainability engagement programs will result in the implementation of best practice methodologies to ensure the delivery of successful and lasting change initiatives. The Sustainable Communities Framework will also increase awareness of Council's environmental targets and build the capacity of the community and employees to assist Waverley Council to meet its environmental targets.

8. Attachments:

1. Sustainable Communities Framework

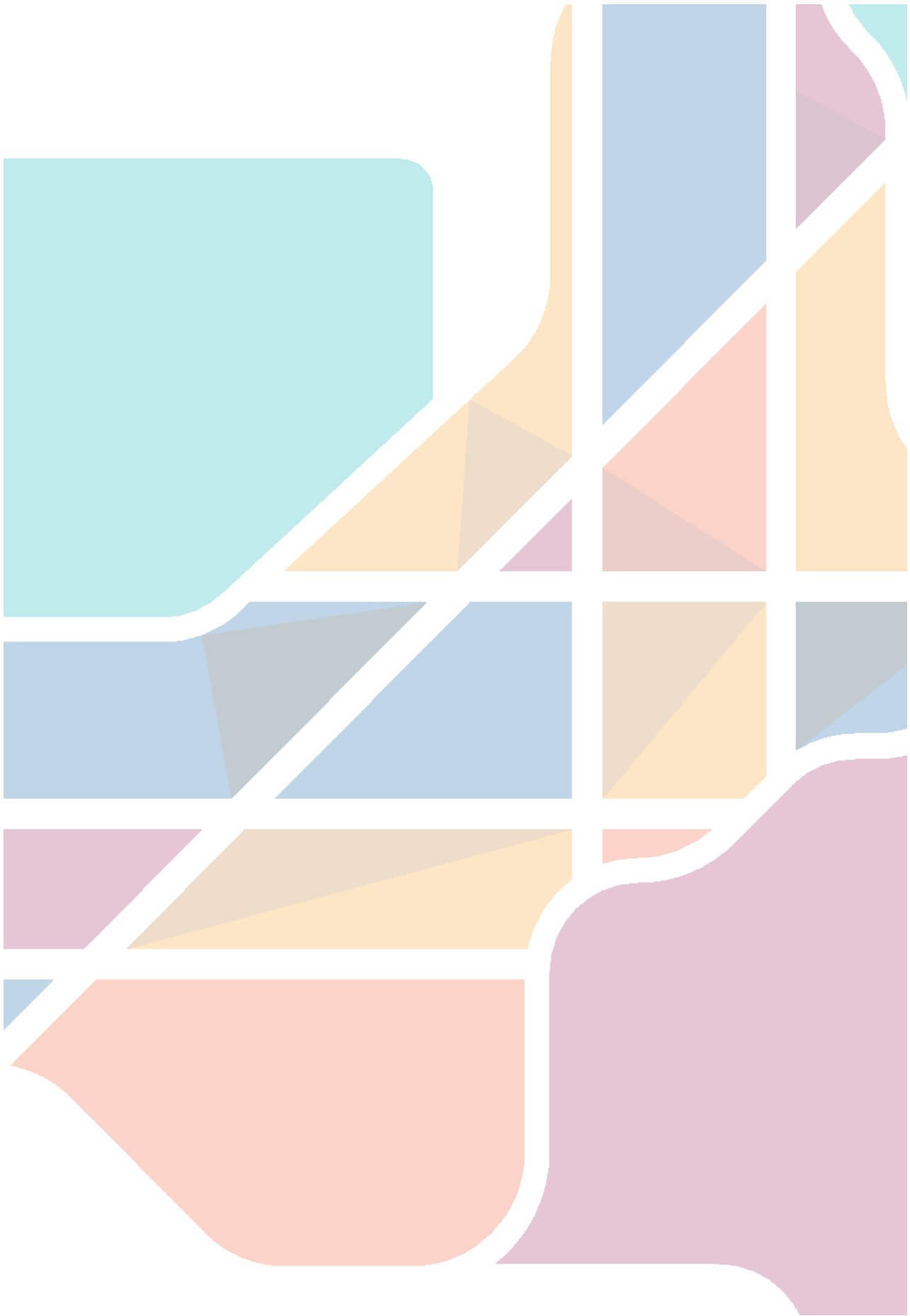


SUSTAINABLE COMMUNITIES FRAMEWORK

Our engagement plan to make
sustainability second nature

second
nature





Contents

1. Introduction
2. Audiences
3. Strategic direction and goals
4. Implementation
5. Methodologies
6. Monitoring and evaluation

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INTRODUCTION

A framework to make sustainability 'Second Nature'.

The Sustainable Communities team is working with internal stakeholders and our local community to make sustainability second nature. We recognise the importance of targeted and effective behaviour change, communications and engagement programs to achieve key environmental objectives on an organisation and community level.

This Framework is designed to provide direction to all of Waverley Council's environmental engagement programs. It will inform both internal and external initiatives and:

- Reflects new and existing research to ensure Sustainable Communities programs are built on best practice
- Provides direction on appropriate methodologies to ensure effective and lasting change initiatives
- Integrates our current understanding of our community and outcomes from social research into their environmental attitudes
- Provides a framework for evaluating and prioritising existing and future Council programs
- Creates the process by which all programs will be monitored and evaluated.

The Framework focuses on engagement approaches, rather than the technical aspects of creating sustainable communities.

Engagement is a large component of how Waverley Council will achieve our targets and commitments under our Environmental Action Plan.

This Framework has been informed by extensive research into best practice case studies, engagement methodologies, along with social research into our community's needs and values. In order to assess how we have engaged audiences to date (internally and externally), we also undertook a high level review of all recent and current sustainable communities' engagement initiatives undertaken by Council. This review was further informed by feedback from the community survey results. It also involved feedback from internal teams and evaluation of approaches against literature and best practice.

Our Framework serves to help address these issues and inconsistencies, and provide directions and tools to ensure behaviour change programs are innovative and based on best practice.

Our commitments under EAP

Waverley Council has demonstrated ongoing commitment to positive environmental change and was one of the first councils in Australia to develop a 10-year environmental strategy (Environmental Action Plan (EAP)) with dedicated budget, strong vision and ambitious targets to 2020 and 2050.

Through our EAP, Waverley Council has a vision of being an environmentally sustainable community which:

- manages energy, waste and water resources efficiently
- has reduced greenhouse gas emissions
- is prepared for the impacts of climate change
- respects and enriches its biodiversity.

EAP was completed as part of an integrated process to develop Council's Community Strategic Plan, Waverley Together 3. It is our roadmap that sets out how we plan to achieve a sustainable community in the short to long term.

The plan is structured around five environmental target areas: climate (greenhouse gas emission reduction), waste, transport, water and biodiversity – for both the organisation and community. (See Fig1).

The Sustainable Communities Team is chiefly responsible for devising strategies and carrying out engagement projects and initiatives to support technical projects that help achieve these targets. We also drive stand-alone, awareness-raising and behaviour change programs for identified needs, and internal and external target audiences, on the overall vision and specific environmental issues.

It is our job to ensure we bring employees and the community along this journey to achieving our environmental goals via targeted engagement. Realising our vision depends on their support and involvement.

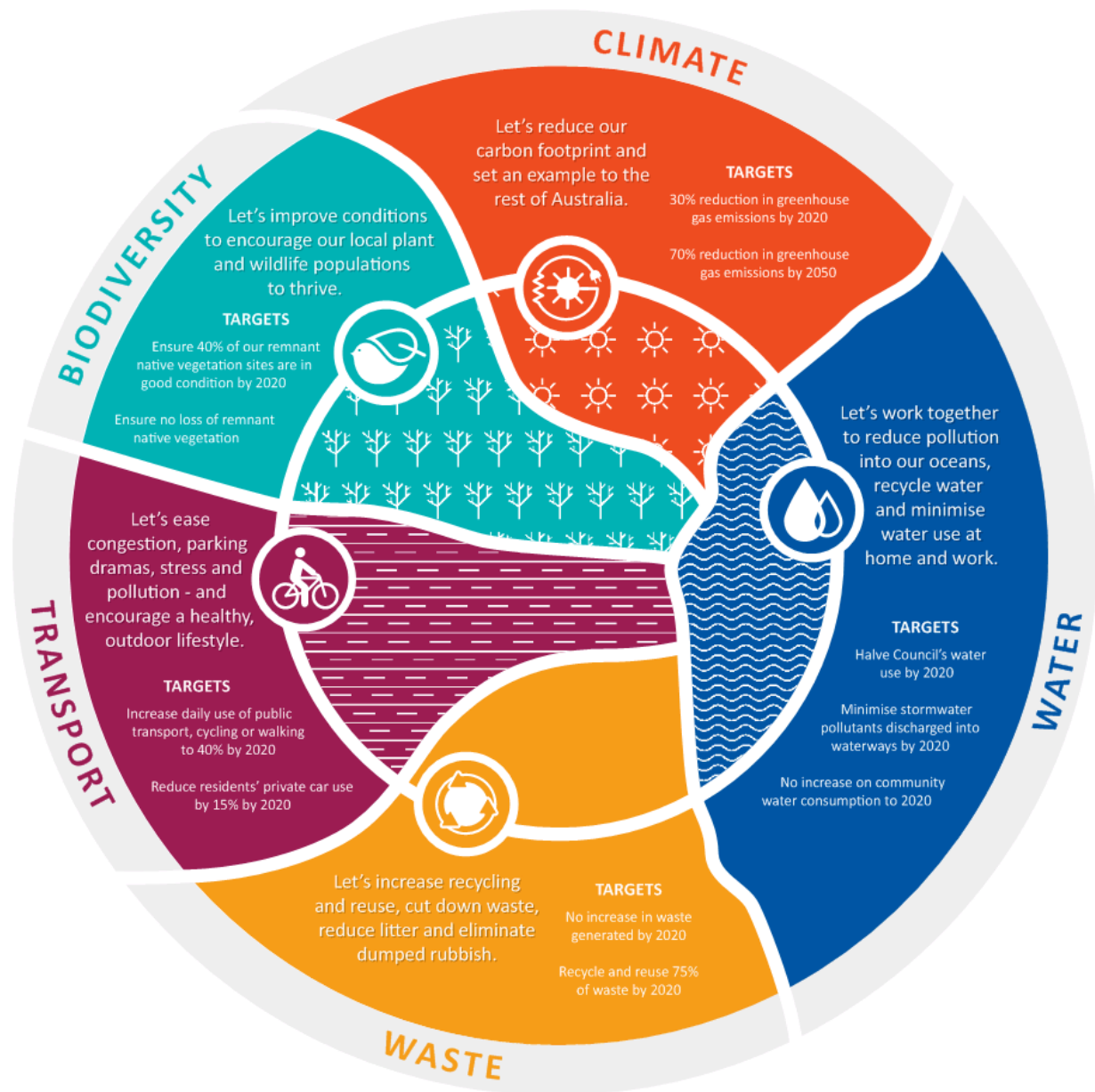


Fig 1. Strategy on a page –
Our EAP targets and focus areas

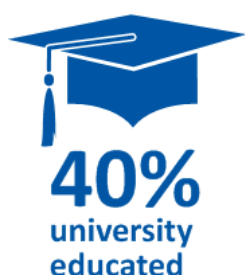
6

Audiences

Our community

Our community is diverse and vibrant. Home to over 70,000 residents, our beautiful beaches attract millions of visitors to Waverley each year. Great schools and a thriving business sector are also important elements of the Waverley community.

