



**G W Y D I R**  
SHIRE COUNCIL

**ORDINARY MEETING**

**AGENDA**

**Thursday 24 August 2023**

**NOTICE OF MEETING**

Notice is hereby given that an **Ordinary Meeting of Gwydir Shire Council** will be held in the Roxy Conference Room on **Thursday 24 August 2023**, commencing at **9:00 am** to discuss the items listed in the Agenda.

Your attendance is respectfully requested.

Yours faithfully,

Max Eastcott  
General Manager

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<https://www.gwydir.nsw.gov.au/Home>

## ACKNOWLEDGMENT OF COUNTRY

The Gwydir Shire Council acknowledges that this meeting is being held on Aboriginal land and recognise the strength, resilience and capacity of Gomeroi people in this land.

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## **1 OFFICIAL OPENING AND WELCOME - DEPUTY MAYOR**

The Deputy Mayor will welcome all those in attendance to the meeting and declared the meeting open.

## **2 APOLOGIES**

Apologies have been received from Mayor Cr John Coulton, Cr Lyndon Mulligan, Cr Jim Moore and Cr Chris Matthews.

## **3 CONFIRMATION OF THE MINUTES**

### **RECOMMENDATION**

**THAT the Minutes of the Ordinary Meeting held on 27<sup>th</sup> July 2023 as circulated be taken as read and CONFIRMED.**

## **4 PRESENTATION**

Nil

## **5 CALL FOR THE DECLARATIONS OF INTERESTS, GIFTS RECEIVED AND CONFLICTS OF INTEREST**

## 6 OFFICERS' REPORTS

### 6.1 Organisation and Community Services Report

<b>File Reference:</b>	NA
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#### Delivery Program

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	5.1.5 Provision of responsible internal governance
<b>Author:</b>	Leeah Daley. OCD Director

#### STAFF DISCLOSURE OF INTEREST Nil

#### IN BRIEF/SUMMARY RECOMMENDATION

The monthly Organisation and Community Services Report details the activities carried out by the Department during July 2023.

#### TABLED ITEMS Nil

#### BACKGROUND

The monthly Organisation and Community Services report forms part of a regular reporting regime. The purpose of the report is to inform Council of the activities carried out within the Department.

#### COMMENT

##### **Commonwealth Home Support Program – Warialda/Delungra**

*Budget* – Sharon Baker

*Meeting* – Next meeting with CHSP manager to be advised

*Volunteers* – Meals on Wheels volunteers are still low, managing with Coordinator filling in throughout the Month.

*Transport And Trips* - Two trips to Inverell Shopping this month. Client transport covered Armidale, Tamworth, Moree, Inverell this Month. Naroo use CHSP bus once or twice a Month for outings. Warialda clients enjoyed a trip to the Pally Pub for lunch was a great day. Delungra Clients enjoyed a trip to the Salt Cave at Bingara then lunch at the RSL.

*Social Support* - Social support always given when attending Day Centres, outings, Meals on Wheels phone calls, client's inquiries & transport.

*Day Centres* - Those attending Daycentre Monday, Wednesday & Fridays, are very grateful with their service they receive.

*Food Service* - Positive feedback from MOW clients with meals supplied by Naroo. Clients enjoying meals at Daycentre Monday, Wednesday & Friday.

## **SOCIAL SERVICES**

### **Bingara Neighbourhood Centre**

*Funding body – NSW Department of Communities and Justice*

Bingara Neighbourhood Centre has continued to provide assistance with access to welfare and other forms of referral and advocacy.

### **S355 Committees**

#### **Bingara Community Op Shop**

The highlight of July has been the Orange Festival on the first day of the month.

All the hard work of June and previous months culminated in the shop being a vibrant welcoming environment where soup was sold, a photo booth and a specialties' marquee were available. The raffle was drawn and a fully stocked shop featuring a \$2 jeans sale and plants were offered. Over that weekend the shop made approximately \$2000. It was a great effort. Thanks goes to all the volunteers.





The remainder of the month has been hindered by many volunteers being sick or away, which resulted in the shop being closed for one day, the AGM being postponed, and hours of opening being shortened.

A committee meeting and leadership meeting will be held in the last week of the month to endeavor to get support for a new model of leadership. The shop entity has grown and so the plan is for the business to have six leaders working with teams in six specific areas of the business. Leaders will collaborate and have a small team of supervisory folk to go to for help. This is necessary for the shop to function in the way it has developed.