We will develop engagement programs which consider all relevant aspects of our community and develop targeted engagement programs to address needs identified through extensive social research.



Age structure (as of 2011)

| | | |
|---|---------------|-------------|
| Babies and pre-schoolers (0–4) | 4,292 | 6.8% |
| Primary schoolers (5–11) | 4,039 | 6.4% |
| Secondary schoolers (12–17) | 2,873 | 4.5% |
| Tertiary education and independence (18–24) | 4,827 | 7.6% |
| Young workforce (25–34) | 15,357 | 24.2% |
| Parents and homebuilders (35–49) | 15,406 | 24.3% |
| Older workers and pre-retirees (50–59) | 6,264 | 9.9% |
| Empty nesters and retirees (60–69) | 4,887 | 7.7% |
| Seniors (70–84) | 4,159 | 6.6% |
| Eldery aged (85 and over) | 1,382 | 2.2% |
| Total population | 63,486 | 100% |

Source: Australian Bureau of Statistics, Census of Population and Housing 2011

Household size

| | | |
|------------|-------|-------|
| 1 person | 7,577 | 30.5% |
| 2 persons | 9,169 | 36.9% |
| 3 persons | 3,733 | 15% |
| 4 persons | 2,976 | 12% |
| 5 persons | 1,101 | 4.45% |
| 6+ persons | 313 | 1.3% |



Religion

| | |
|-----|---|
| 24% | No religion |
| 22% | Catholic |
| 17% | Jewish |
| 37% | Other faiths including Buddhism, Islam and Anglican |

Birthplace

| | |
|-----|--------------|
| 51% | Australia |
| 8% | UK |
| 4% | South Africa |
| 3% | New Zealand |
| 2% | Ireland |



Household type

| | | |
|--------------------------|---------------|-------------|
| Couples with children | 6,101 | 21.8% |
| Couples without children | 6,351 | 22.7% |
| One parent families | 1,725 | 6.2% |
| Other families | 335 | 1.2% |
| Group household | 2,776 | 9.8% |
| Lone person | 7,580 | 27% |
| Others unclassified | 2,697 | 9.6% |
| Visitors only households | 461 | 1.6% |
| Total households | 28,028 | 100% |

Source: Australian Bureau of Statistics, Census of Population and Housing 2011



Live in
apartments



Median monthly
mortgage repayments



Average weekly rent



| | |
|------------|-------|
| Rentals | 42% |
| Owned | 23% |
| Morgaged | 21% |
| Other | 0.5% |
| Not stated | 12.5% |

Top 3 occupations

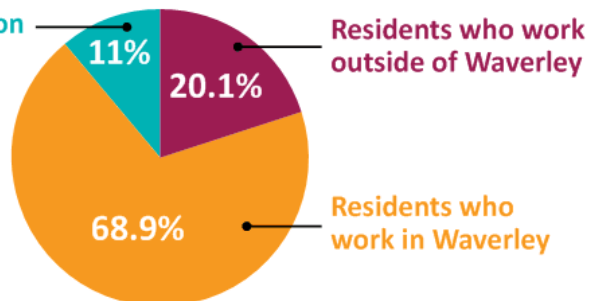
| | |
|-------------------------------------|-----|
| Professionals | 40% |
| Managers | 40% |
| Clerical and administrative workers | 18% |

\$1,912

Median
weekly
income



Work location
unknown



Source: Australian Bureau of Statistics, Census of Population and Housing 2011

Getting to work



46%
drive



31%
public transport



2%
cycle

Average cars
per house

1.2



8 Our Environment

18%
of us volunteer

There are
around
50
community
groups

engaged in
environmental
activities like cycling,
share economies,
litter and climate
change campaigns,
and marine and
bushland protection.

Motivations to act:

*We're especially
motivated by
'nature'*

55%

*making a
difference*

46%

*staying
healthy*

47%

*Keeping
things clean*

51%

*helping the
community*

43%

The local
environment
is important to
almost all of us

94%

We don't
always know
what is
available

43%

We don't
always know
what we can do

33%

We want to hear about green programs via...



61%
the internet



62%
newspapers
and magazines



38%
Flyers



41%
Friends
and family

And we'd love to get more involved in...



Fairs and
festivals
47%



Well-being
or healthy
activities
44%



Tree
planting days
41%



20 Schools in
Waverley

Community Survey

Community survey results summary:

In 2015, the Sustainable Communities Team, along with an independent community engagement agency, undertook a community consultation survey to inform development of this Sustainable Communities Framework. We were aiming to understand community aspirations on environmental sustainability, along with attitudes, values and perceptions which influence their behaviour.

We used a range of methods to consult the community, including face-to-face pop-ups, mail-outs and online, and we received 493 responses. Survey results were compiled, reviewed, tabulated and analysed using a pre-defined research framework. Below is a summary of key themes from responses which we have used to build our strategic approach.

What the survey told us:

- **People feel connected to place**
Respondents said they love living here, and they value the natural environment and the lifestyle it allows.
- **Motivations to act sustainably**
Respondents were more likely to act on environment issues because of their love of nature and a desire to keep things clean

or stay healthy, or to make a difference. Most people are intrinsically motivated to act therefore the language we use should reflect the predominant values.

- **Shared responsibility**
Most respondents believed that protecting the local environment is a shared responsibility between Council, local businesses and the local community.
- **Awareness and appetite to act**
Our community is very aware of global and local issues. There is strong interest in minimising their personal local impact but they need help to do it.
- **'Sustainability is...'**
Respondents associate the word 'sustainability' with recycling, natural, waste, impact and clean.
- **Issues of most concern**
Responses suggest the environmental issues of most concern include "protecting native animals, plants and marine life", "littering on the beach and in the streets" and "water pollution".
- **Issues of least concern**
Although still highly-rated, these include water usage, climate change and greenhouse gas emissions.
- **Low awareness of Council's actions**
Over half of respondents did not know what Council is doing to protect the environment, nor

that we have an Environmental Action Plan (EAP) and targets.

- **Waste and recycling top of mind**
In terms of awareness about specific action areas in the EAP, the highest level of knowledge of what Council is doing was for recycling and waste reduction, while the lowest was sustainable transport.
- **Council priorities**
Many of the responses indicated that Council should prioritise:
 - Keeping beaches and streets clean
 - Taking care of beaches
 - Preserving and maintaining open space (including minimising over-development)
 - Communicating more with the community about what they can do to be more environmentally sustainable across the areas of focus.
- **Communications**
Respondents suggested that the best way for Council to share information is via the Wentworth Courier, Environmental e-newsletters, The Beast (print) or Waverley in Focus. The least popular communication methods were Twitter and The Beast online. People also wanted more Council presence (events/pops-ups, etc.). People said they received information on sustainable living through social networks (friends and family) and print.

0

Our Employees

Waverley Council comprises over 600 employees across a range of disciplines and services including: asset management, capital works, communications and engagement, community support services, development and planning, digital services, corporate and governance, sustainability, facilities management, customer service, waste, parks management, public place cleaning, early education, venues and other important areas.

Staff are spread across numerous facilities from Bondi Beach to Alexandria, and whilst some are office-based, many are field staff (eg, public place cleansing, parks, waste collection).

Internal employee consultation

In 2015, we conducted an internal consultation process via online survey and focus groups across the organisation to gain a better understanding of employees' (both indoor and outdoor) perspectives on sustainability within the Council context, their knowledge of EAP, motivations and how we can better involve them to deliver on our corporate environmental targets.

Key results from the 94 participants:

Knowledge of Council's approach to sustainability

- Overall knowledge of what Council does is good, why we do it and who does it less clear/well-known
- Most frequently mentioned areas were waste/recycling,

water and transport. Less frequently mentioned were energy/urban ecology

- Only a few mentioned target, EAP and vision

What does a sustainable council look like?

- **Embedded** – from decision making, to communications, business processes, procurement, etc.
- **Aspirational** – carbon neutral, zero waste, paperless
- **Better waste management** – across community and internally
- **Better transport** – options
- **Education** – better education for staff and community, guide people, provide feedback
- **Infrastructure/tools for the job** – from better buildings and equipment, to the ability to print double-sided documents and better procurement

Most people said it is important (26 per cent) or very important (63 per cent) to work for a sustainable Council. Reasons given:

- **Leading** – people thought that Council should be leading in this area
- **Future** – important for future of Council and generations
- **Nature** – reducing our impact/clean air/good health
- **Individual/personal reasons** – career development and individual contribution

How staff can make Council more sustainable:

- **Small actions** – most answers focused around small things such as: printing double-sided documents, recycling, sustainable ways of travelling to work, reducing resources and waste
- **Working better together** – suggestions around ways to work together across departments/teams
- **More knowledge and communication** – to help people understand
- **Think differently** – being aware of options to be able to do this, changing our mentality

How we can help staff

- **Training/knowledge** – sustainability 101/demonstration days
- **Better communications** – prompts/reminders/Pipeline
- **Set policy** – and have Council-wide targets
- **Cross functional working** – knowing what other divisions do
- **Embedding** – 'Making it a normal part of the Waverley way of working'

These results have helped inform this Framework, and specifically our internal employee engagement program.

STRATEGIC DIRECTION AND GOALS

The Sustainable Communities Team has developed strategic directions and goals to guide both internal and external engagement programs. These will ensure that all sustainability engagement clearly aligns with EAP priorities and other relevant strategic documents, such as the Sustainable Waste Strategy. Our vision is to work with communities and staff to help them live, work and play sustainably and enhance connections to each other and place.

This aim is encapsulated by our Second Nature identity which reflects a desire for sustainability to become inherent and an embedded part of the way in which we live and work in Waverley.



Our environment plan
for a sustainable future

our icons representing key
areas of sustainability



Water



Waste



Transport



Climate



Biodiversity

Making Sustainability Second Nature

In 2015 we undertook a creative identity exercise to provide a consistent look-and-feel and language for all of our sustainability work. The aim was to bring EAP to life, appeal to a broader cross-section of the community as well as employees, and reflect the outcomes of our social research.

As a result of this piece of work, Second Nature was born. This new Second Nature identity (including wordmark, icons, colours, textures and messaging to describe the targets) is a simple way of engaging staff and the local community to care for our part of the world, and raise awareness of our sustainability vision.

Second Nature helps to frame all the work we do internally and externally towards meeting our environmental targets – not only how we represent programs visually, but what language we use to talk about our goals and vision in a more user-friendly and relevant way, so that it resonates with our audiences.

Ultimately, we are aiming to make sustainability not just an occasional concern. We want it to be second nature.

2

Our strategic directions are:

- 1 Strengthen community capacity to live and work sustainably.
- 2 Build long-term behaviour change and engagement programs to make sustainability second nature.
- 3 Understand our community to better target programs and link them to what people value.
- 4 Communicate more efficiently about our programs to bring them to life.
- 5 Embed the Second Nature approach across Council's internal operations to engage employees on sustainability issues.

1 Strengthen community capacity to live and work sustainably

Goals:

- Support active and engaged community and social groups to build 'critical mass' within the community to increase environmental benefits.
- Create community partnerships to work towards a common vision.
- Create shared ownership of issues and act as a facilitator to encourage collective impact.
- Collaborate with local leaders and experts to support community-driven initiatives, through programs such as Sustainability by the Sea.
- Continue to engage with businesses to support them in embedding sustainable practices.

2 Build long-term behavioural change and engagement programs to make sustainability second nature

Goals:

- Ensure our programs are built on best practice methodologies (refer to Section 6).
- Establish consistency across engagement projects using the strategies and methodologies outlined in this document.
- Ensure that new and existing programs target a defined audience and address an identified need.
- Apply evidence-based approaches, where relevant and feasible.
- Draw from best-practice case studies.
- Minimise one-off intervention/communications and prioritise long-term participation programs.
- Monitor and evaluate every project.

3 Understand our community to better target programs and link them to what people value

1

Goals:

- Get to know our community and understand their priorities, values and needs.
- Inspire positive environmental action through connection to place.
- Develop new strategies to reach the non-engaged.
- Strategically target audiences and ensure our communications are tailored to specific sections of our community.
- Inspire public ownership of Council's environmental targets.
- Adopt a 'values' approach to engagement, focusing on intrinsic values.
- Involve the community in decision-making and program development, and listen to their concerns and aspirations.
- Provide feedback to the community on progress against targets and outcomes of their participation in programs.

4 Communicate more efficiently about our programs to bring them to life

Goals:

- Work with Communications and Engagement to utilise existing channels of communication to better communicate Council's sustainability vision.
- Use new methodologies to engage people in creative and innovative ways.
- Develop and deliver consistent messaging through our Second Nature' approach.
- Better promote what we do, through a 'live' external communications plan and more regular reporting against EAP progress.
- Work with community partners to deliver our message to wider audiences.
- Celebrate and promote success stories from within our community.
- Have fun.

5 Embed the Second Nature approach across Council's internal operations to engage employees on sustainability issues

Goals:

- Implement a Second Nature Internal Engagement Program to communicate with, and engage employees on sustainability in behaviour change programs, as well as embed sustainability across internal processes and policies.
- Use Second Nature messaging and identity to ensure a consistent communications approach.
- Inspire Council-wide ownership of organisational environmental targets and their delivery.
- Raise the profile of the work of the Sustainable Waverley team.
- Improve two-way communication and engagement on environmental topics with internal stakeholders.

4

IMPLEMENTATION

This Framework is designed to guide engagement over the next two years. It will be reviewed when EAP 4 is developed. The Sustainable Communities team will develop engagement plans for each target area and will include both overarching engagement programs, along with project-specific plans.

We will report regularly against the objectives in these plans to measure our progress and identify areas for improvement. This Framework will be used to develop, frame and prioritise our programs, both internally and externally

Broad Engagement Actions

- **Bring EAP to life** – roll-out Second Nature externally and internally via strategic and creative communications activities and channels to increase awareness of our vision and boost involvement in our programs.
- **Raise our profile and presence** – promote Council as a leader in sustainability and our program successes – via conference presentation opportunities and awards programs, as well as various face-to-face engagement activities, and existing communication channels.
- **Ensure financial support** – seek grant funding, financial partnerships and sponsorships to leverage financial support for our engagement programs.
- **Keep existing channels effective and relevant** – including publications, electronic newsletters, monthly articles in The Beast, Waverley in Focus, intranet and website.
- **Use new and strategic channels of communications and engagement** – including face-to-face pop-ups and events, social media and digital platforms.
- **Foster community partnerships** – continue to build strong partnerships with community members and groups to facilitate initiatives and build public momentum behind them eg, Sustainability by the Sea.
- **Build internal partnerships** – continue to develop strong cross-Council relationships and opportunities for collaboration.
- **Undertake social research** – to evaluate effectiveness of our engagement programs and awareness.
- **Implement a community engagement database** – for more streamlined communications and relationship management.





Waste

- **Develop channels** – facilitate capacity building and generate discussion and collaborative solutions on waste issues, including waste avoidance and resource recovery.
- **Establish effective feedback loops** – ensure ongoing involvement in community programs and increased awareness of waste initiatives and progress.
- **Implement residential engagement programs** – encourage the behaviour change required to increase recycling, promote collaborative consumption and decrease waste generation.
- **Develop and roll out creative engagement materials and programs** – increase community knowledge of the recycling of 'tricky items'.
- **Involve residents in the development and implementation** of face-to-face engagement programs to encourage community pride, increase recycling and reduce illegal dumping and litter.
- **Increase partnerships** with real estate agents, strata management and representative bodies in the delivery of tenant education.
- **Work with community groups** including Sustainability by the Sea, to develop and implement community driven and owned programs to address topical waste issues, eg, plastic bags.

- **Collaborate internally on messages** to identify synergies and streamline communications with the community, eg, Summer Litter Campaign at the beaches (safety and waste).



Urban Ecology

- **Increase community awareness and engagement** in Council's initiatives aimed at greening and caring for local bushland and increasing biodiversity.
- **Work with Urban Ecology team** to help attract new and retain current Bushcare volunteers.
- **Help to establish better working partnerships** with Waverley Council Parks Team and identify needs for training.
- **Engage private property owners** to plant more native species and eradicate weeds.
- **Leverage partnerships with community groups** to deliver biodiversity-related engagement programs.
- **Link urban ecology outcomes with other relevant community values** including health and wellbeing and public cleanliness and amenity.



Climate

- **Use our Second Nature Employee Engagement Program** as a vehicle to help reduce our internal carbon footprint.
- **Work with technical staff to identify opportunities for**

energy savings in Council facilities and roll out targeted engagement programs.

- **Identify innovative ways to communicate to residents** about how to be more energy efficient.
- **Work with businesses stakeholders** to facilitate the introduction of energy-saving measures on a precinct scale in Bondi Junction.
- **Work with community groups** including Sustainability by the Sea, to develop and implement community-driven and owned programs to achieve sustainable energy outcomes for the community, eg, community energy project.



Water

- **Use our Second Nature Employee Engagement Program** as a vehicle to help reduce our internal water usage.
- **Work with technical staff to identify opportunities for water savings** in Council facilities and roll out targeted behaviour change programs to staff.
- **Develop innovative communications materials** to assist residents and businesses to use water more efficiently.
- **Leverage off existing community/national events** to promote efficient water usage and initiatives which reduce stormwater pollution and improve water quality.

6



Transport

- **Promote active transport options** in the community via various engagement activities to reduce private car use.
- **Collaborate with Creating Waverley** in the development and rollout of information and events on sustainable transport initiatives.

Other Key Projects

- **Continue to work with schools** on specific sustainability engagement programs, eg, Green Sparks.
- **Bondi Junction Green Infrastructure Masterplan** – facilitate community informing and consultation as the plan develops.
- **Deliver targeted engagement with the Building Futures Partnership** to support the Heartbeat of the East vision and activities.
- **Communicate progress of EAP3** and help facilitate community consultation in the development process for EAP4.
- **Roll-out Environmental Small Grants program** to support local businesses and schools to implement sustainability initiatives.



METHODOLOGIES

How Behaviour Change Happens - Individual and Social Behaviour Change Theory

There are a wide variety of personal, social and environmental aspects that influence behaviour. Specifically, these include:

- Personal or individual factors including beliefs, knowledge, attitudes, skills and experiences.
- Social factors including interactions with friends, family and the community.
- Environmental factors shaped by the area in which a person lives, including schools, work place, local community facilities and broader considerations such as the economy and technology.

To date, our approach has very much centred on individual factors such as knowledge only considerations. The interactions which influence behaviour change are multi-faceted and complex. Ongoing change is generally best achieved through a mix of interventions delivered at a range of levels over a long period of time. An ecological approach that identifies and addresses the factors influencing behaviour change at all three levels are most likely to be effective.

Individual Motivations

Several theories exist to explain the process which occurs at an individual or personal level as part of behaviour change. The self-determination theory considers combining skill development with a recognition of the underlying or intrinsic motivations for an individual's behaviour. This theory argues that in order to achieve change, the individual must believe that the behaviour is enjoyable or compatible with their sense of self, values and life goals. Individuals should feel a sense of choice in and responsibility for their actions. Similarly, the theory of planned behaviour adopts a cognitive approach to understanding behaviours, centring on an individual's attitudes and beliefs.

This also aligns with an understanding of a values-based approach to behaviour and engagement. Values are important as they place behaviour change in a broader context. The values approach described below is used to complement existing behaviour change theory, not replace it. Values can be defined as guiding forces that shape behaviour change. Research on values has identified 'universal' values that people hold all over the world. We therefore all hold each of the values but may place different importance on them, known as our values disposition. Schwartz (2006) values group (see appendices). Our

values disposition is shaped over time and can values can affect our attitudes and behaviours.

There are different types of values: intrinsic and extrinsic. Intrinsic values are values that are inherently rewarding to pursue. Extrinsic values centre on external approval or rewards. Research has shown that a strong disposition to extrinsic values are connected with less concern about the environment (Milfont, Duckitt & Cameron, 2006). Intrinsic values are more strongly correlated with concern for the environment. Values are like muscles, the more we activate them, the stronger they become.

Values are important in our approach for behaviour change because:

- They can help frame messages to appeal to a wider/different audience. The brain uses frames to filter information.
- Priming – we can bring values to 'front of mind' through priming
- The 'see-saw effect' is when an opposing value is weakened
- Values can activate each other. This is also known as the 'spill-over effect' (Karremans 2007)
- Values become stronger with repeated engagement
- Reinforcing extrinsic values can have negative consequences

8

- Humans use values to guide behaviour, but there are contextual and habitual reasons which mean that not all our behaviours are in line with our values.