### **Centrelink**

#### *Funding body – Services Australia*

The Centrelink office has been quite busy this month with a few people coming in with employment enquiries. A board has been placed in the glass cabinet outside of the office with job vacancies in the area. This will be updated each Friday to stay current.

Information given to customers as they attend the office and general advertisement in and outside office about The Australian Government Mobile Service Centre visit to Bingara on the 27 July 2023.

New signage for outside office has arrived but needs to be attached to additional materials before it can be mounted.

### **Youth Mentoring Program**

Month	Number of Participants
May	6
June	6

The Youth Mentoring Program has been assisting young people with Centrelink, Medicare, job applications, behaviour management and resumes.

Youth Space program was only on offer during the last week of this month due to staff commitments with the Gwydir/Willoughby Youth Exchange and school holiday program.

### **Youth Exchange**

Ten students and two supervisors came from Willoughby for the Gwydir/Willoughby Youth Exchange Program, spending time with nine Gwydir youth and getting a taste of the “Gwydir Good Life”.









The young people played Uno, 'cards against humanity', general cards, sang Karaoke, picked oranges, attended Bingara Orange Festival, and explored the Shire. Councillor Lyndon Mulligan organised and assisted a tour of the northern end of the Shire.

Preparations this month for the Willoughby leg of Youth Exchange at the end of August.

### **Holiday Break**

*Funding Body - Office for Regional Youth – Department of Regional NSW*

Sixteen young people participated in the safe food handling, cooking, and filming skills workshops held in Warialda and Bingara as part of the "Food, Film and Fabulous Times" program which was made possible by NSW Government Regional Youth Holiday Break funding.





The footage from the sessions was shown at the Roxy Theatre on the 28 July, this was followed by a social with DJ Lindo. Free transport was offered to assist youth from Gravesend, Warialda and Warialda Rail to attend the event. A meal and drinks were also provided.

**Supported Playgroup Development Worker***Funding body – NSW Department of Communities and Justice*

<b>Warialda Toy Library</b>	<b>June</b>	<b>July</b>
Total daily attendance count for children (calculating each child, each day over the month – total points of contact)	89	110
New full borrowing members	1	2
New and renew non borrowing members	1	4
New and renew casual borrowing members	0	0
Commemorative Birth Certificate applications received	0	0
Toys returned	4	3
Toys borrowed	3	5
Groups using the service (FDC Carer, Pharmacy)	0	0
Monday group morning session	0	13
Tuesday group morning session	14	22
Wednesday group morning session	18	34
Thursday group morning session	35	31
Friday group morning session	22	10

Warialda Toy Library has been remarkably busy throughout July with school holidays this month, seeing some older children attend and a lot of fresh faces.

Five guest speakers attended during the month including:

- Sally Lavery, Dietitian for mothers and bubs. (20<sup>th</sup> July 2023.) This was a great turnout with three expectant mothers attending with lots of questions that Sally was able to help with.
- Ellen Gordon, Women's Health, Pelvic Floor. (26<sup>th</sup> July 2023) with information on the Pelvic Floor and how to strengthen the muscles and when to ask for help.
- Sandy Scotton – Speech Pathologist (25<sup>th</sup> July 2023). Who spoke about when to ask for help regarding a child's speech. Information delivered on books to read to Children in their first five years. This was a great discussion with a lot of help for the parents who attended.
- Emma Waters – Rural Outreach – Delivered magazines with some great budget friendly recipes. Toy Library is hoping to create a cooking class for parents and children to attend in the next few months.
- Helen Seage – Librarian – Story Time – Toy Library welcomed Miss Helen from the local Library in Warialda. The children appeared to enjoy listening and watching as Miss Helen read 'My Friend Fred.'



Sensory Play using coloured rice was a hit with the Children enjoying mixing the colours together. The children enjoyed scooping them.







### Bingara Toy Library

*Funding body – NSW Department of Education and Communities*

<b>Bingara Toy Library</b>	<b>June 2023</b>	<b>July 2023</b>
Total daily attendance count for children who utilised the service for the month	70	88
Full borrowing memberships New/Renew	0	0
Non borrowing memberships New/Renew	0	4
Casual borrowing memberships New/Renew	1	1
Commemorative Birth Certificates	0	1
Toys returned	6	3
Toys borrowed	1	1
Children and Groups using toys	4	1
Tuesday play session x 4	8c 6a	14c 11a
Wednesday play sessions x4	17c 11a	35c 23a
Thursday play session x4	17c 14a	21c 13a

Bingara Toy Library	June 2023	July 2023
KSK Program sessions x4	22b 6g	12b 6g

(A=adults, c=children, b=boys, g=girls)

The school holidays consumed the first two weeks of the month with open play and craft activities for all who attended.