Other common theories of individual behaviour change include the stages of change (Morris, Mozano, Dandy & O'Brien, 2012), which outlines the experiential processes through which people progress before making a firm and ongoing commitment to change. These include pre-contemplation, contemplation, preparation to act, taking action and behaviour maintenance. An understanding of these stages is important in the effective design of behavioural interventions which aim to move individuals along the continuum of change and establish new habits and behaviours which remain over the long term (DiClemente & Prochaska, 1982). It is viewed that individuals at each stage would respond in a similar manner to specific interventions.

Social Motivations

Behaviour change is often prompted by social factors, including observation and learning from others and positive and negative reinforcements of certain behaviours. The social practice theory is being increasingly applied to analyse and explain behaviours, particularly in the sustainability context. This theory recognises that human practices are the result of various interconnected elements, including knowledge, social norms, technologies and reactions to certain behaviours. It stresses the need to focus not only on the individual, but also on the various elements of social practice which influence choices and decision making.

Doug McKenzie Mohr's work on 'fostering sustainable behaviour' also draws on the importance of social networks as a conduit for behaviour change. He argues that change happens when the desired behaviour is visible and that social networks are more significant in this process than proximity. The visibility of certain behaviours creates social norms which can change the way people think about themselves (self-perception). An understanding of social norms is important in promoting desirable or sustainable behaviours and often work best when taking a 'street or neighbourhood' perspective rather than attempting to change the behaviours of an entire community.

In addition to social and individual theories of behaviour change, the diffusion of innovation theory (Taylor, 2013) places emphasis on innovation as the agent of change. Ideas, practices or objects perceived as new or unique are viewed as prompting more rapid behaviour change, particularly if these are seen as being advantageous over previous options. Les Robinson's 'Changeology' approach builds upon this idea in the creating of behaviour change programs. He argues that the first step is to create a 'positive buzz' and share optimistic stories about change. This can be achieved by sharing emotion-based stories, utilising popular opinion leaders, hosting facilitated forums or holding buzz-making public events. It is also important to 'offer hope' and allow people to make the connection between a novel action and their own hopes and frustrations. Robinson builds on research that refutes the idea that information is the primary tool for behaviour change. He also considers the

social perspective, reinforcing the importance of peer to peer conversations and acknowledge the concept of 'viral change' through social networks.

Integrating individual and social theories

Behaviour change programs or interventions should attempt to address both the individual as a decision-maker and also the wider social context in which they live. In this way, they incorporate an understanding of the different theories discussed above to facilitate the optimum opportunity for change. This may mean that multiple interventions or approaches are required to promote certain behaviours. They should also take into account the external environment/ infrastructure in which the behaviour needs to take place.



Planning an Engagement Project

Our review of past initiatives showed that there was no defined approach for choosing a methodology to address a particular behavioural/engagement issue. Delivering a comprehensive and effective engagement project requires detailed planning and consideration of objectives, targeted stakeholders and optimum methodologies and techniques. Several frameworks and theories are useful in this process.

The Organisation for Economic Cooperation and Development Engagement Model, for example, considers information, consultation and active participation along a

continuum of increasing levels of stakeholder influence. Techniques and methodologies chosen are contingent on the desired role and level of input from each stakeholder.

The IAP2 Public Participation Spectrum (see Figure 2 below) is also a useful guide to assist in determining the best level of engagement for a particular initiative or project.

The IAP2 model utilises a spectrum of increasing levels of public impact from informing to consultation, involvement, collaboration and empowerment. It is important to note, however, that given the nature of local government decision making, it is seldom

possible to utilise the 'empower' level of engagement which allows communities ultimate and final decision making capacity. In appropriate circumstances, however, positive outcomes can be achieved through collaborative engagement techniques which allow participants an active role in the formulation of new initiatives and strategies.

This Sustainable Communities Strategy categorises types of engagement into inform, consult, participate and collaborate. A step-by-step guide for the formulation of new engagement projects is attached as a graphic below. This has been developed utilising a range of best practice theories, frameworks and guidelines.

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.


| INCREASING IMPACT ON THE DECISION  | | | | | |
|---|--|--|---|--|--|
| | INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
| PUBLIC PARTICIPATION GOAL | To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. | To obtain public feedback on analysis, alternatives and/or decisions. | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. | To place final decision making in the hands of the public. |
| PROMISE TO THE PUBLIC | We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |

Figure 2: IAP2 Public Participation Spectrum

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Step by step guide to community engagement at Waverley

What's the end goal?

- Clarify your destination
- Clearly identify project goals
- What will change as a result of the project?

Agree on your engagement objectives

- What is the engagement purpose?
- What specific information/input are you after?
- Why is the community being engaged?
- What are the benefits of engagement?

Identify your stakeholders

- Who needs to be engaged?
- Who else is currently engaging these stakeholders?
- What is their capacity to act?
- What barriers exist for each stakeholder?
- What enablers exist for each stakeholder?
- What are the interests of each stakeholder?
- Which values should be targeted for each stakeholder?
- What are the priorities of each stakeholder?

Define your desired future

- What would successful behaviour change look like?
- What are the indicators of successful engagement in this case?
- What specific action/change do you want from identified stakeholders?
- Develop monitoring and evaluation plan.

Choose your level of engagement

2

- Are you trying to provide stakeholders with information?
- Do you want to obtain information or feedback from stakeholders?
- Do you want to work directly with the public to ensure their feedback is incorporated?
- Would the project benefit from a partnership with particular stakeholders to generate solutions and identify priorities?

Choose the right tools

- Identify the specific engagement technique(s) that will be most effective.
- Which techniques target nearby values to achieve the spill over effect?
- Consider engagement objectives, stakeholder profiles and level of engagement.

Plan and prepare engagement content

- Consider how engagement initiatives and communications are framed to target specific values.
- How can stakeholders be inspired or motivated to engage?
- Consider resourcing requirements.
- Create your resources and plan for engagement initiatives
- Allocate appropriate resources.
- Define and communicate roles and responsibilities.

Implement engagement initiatives

- Implement initiatives!
- Keep records to make monitoring and evaluation easier at the end of your project.
- Disseminate information, conduct consultation, undertake collaborative strategy generation.
- Collate data and analyse to identify key trends.
- Summarise findings.

Complete the feedback loop

- Compile relevant information for communication.
- Consider how you will respond to the data.
- Communicate relevant information from the engagement process to stakeholders.
- Provide the community with updates on what is being done.

Learning for the future

- Complete monitoring and evaluation process.
- Identify what worked and what could be improved.
- Summarise recommendations for future projects.

2

MONITORING AND EVALUATION

Monitoring and evaluation (M&E) is about 'learning by doing'. It is a process that allows us to measure how effective our engagement programs are in meeting objectives, share and showcase results, and deliver better programs in the future.

Why is it important?

Previously, our measurement and evaluation of projects has been largely ad-hoc and inconsistent. We are committed to improving the way we measure, capture and communicate the lessons and outcomes of our Sustainable Communities programs.

A consistent approach to M&E will help us to:

- **Keep track** of whether our programs are heading in the right direction and the results.
- **Better assess** which resources, approaches, tools are more effective and offer value for money.
- **Analyse strengths and weaknesses** of strategies to inform future planning and decision-making.
- **Improve processes, plans and delivery** as programs progress and into the future.

- **Set good-practice standards** for future engagement approaches.

- **Develop a shared understanding** in the team and across Council of what contributes to, and hinders, successful community engagement and behaviour change programs.

- **Build an evidence base** and case study portfolio for knowledge, research and funding purposes.

- **Inform decision makers** about how to build on or improve projects.

- **Contribute to engagement capability development** by providing feedback on performance

- **Secure buy-in and budget** for future engagement programs

- **Increase profile** by reporting and promoting our successes

from the outset on what we are measuring and how, and there is adequate allocation of resources and appropriate involvement of key stakeholders. See outline of proposed process below.

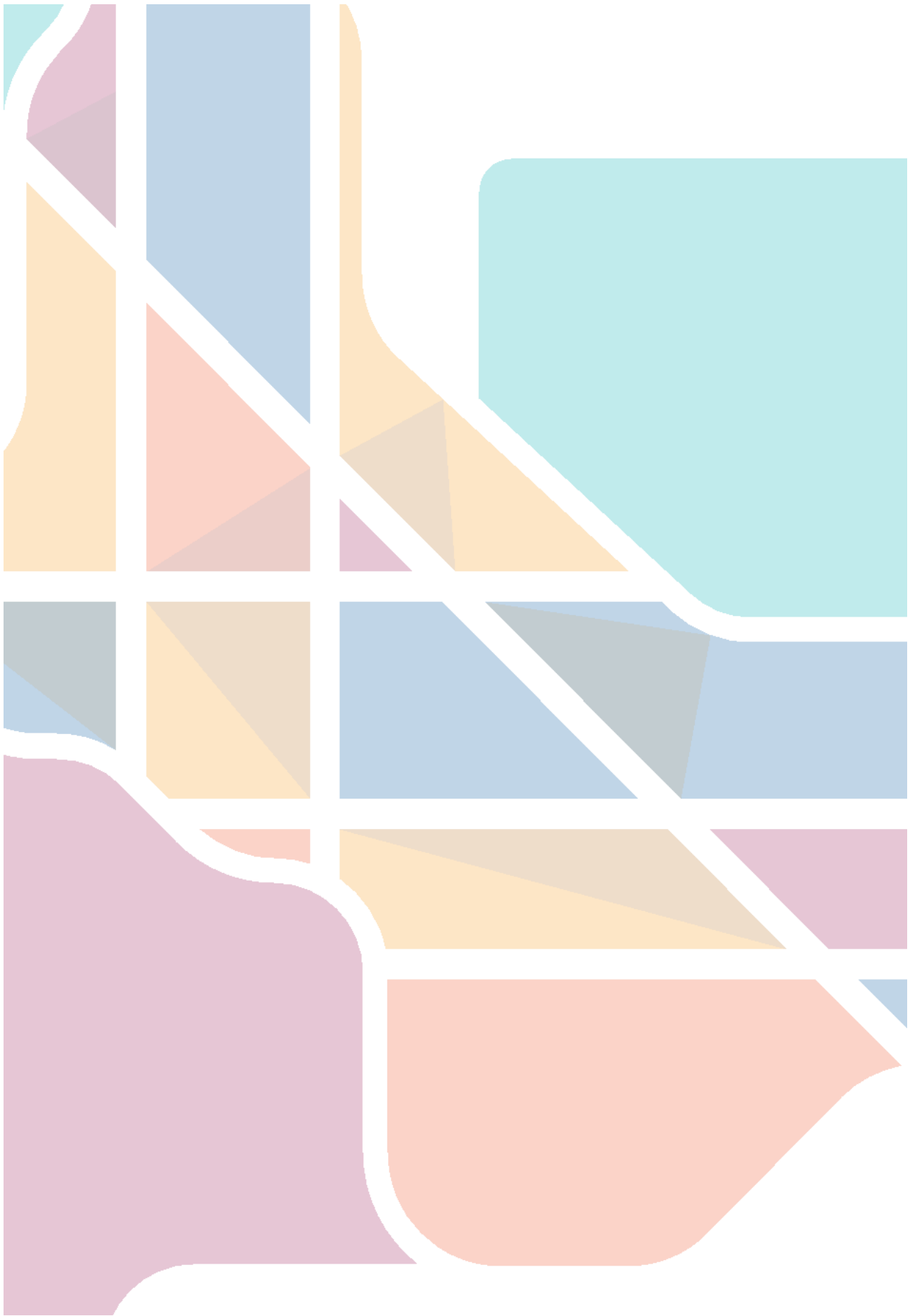
The level of M&E undertaken will largely depend on the scale, scope and objectives of programs. Some will require a more in-depth and resource-intensive approach (eg, complex and lengthy behaviour change projects), while other smaller scale projects may not need as extensive and costly an approach. We will adapt our M&E plans and delivery accordingly.

We will not only evaluate the outcomes, but assess achievements and processes along the way so that we can optimise our learning, make better decisions and take action to improve the way we do things. We will do this by using a mix of quantitative and qualitative performance indicators, and commonly used data collection methods and tools. We will also capture the lessons learnt, share knowledge and provide feedback to our audiences via tailored communications channels.

Our approach

We have created an M&E framework and process, based on best practice for engagement programs.

This will be integrated into the initial design and planning phase for all Sustainable Communities initiatives, to ensure we are clear





REPORT
OC/5.2/16.04

Subject: Pesticide Use and Notification Plan

TRIM No.: A06/0333

Author: Sam McGuinness, Senior Environment Officer
Matthew McGovern, Manager Public Spaces

Director: Emily Scott, Director, Waverley Renewal

RECOMMENDATION:

That Council adopts the Pesticide Use Notification Plan 2016 as attached to this report.

1. Executive Summary

It is a legislative requirement that Council has a Pesticide Use Notification Plan. This report proposes that Council adopt the attached Plan.

2. Introduction/Background

It is a requirement under the Pesticides Regulation Act 2009 that Council has an up to date Pesticide Use Notification Plan. Council's current Pesticide Use Policy and Notification Plan was approved by Council in 1998 with the last revision undertaken in 2007. The new updated Plan has been prepared that clearly outlines how Council will inform the community and potential users of Council managed facilities.

The Plan outlines the signage or notification that will be required to be taken by Council Officers in their use of herbicides, fungicides or rodenticides and circumstances where notification will not be required.

3. Relevant Council Resolutions

| Council or Committee Meeting and Date | Minute No. | Decision |
|---------------------------------------|------------|--|
| 20 February 2007 | F-0702.14 | <p>That the interim Pesticide Use Policy and Notification Plan, which is attached to this report, be approved subject to the following:</p> <p>That through the local media Council invites chemical sensitive people to comment on the Policy and that the consultation involves the peak body for sufferers of chemical sensitivity.</p> |

4. Discussion

Council manages and is responsible for a broad range of assets and public places such as parks, playgrounds, roads, laneways and buildings. There is a need for Council to maintain these to a high standard ensuring that they are safe and clean. This may involve the control of termites, vermin, weeds impacting on native bushland or weeds such as bindii.

Glyphosate

The main herbicide that Council currently uses in our parks and reserves is glyphosate. This is available domestically often under the brand name Round Up. In 2015, the International Agency for Research on Cancer which is part of the World Health Organisation listed glyphosate as probably carcinogenic to humans. This highlights that there is a risk to humans from exposure to glyphosate and requires that Council treat glyphosate as a potential hazard. The Australian Pesticides and Veterinary Medicines Authority has undertaken a broad chemical risk assessment of glyphosate and state that when the label instructions for glyphosate are followed that this provides adequate protection for users.

Council staff who use herbicides are ChemCert qualified so that they are able to use the correct amount of herbicide and do so in a safe manner, both to themselves and to the environment and those around them.

Weeds Management

Council currently has a *Weeds Action Plan 2014* that identifies priority weeds for removal and preferred methods for removal. Ideally weeds will be removed by mechanical means, although this is not always efficient, but more importantly effective. Individual Council projects such as the Bronte Ecological Restoration Action Plan have significant detail on how specific weeds should be managed. Where herbicides are required actions such as 'cut and paint' will be used whereby a staff member or contractor wearing personal protective equipment (PPE) will apply a small amount of herbicide to a plant. This very targeted action reduces herbicide used and also the exposure to non-target plants.

Alternative options

Council continues to utilise alternative options to herbicides on a regular basis. This has included the use of steam weeding in Bondi, mechanical means such as chipping and brush cutting, or in the case of bush regeneration, the use of mulch to suppress potential weeds. Council will continue to investigate options to reduce herbicide usage wherever there is a feasible and efficient alternative.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

| | |
|--------------|--|
| Direction: | G7 In service delivery sound safety and risk management practices are maintained for their current purpose and for future generations. |
| Strategy: | G7a Provide a safer environment by implementing specific risk management practices. |
| Deliverable: | Operational risk processes and strategies Developed. |

6. Financial impact statement/Timeframe/Consultation

Adopting this Plan will have no financial impact.

Staff from Waverley Renewal and Sustainable Waverley have been involved in the drafting of this Plan. If adopted, Council's Policy register will be updated and the Plan put on Council's website.

7. Conclusion

By updating the Pesticide Use Notification Plan Council will be meeting our legislative requirements in terms of our use and the use by any sub-contractors, of pesticides within the Local Government Area. It also clearly allocates how Council will inform the community of pesticide use that Council undertakes.

8. Attachments:

1. Waverley Pesticide Use Notification Plan 2016



PESTICIDE USE NOTIFICATION PLAN 2016

DRAFT

| |
|--|
| AUTHORS: Matthew McGovern & Sam McGuinness |
| PROGRAM: Waverley Renewal and Waverley Futures |
| DATE CREATED: February 2016 |
| DATE ADOPTED BY COUNCIL |

INTRODUCTION

This Pesticide Use Notification Plan has been prepared in accordance with the requirements of the Pesticides Regulation 2009 (the Regulation). The plan sets out how Waverley Council will notify members of the community of pesticide applications it makes or allows to be made to outdoor public places that it owns or controls.

The aim of this Notification Plan is to meet the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by public authorities. This Plan allows members of the community to take action to avoid or minimize contact with pesticides, if they wish.

Waverley Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment. Pesticides are used in public places when necessary is used to eliminate weeds, to protect public property from pest damage, to protect the users of public places from nuisance or danger, and to meet the community expectations for aesthetically appealing parks and public facilities.

Council is committed to ensure that pesticide use is justified, minimised and the lowest toxicity of pesticides necessary to achieve the desired outcome. The Council will continue to investigate alternatives to pesticide use where available.

The Plan sets out how the Council will notify members of the community of pesticide applications made by Council and its contractors in public places.

The Plan describes:

- The public places that are covered by the Plan.
- The types of users and visitors to these public places, and their estimated level of use.
- Notification methods and channels - how and when the Council will provide the community with information about its pesticide applications in public places.
- How the community can access this Plan to obtain further information about the Council's notification arrangements.
- How future reviews of the Plan will be conducted.
- Contact details for anyone wishing to discuss the Plan with a Council Officer.

Pesticide use on Council's controlled land includes programmed and reactive applications, such as:

- Application of herbicides to all public places, including parks, reserves, roads and pathways is applied reactively to control weeds on an as needs basis.
- The application of insecticides, fungicides, rodenticides, soil additives, growth inhibitors, and algacides is also applied reactively to control pests on an as needs basis.
- Baits are used to control outbreaks of vermin in public open spaces and to protect buildings and structures from damage by termites and soil pests.

PUBLIC PLACES COVERED BY THIS PLAN

Waverley Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls in the Waverley Local Government Area:

- Public parks and reserves.
- Cemeteries.
- Playgrounds.
- Picnic and BBQ areas.
- Sports fields, ovals and courts, and skate facilities.
- Street Trees and planter boxes.
- Civic spaces.
- Road verges and streetscape planting.
- Outdoor swimming pool surrounds.
- Footpaths, laneways, and public roads.
- Easements accessible to the public, including drains.
- Car parks and public toilets.
- Crown Lands controlled by Council.
- Grounds and interiors of Council owned buildings.

Waverley Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

| Public places | Regular user groups | Level of use | Type of pesticide use |
|---|--|--------------|--|
| Parks & Reserves, including Cemeteries | General community use: Residents and visitors. Sporting groups. Recreational users. Children & adults. Schools. Corporate & private. Companion animals. Events hire. | High | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. Annual broadacre herbicide spraying to control weeds in turf where mechanical and cultural controls are ineffective. Occasional broadacre herbicide spraying to prepare for native plantings |
| Playgrounds | Residents and visitors. Children & adults. Childcare groups. Schools. | High | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. |
| Picnic and BBQ areas | Residents & visitors. Sporting groups. Recreational users. Children & adults. Corporate & private. Events hire. | High | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. Insecticides, Fungicides/ Algaecides, Rodenticides and Baits used on an as needs basis. |
| Sporting fields, ovals, courts & skate facilities | Children & adults. Active recreational users. Schools. Sporting groups. | High | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. |

| | | | |
|--|--|--------|--|
| | | | <p>Annual broadacre herbicide spraying to control weeds in turf where mechanical and cultural controls are ineffective.</p> <p>Insecticides, Fungicides/ Algaecides, Rodenticides and Baits used on an as needs basis.</p> |
| Street Trees and Planter boxes | Residents and visitors passing by. | Low | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. |
| Civic spaces | Residents and visitors. Corporate & private. Companion animals. Events hire. | High | <p>Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option.</p> <p>Insecticides, Fungicides/ Algaecides, Rodenticides and Baits used on an as needs basis.</p> |
| Road verges and streetscape planting | Residents and visitors. Walkers, cyclists, and drivers. | Medium | <p>Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option.</p> <p>Occasional broadacre herbicide spraying to prepare for native plantings</p> |
| Footpaths, laneways, and public roads | Residents & visitors. Walkers, cyclists and drivers. | Medium | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. |
| Easements accessible to the public, including drains | Residents and visitors. Walkers and cyclists. | Medium | <p>Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option.</p> <p>Insecticides, Fungicides/ Algaecides, Rodenticides and Baits used on an as needs basis.</p> |
| Car parks and public toilets | Visitors. | Medium | Baits and Insecticides used on an as needs basis. |
| Crown Lands controlled by Council | Residents and visitors. | Medium | <p>Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option.</p> <p>Annual broadacre herbicide spraying to control weeds in turf where mechanical and cultural controls are ineffective.</p> |
| Grounds and interiors of Council owned buildings | Residents and visitors. Families and children. | Medium | Irregular spot spraying with Herbicide is used where mulching or hand weeding is not an option. |

| | | | |
|--|--|--|--|
| | | | Insecticides and Baits are used in public facilities on an as needs basis. |
|--|--|--|--|

NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Waverley Council will provide notice of pesticide use in public places, including special measures for sensitive sites that are immediately adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Council's assessment of:

- The level and type of usage of public places where pesticides may be used;
- The extent to which members of the public who are most likely to be sensitive to pesticides (e.g. children) are likely to regularly use the areas;
- The extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides, for example active recreation on sports ovals, sitting on the grass in public parks;
- The type of pesticides used.