No formal guest speakers this month but playgroup did venture out and about to visit the Bingara Community library for craft, reading and information on all that the library can offer families.



The Kool Skool Kids Program children enjoyed the first two weeks back doing craft, card and board games and outside fun.

A 'save the date' post was sent out on social media for a Birth Certificate Ceremony for 1 November 2023 with Cr Catherine Egan being booked for this event and the Women's Health Nurse has been booked to provide a presentation on 18 October 2023.

Playgroup families have enjoyed craft, story times, puzzles, ball pit, handouts, but mostly free play utilising all the toys available to them. Mums have been doing well at supporting each other with swapped ideas and taking in the information from the chat topics. Now with new families joining the group it is lovely seeing all the bubs and mums chatting away swapping stories and making new friendships.

### **Bingara Preschool**

*Funding Body – Early Childhood Education and Care Directorate*

*NSW Department of Education and Communities*

Days	July 2023
Tuesday	28
Wednesday	27
Thursday	27

Friday	27
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### NAIDOC Week Celebrations

As NAIDOC Week fell during the holidays, Bingara Preschool celebrated during Week 1 and Week 2. NAIDOC Week occurs annually in July and celebrates the history and culture of the Aboriginal and Torres Strait Islander people. During Week 1 and Week 2, there was a variety of experiences available for the children to explore which celebrated the Aboriginal and Torres Strait Islander culture. These included: telling yarns, practicing the Welcome to Country, counting from 1 to 10 in Kamilaroi and saying Yaama (Hello) and Yaluu (Goodbye). The children and Educators also cooked and shared Johnny Cakes together. Other experiences offered included the Indigenous puzzles and the Aboriginal symbols matching game. The Service also asked all families to provide a photo of their child with an Elder who is special to them, this could include a grandparent, siblings, or family friend. This linked to this year's NAIDOC Week theme: *'For Our Elders.'*

**EYLF 2.2: The Service participates and celebrates NAIDOC Week and other cultural events.**







### **Orientation Morning**

Whilst the transition children are attending the Little Gritters Program at Bingara Central School, Bingara Preschool has invited families with children under three years of age to visit the Service to explore and play. The children under three years old are to have a family member attend to supervise and support them during the morning's visit. The Orientation mornings are planned for every second Friday morning from 9am to 11am. The first Orientation visit was held on Friday 21 July 2023 and the Service welcomed four families and their children. There has been a lot of positive feedback received from families and community members about this new program.

**EYLF Principle: Bingara Preschool endeavours to build secure, respectful, and reciprocal relationships.**



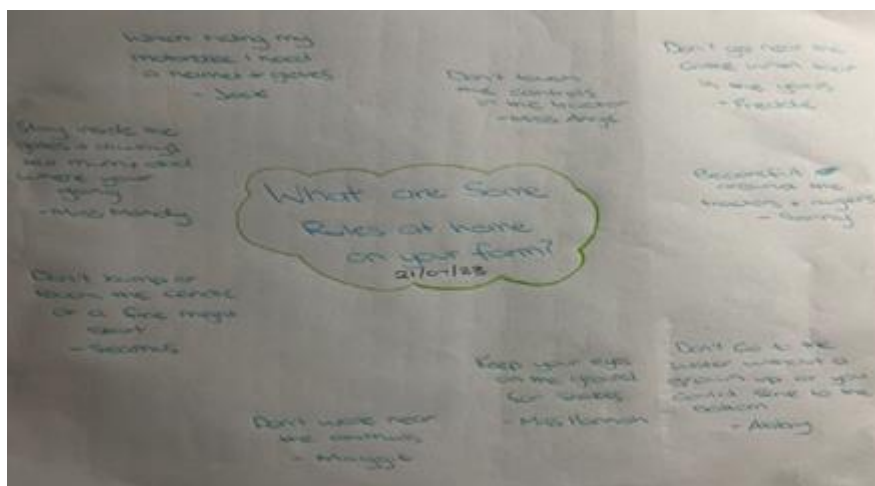


### Tharawonga Mobile Resource Unit

*Funding Body – Australian Government Department of Education, Skills and Employment*