Notification of pesticide use will be provided by a combination of:

- Signs erected at main entrance of parks, reserves, playgrounds, sports fields and other public open space for all pesticide application (noting that public signage is occasionally subject to removal and vandalism);
- Information on Council's web site;
- Letterbox drops;

Instances where the Council will not give prior notice of pesticide use:

Council will not give notification for spot spraying of domestic strength herbicides used by hand, or by cut and paint, or stem injection techniques. Nor will it give notification of domestic strength insecticides used by hand for insect and rodent baiting in garden beds, tree bases, planters, indoor car parks and public toilets.

How and when notice of pesticide use will be provided

Spot applications

For minor spot spraying applications using back packs or hand sprayer, signage will remain in place only for the duration of the application.

Broad acre applications

For major application using boom sprayers and mechanical methods signage will remain in place at the entrance of the Park, Reserve or Council controlled land until the re-entry period has elapsed. Additional signage will be displayed at the main entrances of parks and public spaces 48 hours prior to application and remain in place until 48 hours following application so as to inform the public of Council's intention to apply chemicals. This signage will indicate the proposed date range for application, purpose of application, product name, type and risk phrases as per label.

The signage for broad acre application will include

- The full product name of the pesticide used;
- The purpose of the use, clearly setting out what pest or pests are being treated;
- The proposed date/s or date range of the pesticide use;
- The places where the pesticide is to be used;
- Contact telephone number and email address of the Council officer who people can contact to discuss the notice;
- Any warnings regarding re-entry to, or use of the place, if specified on the pesticide product label, or the Australian Pesticides and Veterinary Medicines Authority permit;

Public Parks, Reserves, Cemeteries, Civic Space, and Council controlled Crown Lands

Signage will be displayed at the main entrances of parks and public spaces immediately prior to application and remain in place until 48 hours after the herbicide application.

Playgrounds

The Council is committed to refraining from pesticide use within fenced playgrounds and within the immediate vicinity of play equipment in unfenced playgrounds. Pesticide use within such playgrounds will be limited to emergency treatment for infestation only and even then only applied after assessing the risk on an individual site basis.

Picnic and BBQ areas

For picnic and BBQ areas signage will be displayed on the boundary and/or within the perimeter immediately prior to the application of pesticides and will remain in place until the approved re-entry period (as per the product label) has expired.

Sports Fields, Ovals & Courts, Outdoor Swimming Pool Surrounds & Skate Facilities

For sports fields, ovals & courts, skate facilities, and outdoor swimming pool surrounds signage will be displayed at the main entrances of the facilities on the day of application, and will remain in place after application until the approved re-entry period has expired.

Roads verges, Footpaths, Laneways, Streetscapes, Easements, and drains

Spot use utilising herbicides of domestic quantities will not require signage.

Broadscale programmed use of herbicides will be posted on Council's web site outlining the locations and timing of the herbicide application.

Certain Council owned Buildings & Properties

For pesticide use in grounds of Council owned buildings and properties, including childcare facilities owned or controlled by Council, signs will be provided at the main entrance and near the application area on the day before application and during application.

Special measures for sensitive sites

Clause 18 of the Pesticide Regulations defines a sensitive site to be any:

- School or pre-school;
- Kindergarten;
- Childcare centre;
- Hospital;
- Community health centre;
- Nursing home, and,
- Place declared to be a sensitive place by the Environment Protection Authority (EPA)

Waverley Council also considers **community** and **communal gardens** to be a “sensitive site”.

For non-emergency or programmed pesticide use in outdoor public places adjacent to sensitive sites (listed above) the Council will ensure special notification measures is made using a letter box drop to local residents and/or businesses before the application date. For emergency or reactive pesticide use in outdoor places adjacent to sensitive sites the Council will provide signs in the vicinity at the time of application.

External providers of services to Council

Where the Council uses contractors to apply pesticides on its behalf, the Council will ensure that notification is made in accordance with the notification requirements of this plan.

Where persons or organisations hold an existing lease on Council land that remains a public place, and if they use pesticides in this area, Council will still require notification in accordance with the requirements of this plan.

Notification Summary Table

| Public place | Site signage | Web site | Door knock | Letter drop |
|--|--------------|----------|------------|-------------|
| Public open space, including: Parks, reserves, and cemeteries, playgrounds – Spot Application | ✓ | | | |
| Public open space, including: Parks, reserves, and cemeteries, playgrounds – Broadacre Application | ✓ | ✓ | | |
| Sporting fields and ovals – Spot Application | ✓ | | | |
| Sporting fields and ovals – Broadacre Application | ✓ | ✓ | | |
| Areas surrounding ocean pools | ✓ | | | |
| Road verges and road reserves– Spot Application | ✓ | | | |
| Road verges and road reserves– Broadacre Application | ✓ | ✓ | | |
| Laneways, pathways, easements accessible to the public, drains – Spot Application | ✓ | | | |
| Laneways, pathways, easements accessible to the public, drains – Broadacre Application | ✓ | ✓ | | |
| Crown land– Spot Application | ✓ | | | |
| Crown land– Broadacre Application | ✓ | ✓ | | |
| Grounds and interiors of Council owned buildings | ✓ | | | |
| Sensitive places | ✓ | ✓ | ✓ | ✓ |
| Emergency application | ✓ | | ✓ | ✓ |
| Spot use or application of domestic quantities – NO NOTIFICATION REQUIRED unless a Sensitive Place or Playground | | | | |

WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 20(1)(h) of the Pesticides Regulation, notice of pesticide use will include the following information:

- The full product name of the pesticide used;
- The purpose of the use, clearly setting out what pest or pests are being treated;
- The purposed date/s or date range of the pesticide use;
- The places where the pesticide is to be used;
- Contact telephone number and email address of the Council officer who people can contact to discuss the notice;
- Any warnings regarding re-entry to, or use of the place, if specified on the pesticide product label, or the Australian Pesticides and Veterinary Medicines Authority permit;

HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Waverley Council will advise residents of the plan and its contents by:

- Placing a copy of the plan on the web site www.waverley.nsw.gov.au;

FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every 5 years or when circumstances require a review of the plan. The review will include:

- A report on progress of implementing the plan; a review of alternative options for pesticide use and their feasibility; an update on latest research on pesticide use.

CONTACT DETAILS

Anyone wishing to contact Waverley Council to discuss the Pesticide Use Notification Plan should contact:

Manager Public Spaces
Clean and Attractive Waverley
Bondi Road and Paul Street
Bondi Junction NSW 2022

Or by email: info@waverley.nsw.gov.au

Or access the website www.waverley.nsw.gov.au

REPORT

OC/5.3/16.04



Subject: Review of Internal Reporting Policy

TRIM No.: A16/0056

Author: Jane Worthy, Internal Ombudsman

Director: Arthur Kyron, General Manager

RECOMMENDATION:

That Council adopts the Internal Reporting Policy attached to this report.

1. Executive Summary

Waverley Council's Internal Reporting Policy and Investigative Process was drafted in 2007 and updated in 2013. The policy provides guidance for Council officials for understanding and applying the *Public Interest Disclosures Act 1994* (the PID Act). Council's policy has been reviewed and following advice from the NSW Ombudsman it has been redrafted using the Ombudsman's Model Internal Reporting Policy.

The attached policy has a number of advantages as it:

- closely uses the NSW Ombudsman's Model Internal Reporting Policy.
- is aligned with Randwick Council's Internal Reporting Policy (which itself is the NSW Ombudsman's Model Internal Reporting Policy) and is closer in content to Woollahra Council's Internal Reporting Policy.
- has various supporting documents for the policy such as a checklist for staff, fact sheets, guidelines and templates based on material issued by the NSW Ombudsman.
- provides an updated list of staff who have been identified as suitable Disclosures Officers under the Act.

2. Introduction/Background

Council is required to have an Internal Reporting Policy as part of the various governance documents for local government, (such the Code of Conduct) which are intended to prevent acts of wrongdoing such as corruption and maladministration. The legislation, the *Public Interest Disclosures Act 2009*, provides guidance and protection to persons who provide protected disclosures when they report matters which fall under the following five categories:

Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this could include:

- not following a competitive tendering process for a large scale contract; or
- obtaining competitive quotes for smaller contracts for goods and/or services
- having bad or no processes in place for a system involving large amounts of public funds.

Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act. For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

Local Government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

The Internal Reporting Policy provides a process to follow in the management of a protected disclosure, the provision of safeguards for someone making a disclosure and identifies the staff positions to whom such a disclosure can be made. A range of supporting materials for the policy is available from the NSW Ombudsman and these have been utilised for the revised document. The NSW Ombudsman also provides tailored in-house training to Council staff free-of-charge and it is intended that this service will be utilised for the nominated Disclosures Officers of Council.

3. Relevant Council Resolutions

There are no relevant Council resolutions.

4. Discussion

Officers have used the resources of the NSW Ombudsman to update Council's policy to ensure best practice for managing complaints made under the PID Act.

The supporting documents support Council's obligations to follow the procedures required under the Act. Best practice management of serious complaints will help ensure Council builds and maintains an open transparent and corruption resistant organisation.

Ensuring Waverley Council's Internal Reporting Policy is matched to the NSW Ombudsman's Model Internal Reporting Policy and merger partner Councils will assist with future transition steps for this key corruption prevention tool.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: G1 Inspiring community leadership is achieved through decision making processes that are open, transparent, corruption resistant and based on sound integrated planning..
- Strategy: G1a Develop and maintain a framework of plans and policies that ensures open and transparent operations that facilitate equitable benefit sharing and progress towards sustainability..
- Deliverable: Significant governance policies developed and existing policies reviewed regularly and access to Council's policy register provided.

6. Financial impact statement/Timeframe/Consultation

There are no financial implications from this amendment and community consultation is not required.

7. Conclusion

The revised Internal Reporting Policy ensures that Waverley Council remains compliant. Ensuring our Internal Reporting Policy aligns with the NSW Ombudsman's Model Internal Reporting Policy and merger partner Councils will assist with future transition steps for this key corruption prevention tool.

8. Attachments:

1. Waverley Council's Internal Reporting Policy - April 2016



Internal Reporting Policy

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM:

Direction: G1 Council's decision making processes are open, transparent, corruption resistant and based on sound integrated planning.

Strategy:

G1b Embed corruption prevention practices in Council Office operations

AUTHOR: Jane Worthy

PROGRAM: Internal Ombudsman/Governance

DATE CREATED: 19 January 2016

DATE REVISED:

DATE APPROVED BY COUNCIL:

NEXT REVIEW DATE: January 2018

TRIM FILE REF: D16/10425

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1. Purpose and context of the policy

The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Waverley Council, what can be reported and how reports of wrongdoing will be dealt with by Waverley Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994* (PID Act).

This policy is just one in the suite of Waverley's Council's policies with related ones being complaints management and the Code of Conduct. The Complaints Management Policy can be obtained at the link below:

http://www.waverley.nsw.gov.au/data/assets/pdf_file/0016/2473/Complaints_Management_Policy_2011_final_200911.pdf

The Code of Conduct for Council can be obtained at the link below -

http://www.waverley.nsw.gov.au/data/assets/pdf_file/0004/46534/Waverely_Council_Code_of_Conduct_final_adopted_19_February2013x.pdf

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through Council's Grievance Procedures (a copy of which can be found in Controlled Documents on the intranet). If a staff member makes a report under this procedure which is substantially a grievance, the matter will be referred to People, Culture, Learning to be dealt with in accordance with Council's Grievance procedure.

A grievance is deemed to exist when an employee alleges that they have been treated unfairly by the Council or by another employee on workplace or work-related issues. A grievance is any type of problem, concern or complaint to do with work or the work environment that is raised by an employee but is not a Public Interest Disclosure.

2. Organisational commitment

Waverley Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, serious breaches of the Government Information (Public Access) Act 2009 or contraventions of the local government pecuniary interest requirements. One of our core values is acting with integrity, consistent with community expectations that Council will be transparent and corruption free.

Council is committed to the aims and objectives of the *Public Interest Disclosures Act 1994* and recognises the valuable and important contribution staff can make to enhance administrative and management practices and preventing corrupt conduct, maladministration, serious and substantial waste of public money, breaches of the Government information laws and contravention of local government pecuniary interest requirements.

The policy has the objectives of:

- supporting a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encouraging individuals to come forward if they are aware of wrongdoing within the council
- keeping the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- protecting the person from any adverse action resulting from them making a report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- ensuring the individual who makes a report is kept informed of their progress and the outcome
- encouraging the reporting of wrongdoing within the council, but respect any decision to disclose wrongdoing outside the council that is made in accordance with the provisions of the PID Act
- ensuring managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing

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- appropriately addressing and rectifying any identified problems.

3. Who does this policy apply to?

This policy applies to:

- both council staff and councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Waverley Council
- employees of contractors providing services to Waverley Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including committee members, WDAP and volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Waverley Council.

4. Roles and responsibilities

a. The role of council staff and councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Waverley Council's code of conduct. A breach of the code could result in disciplinary action.

b. The role of the Waverley Council

The Waverley Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Waverley Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is the responsibility of Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Waverley Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Waverley Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

c. Roles of key positions

General Manager

The general manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Waverley Council complies with the PID Act. The general manager can receive reports from staff and councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures should a matter be determined not to be a PID but a code of conduct violation.
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures Coordinator

The disclosures coordinator has a central role in Waverley Council's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The disclosures coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Waverley Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter

- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the disclosures coordinator or general manager for full assessment.

Mayor

The Mayor can receive reports from staff and councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the general manager, notify the Mayor.

5. What should be reported?

You should report any suspected wrongdoing within Waverley Council or any activities or incidents you see within the Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Waverley Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

Waverley Council is committed to ensuring that the working environment is free from harassment and bullying. Any form of bullying and harassment is unacceptable. Council's Harassment and Bullying Policy can be found at the link below:

http://www.waverley.nsw.gov.au/data/assets/pdf_file/0014/61430/Harassment_and_Bullying_Policy_Final_Feb_07.pdf

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

c. Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract; or
- obtaining competitive quotes for smaller contracts for goods and/or services
- having bad or no processes in place for a system involving large amounts of public funds.

d. Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

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For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.

6. Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The disclosures coordinator is responsible for assessing reports, in consultation with the general manager where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

7. When will a report be treated as a public interest disclosure?

Waverley Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the general manager or, for reports about the general manager the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

8. Who can receive a report within Waverley Council ?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

General Manager

- Tel: 9083 8058

Mayor (for reports about the General Manager only)

- Tel 9369 8127

Disclosures Coordinator

Internal Ombudsman, Governance and Civic (Jane Worthy) Telephone: 9083 8129

Disclosures Officers

| | |
|---|----------------------|
| Manager, Risk & Safety (Christine Schlesinger) | Telephone: 9083 8136 |
| Executive Manager, Customer First (Rachel Jenkins) | Telephone: 9083 8450 |
| Executive Manager, Sustainable Waverley (Emily Scott) | Telephone: 9083 8608 |
| Executive Manager, Enriching Waverley (Linda Bathur) | Telephone: 9083 8766 |
| Community Liaison Coordinator (Mary Shiner) | Telephone: 9083 8120 |
| Supervisor, Business Administration (Jo Reid) | Telephone: 9083 8647 |
| Integrated Planning Officer (Michael Simmons) | Telephone: 9083 8054 |
| Records Manager (Byron Cranston) | Telephone: 9083 8134 |
| Public Places Supervisor (Adam Elliott) | Telephone: 9387 8390 |
| Executive Manager, Caring Waverley (Annette Trubenbach) | Telephone: 9083 8911 |

9. Who can receive a report outside of Waverley Council?

Staff and councillors are encouraged to report wrongdoing within the Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the general manager or the Mayor.

The relevant investigating authorities for the Council are:

- *the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct*
- *the Ombudsman — for reports about maladministration*
- *the Information Commissioner — for disclosures about a breach of the GIPA Act*
- *the Office of Local Government — for disclosures about local councils.*

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with Waverley Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the general manager
- a person nominated in this policy, including the Mayor for reports about the general manager
- an investigating authority.

Also, Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter

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- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

c. Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside of Waverley Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

10. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Council's Internal Reporting Form located on TRIM (D16/10448) is also available for staff or councillors to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record and comply with Section 5 and 7 of this policy. The reporter should keep a copy of this record.

11. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

12. Feedback to staff who report wrongdoing

Staff and councillors who report wrongdoing will be told what is happening in response to their report.

a. Acknowledgement

When you make a report, Waverley Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action

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- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days and no later than 45 days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

b. Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by the Council not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

c. Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

13. Maintaining confidentiality

Waverley Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the disclosures coordinator and the general manager, or in the case of a report about the general manager, the disclosures coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

14. Managing the risk of reprisal and workplace conflict

When a staff member or councillor reports wrongdoing, Waverley Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace

- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

15. Protection against reprisals

The Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the council's code of conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

a. Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the disclosures coordinator or the general manager immediately. In the case of an allegation of reprisal by the general manager, you can alternatively report this to the Mayor.

All supervisors must notify the disclosures coordinator or the general manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the general manager, the Mayor can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter

- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the council's code of conduct (reprisal action) by a councillor or the general manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

16.Support for those reporting wrongdoing

Waverley Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

Council has an established Employee Assistance Program (EAP) supported by Coverage International. The EAP service provides Council staff with confidential counselling, coaching and support for workplace and personal issues.

Staff can make an appointment with an EAP counsellor by telephone (1300 687 327) or email eap@convergeintl.com.au

17.Sanctions for making false or misleading statements

It is important all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Waverley Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of conduct resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

18.The rights of persons the subject of a report

Waverley Council is committed to ensuring staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Waverley Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

19.Review

This policy will be reviewed by Waverley Council, every two (2) years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

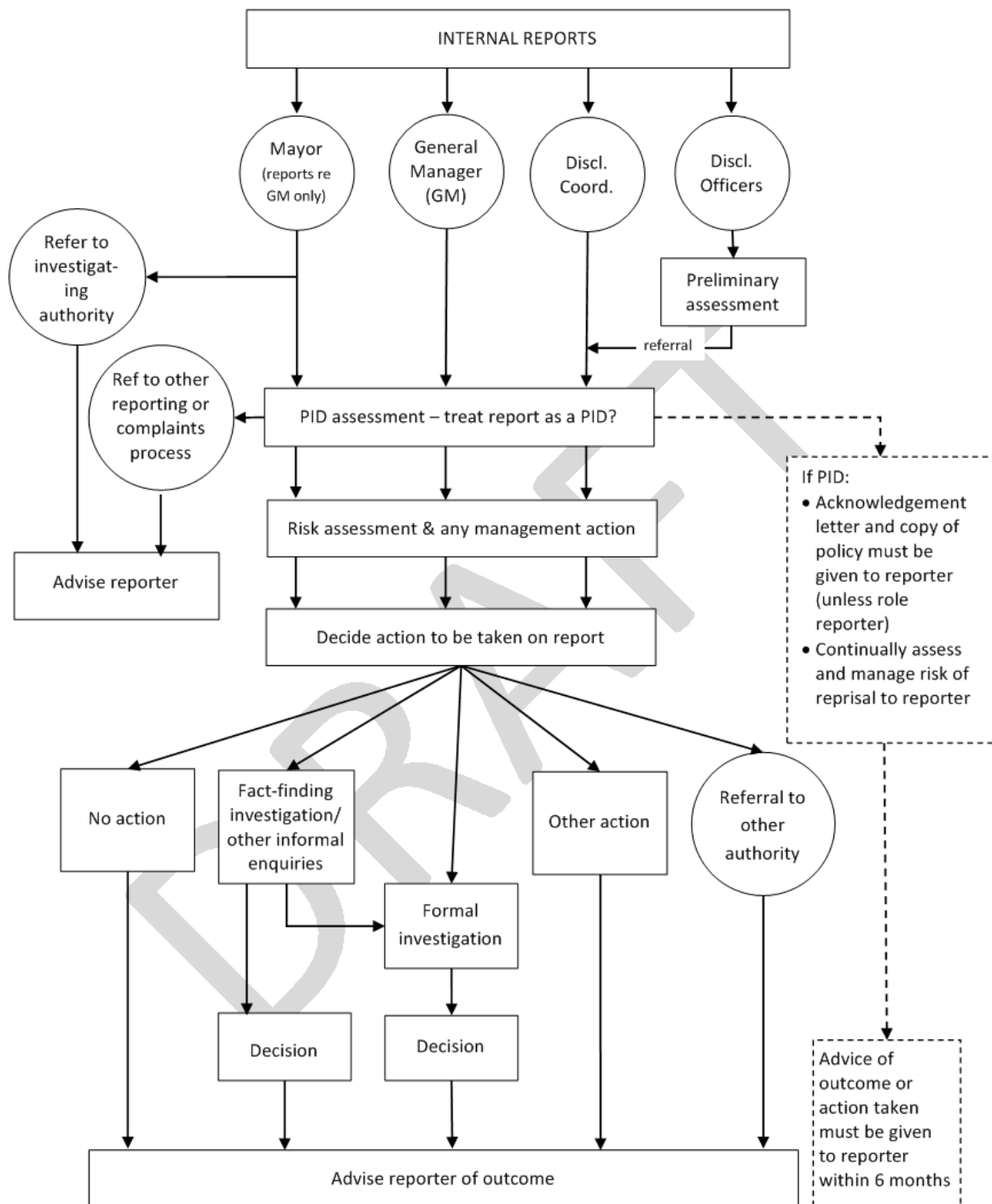
20.More information

A checklist of key procedural steps is provided in support of this policy.