Days and Venues	Month
Monday at Croppa Creek	8 (0 extra casual places)
Tuesday at North Star	10 (0 extra casual places)
Wednesday at Yallaroi	9 (2 extra casual places)
Thursday at Yetman	4 (0 extra casual places)
Friday at North Star	4 (4 extra casual places)

**Significant celebrations and events** - The service has been focused on Farm Safety Week. The children have been expressing using their own voices to the educators about what they believe is not safe on the farm. The children have participated in creative experiences identifying the unsafe pictures and the younger children have been learning to identify the animals in the pictures. Educators have read the story “Boo’s Farm Adventure” which explains being safe on the farm and what is not safe and especially focusing on water concepts and the danger this inflicts on us. There is a large majority of our families that are from farming backgrounds, and we believe that it is important to focus on these opportunities and further educate children and families about this.



**Staffing** – Our Tharawonga Team Leader has started maternity leave and our Director has returned to her position.

**Croppa Creek** – has only operated for one session for the month. This venue has increased their enrolments at the start of the term with 2 additional children enrolling. There was also an additional family who undertook their orientation and enrolment process and will start at the service in the upcoming weeks. The service has started building a partnership with the school by having the primary aged children read books to the children attending our service. This is going to be happening every week to promote a sense of community and belonging with the school. The children have been engaged with sensory opportunities such as water beads with sea creatures and textured shells and this is enhancing vocabulary by encouraging the children to express what they feel, smell, see and their imagination. The children have been experiencing role play activities and these have allowed the children to be able to substitute play objects for real life objects. The children have explored large paper paintings with round brushes experimenting with colour and learning colours. Outdoor learning experiences have been focused on.





**North Star** – Has only operated for three sessions for the month. The children have been very interested in role play opportunities that have been provided they have been able to re-enact real life situations within these play spaces for example the doctors and hospital corner. This area has seen the children take turns at being patients having their blood pressure taken and broken bones seen to. The children have been focusing on transition experiences that reflect colour recognition and counting. Music and movement were musical statues where the children demonstrated confidence in their movements. Intentional teaching opportunities play dough with scissors and cutters name writing in shaving cream on mirrors, cloud dough making, using rainbow engineering blocks. The children have been effective communicators by all being confident and taking turns at sharing their news about the holidays. The educators have focused on sustainability renewing the gardens by preparing these with the children and planting new vegetable seedlings. The children engaged in an incursion event with Theresa from Cleanaway visiting to educate us about worms and how they help us with sustainable living. We learnt about what foods the worms like to eat and what foods they do not like and how we can use their waste in our gardens. The children have been focusing on their fine motor skills through pouring and measuring the chickpeas into the jugs and cylinders.





**Yallaroi** – Has only operated for two sessions this month. The children have been using their initiative to resource their own learning with natural materials through sourcing natural loose parts collected in the outdoor environment and creating their own creative art works. The children have been using a range of medias to create their own self-portraits, they extended on this experience and used water-based paints to complete their works. The children and educators have been preparing and planting new vegetable seedlings in the garden beds, each week the children are helping to take care of these by using the watering cans to water the seedlings. The educators have been talking with the children about the different seedlings that have been planted. The children have been focusing on self-identity as a part of language time, discussing their middle and last names. The children have been actively engaged in this with the educators. Our transition learning experiences have been focused on colour and number recognition. The children have been taking turns to focus on mathematical concepts and fine motors using the scales and adding the chickpeas to learn about weight, volume, and quantity. The children have been further learning about the visit from the Knowwaste program that visited North Star by having group discussions at language time to talk about remembering what worms like to eat. Our group game was stuck in the mud where the children worked

together to tag and free each other. The children have been very engaged and curious with the outdoor learning environment. They discovered where a lizard had their home and through educator scaffolding, they extended their learning engaging in real life concepts in their play. The children created fires with the sticks and a camp area and effectively communicated that they were having chicken, lamb and veg on the fire. They extended their own learning by bringing their home culture into this learning experience.