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

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21. Flow chart of internal reporting process



22. Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 472 679
Facsimile: 02 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 11, 1 Castlereagh Street, Sydney NSW
2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about local councils:

Office of Local Government
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

REPORT

OC/5.4/16.04



Subject: Petitions Policy Review

TRIM No.: A08/1339

Author: Jane Worthy, Internal Ombudsman

Director: Arthur Kyron, General Manager

RECOMMENDATION:

That Council adopts the Petitions Policy attached to this report.

1. Executive Summary

At its meeting on 16 February 2016, Council resolved to urgently update the Petitions Policy to accommodate the acceptance of electronic petitions, known as e-petitions. Although not enshrined in the *Local Government Act 1993*, petitions have a long and valued history of enabling the views of residents.

This report presents to Council for adoption an updated Petitions Policy that allows e-petitions. Additional changes have also been made to simplify and clarify the policy.

2. Introduction/Background

Changes in technology have enabled a move away from traditional paper-based petitions that were generally tabled by a Councillor at a Council meeting. Council currently accepts petitions in hard copy delivered in person, by post and by e-mail. A summary of the petition is included in the Council agenda, with a full copy of the petition available for Councillors to view at the meeting.

The current policy requires certain information to be included in the petition to help Council verify that the signatories qualify as having a direct interest in the Waverley Local Government Area. It also requires a petition lodgement form, which identifies the chief petitioner and their contact details. Currently, petitions also require the signature of each petitioner.

With the rise of social movements online, there are now various electronic platforms for lobbying and campaigning activities, some hosted in Australia and some overseas. In most cases, the content and format of a petition can be tailored to suit the wishes of the chief petitioner. However, Council has recently received several e-petitions that do not include all the address requirements of the policy. They also do not include signatures.

Changes to the policy are suggested to adapt the policy to accommodate e-petitioning. Some larger Councils have created a platform on their own websites to host e-petitions. This option is not canvassed in this review due to the abundance of platforms hosted by other organisations.

3. Relevant Council Resolutions

| Council or Committee Meeting and Date | Minute No. | Decision |
|---------------------------------------|--------------|--|
| Council Meeting 16 February 2016 | CM/7.6/16.02 | <p>That Council:</p> <ol style="list-style-type: none"> Receives and notes the electronic petition "Save Bondi Pavilion We Need More Time" as a 'one-off' exception to the Petitions Policy, noting: <ol style="list-style-type: none"> The feedback received from the 'Save Bondi Pavilion' community group. The Mayoral Minute previously resolved in this meeting to extend the deadline for submissions on the Bondi Pavilion Upgrade & Conservation Project. Urgently updates the Petitions Policy, including acceptance procedures for electronic petitions, for the following reasons: <ol style="list-style-type: none"> Electronic petitions do not comply with Council's current Petitions Policy. Electronic petitions generally do not include address details for supporters of the petition as required by the Policy. It is difficult to verify the 'bona fides' and qualification for the supporters of an electronic petition that excludes address details. |

4. Discussion

Major changes (highlighted in red in Attachment 1) include:

- A new section on e-petitions, which defines e-petitions and sets out Council's requirements for accepting them.
- Clarification on how petitions are received and processed.
- A statement that petitions will not be considered by Council if they contain threatening statements or offensive material.
- Clarification on the outcome of petitions.

Minor changes have also been made throughout to streamline and clarify the policy.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: G1 Inspiring community leadership is achieved through decision making processes that are open, transparent, corruption resistant and based on sound integrated planning..

- Strategy: G1a Develop and maintain a framework of plans and policies that ensures open and transparent operations that facilitate equitable benefit sharing and progress towards sustainability..
- Deliverable: Significant governance policies developed and existing policies reviewed regularly and access to Council's policy register provided.

6. Financial impact statement/Timeframe/Consultation

There are no financial implications of this policy review and community consultation is not required. Once adopted the new policy will be distributed to precincts committees and made available on our website.

7. Conclusion

The new Petitions Policy will ensure clarity about the form and content compliance requirements for traditional and e-petitions submitted to Council.

8. Attachments:

1. Petitions Policy



Petitions Policy

LINKS TO COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM:

Direction: G2 – Our community is actively engaged in well-informed decision processes.

Strategy: G2b – Provide opportunities in a variety of forums for all stakeholders to contribute to community decision making.

AUTHOR: Richard Coelho / Al Johnston

SUB-PROGRAM: Internal Ombudsman, Governance and Civic

DATE CREATED: September 2008

DATE REVISED: March 2016

DATE APPROVED BY EXECUTIVE LEADERSHIP TEAM: N/A

DATE ADOPTED BY COUNCIL:

NEXT REVIEW DATE: March 2020

TRIM FILE REF: A08/1339

1. Petitions Policy

Statement of policy

Council will accept petitions from persons who have an interest in the Waverley Local Government Area as residents, landowners, business people or in some other capacity.

Petitions must concern matters that Council is authorised to determine.

Objectives

Council aims to ensure that the views of the community are effectively communicated to councillors and staff, and considered by them in the decision-making process. This is a core aspect of accountable and transparent local government. One of the ways councillors and staff receive these views is by considering issues raised in petitions lodged by members of the community.

This policy establishes a consistent process to ensure that each petition is treated in a timely manner and effectively comes to the notice of councillors and relevant staff.

This policy seeks to manage risk and prevent corruption by providing a mechanism for open communication of community views to Council.

Scope

This policy applies to all petitions submitted to Council; all persons submitting petitions; and all councillors and Council staff who deal with petitions.

Legislation

Petitions to Council are not specifically covered by legislation. However, the *Local Government Act 1993* encourages and assists the effective participation of local communities in the affairs of local government. Council deals with petitions in keeping with this principle.

Information provided to Council in a petition is protected by the *Privacy and Personal Information Protection Act 1998*. These protections are summarised in Council's Privacy Management Plan 2013, which is available on Council's website. Any questions concerning privacy or the use of personal information may be referred to Council's Internal Ombudsman.

Details of persons signing a petition will generally only be used by Council officers to verify that the signatories have an interest in the Waverley Local Government Area as required by this policy.

2. Dealing with Petitions

Content of petitions

The person lodging a petition ('chief petitioner') must ensure that the petition has:

1. The Petition Lodgement Form containing:
 - a) A clear and concise statement identifying the subject matter of the petition.
 - b) A statement specifying the number of signatories and the number of pages to the petition.
 - c) The full printed name, address, phone number and signature of the chief petitioner, together with the name of the organisation/group they represent if the petition is submitted on behalf of an organisation or group.
2. The following details on each page of the petition:
 - a) The subject matter of the petition and the action requested.
 - b) The name, address and signature of those people who support the petition.

The Petition Lodgement Form and a petition template are attached to this policy.

Electronic petitions

An electronic petition (e-petition) is a petition that is 'signed' online, usually through a website.

A person submitting an e-petition must ensure that the petition has:

1. A clear and concise statement identifying the subject matter of the petition.
2. The total number of people 'signing' the petition.
3. The full name, address and phone number of the person submitting the petition ('chief petitioner'), together with the name of the organisation/group they represent if the petition is submitted on behalf of an organisation or group.
4. As far as possible, the full name, email address and postcode of those people who support the petition.

Receiving petitions

A person may lodge a petition with Council by email at <info@waverley.nsw.gov.au>; via petition websites; or by sending it to a councillor, the General Manager or the Internal Ombudsman.

All petitions received must be forwarded to the Internal Ombudsman, who will ensure the petition is registered in Council's record management system.

The Internal Ombudsman will usually arrange for the petition to be included on the agenda of the next meeting of Council or the Operations Committee. However, a petition will not be included on the agenda if, in the opinion of the General Manager:

- It does not contain the content details outlined above, or
- It is defamatory, or
- It contains threatening statements or offensive material, or
- Any action it proposes is unlawful.

If the petition is not included, the Internal Ombudsman will notify the chief petitioner within 21 days of lodgement, together with the reasons for it not being included.

If the petition is included on an agenda, Council will advise the chief petitioner of the date of the meeting.

Outcome of petitions

Council will decide what action, if any, it will take on the petition. Generally, Council refers the petition to the relevant officer for appropriate action. Council's decision can be accessed in the minutes of the meeting, which are available on Council's website.

The relevant officer will consider the petition, take any action considered necessary and advise the chief petitioner accordingly.

Petition Lodgement Form

SUBJECT OF PETITION:

| | |
|---|--|
| Number of persons who have signed the petition | |
| Number of signed pages attached | |
| Signature of person lodging petition (chief petitioner) | |
| Name | |
| Address | |
| Telephone | |
| If acting on behalf of organisation/group, name of organisation/group | |

PRIVACY STATEMENT

Information provided to Council in a petition is protected by the *Privacy and Personal Information Protection Act 1998*. Any questions concerning privacy or the use of personal information may be referred to Council's Internal Ombudsman.

Details of persons signing a petition will generally only be used by Council officers to verify that the signatories have an interest in the Waverley Local Government Area as required by this policy.

Petition

SUBJECT OF PETITION:

ACTION REQUESTED. We, the undersigned, petition the Mayor and Councillors of Waverley to:

| Name (please print) | Address (please print) | Signature |
|---------------------|------------------------|-----------|
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Maximum of 12 signatories per page (attach additional pages as necessary).