**Yetman** – Has only operated for two sessions for the month. The children have been actively participating in many of the added resources that have been programmed and implemented. The children have been very curious about using the magnifying glasses with the mini beasts in the panels; this experience prompted their imaginations and resourcing their own learning through connecting with the

environment to explore particularly the garden area to see if they could find their own bugs. The children have been actively engaged with the different dices learning about number recognition, emotions and feelings and numerous movement actions. Our transition learning experience has focused on the children recognising their names. The children are confident in name recognition, so we are extending their learning by talking about the letters that are in their names. The children have been using movement opportunities to participate in yoga activities. The children have participated in cooking experiences making their own pizza dough from scratch and adding toppings of their individual choice. Cooking provides opportunities to develop fine motor skills, mathematical and science concepts as well as learning real life experiences. The children have been helping the educators to plant the new vegetable seedlings into the school's garden. We are working collaboratively with the school to take care of these as we are using their space.



## **COMMUNICATIONS, MARKETING AND TOURISM, AND ROXY THEATRE COMPLEX**

### **TOURISM**

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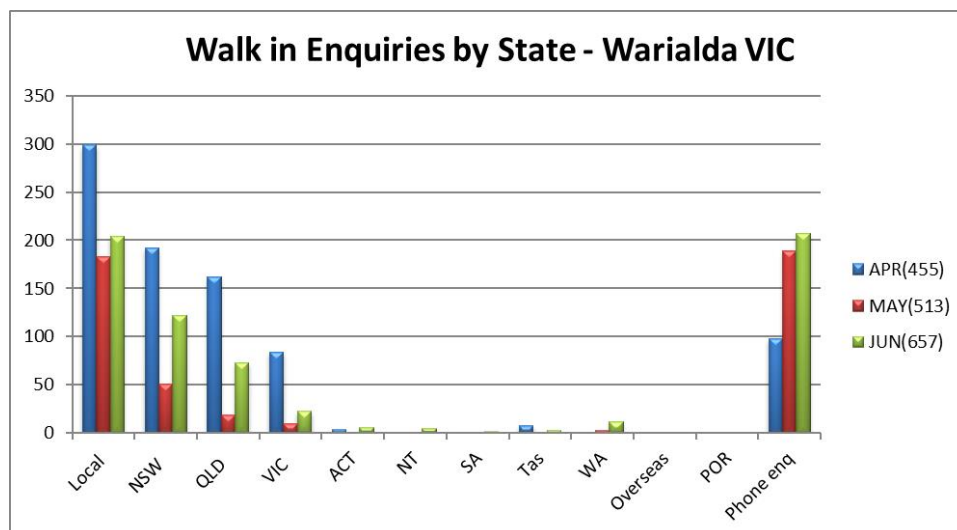


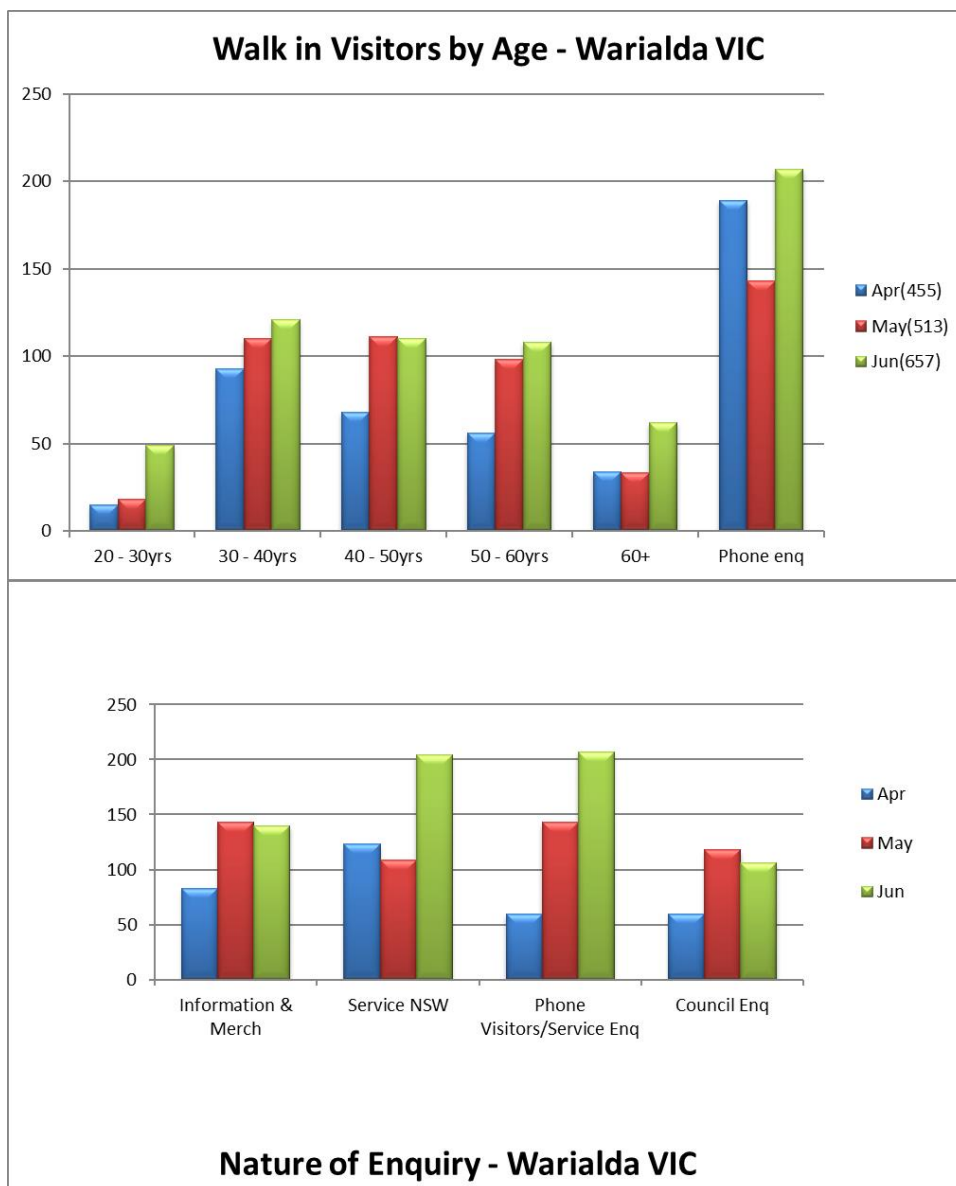
**Warialda Visitor Information Centre**

APRIL 2023	MAY 2023	JUNE 2023
Opening Hours = 140	Opening Hours = 154	Opening Hours = 143
Volunteering Hours = 15.25	Volunteering Hours = 18	Volunteering Hours = 3.45

INCOME:	\$APR	\$MAY	\$JUN
Merchandise sales GST Free	\$341.00	\$524.00	\$195.00
Merchandise Sales	\$611.83	\$308.63	\$426.65
<b>Total Monthly Income</b>	<b>\$952.83</b>	<b>\$832.63</b>	<b>\$621.65</b>

Visitors at Warialda VIC	April	May	June
Visitors	83	214	140
Service NSW	123	109	204
Council	60	118	106
Phone Enquiries	189	143	207
<b>Total</b>	<b>455</b>	<b>513</b>	<b>657</b>





**Bingara Visitor Information Centre**

April 2023	May 2023	June 2023
Opening Hrs. = 132	Opening Hrs. = 164	Opening Hrs. = 166
Volunteer Hrs. = 21.5	Volunteer Hrs. = 27.5	Volunteer Hrs. = 29.5

Income – Bingara VIC	\$ Apr	\$ May	S June
Products on Consignment	\$ 00.00	\$ 00.00	\$ 00.00
Merchandise	\$ 990.48	\$ 874.58	\$ 1,956.41
<b>Subtotal</b>	<b>\$ 990.48</b>	<b>\$ 874.58</b>	<b>\$ 1,956.41</b>
Less payments to consignees		\$ 00.00	\$ 00.00
<b>Total Merchandise sales</b>	<b>\$ 990.48</b>	<b>\$ 874.58</b>	<b>\$ 1,956.41</b>
VIC Commission received on Event bookings			

undertaking on behalf of Community Groups – sub total			
<b>Total Monthly Income Bingara VIC</b>	<b>\$ 990.48</b>	<b>\$ 874.58</b>	<b>\$ 1,956.41</b>
Roxy Tour Income	\$ 452.73	\$ 940.00	\$ 220.00
<b>Visitors at Bingara VIC</b>	<b>499</b>	<b>569</b>	<b>496</b>

*Tourism Visitation* - Saw a decrease in visitation during the month, this could be attributed to the more frosty weather conditions experienced toward the end of the month.

*Roxy Tours* - 22 people

*TLC Meeting/Workshop/Private Function hire and Bunkhouse accommodation*

*Meeting/Workshop/Private Function hire bookings and Fees received through the VIC* - Meeting, workshop, or private hire fee collection of \$ 312.00 received via the VIC on behalf of TLC. The hire fees included a Lifeline (Workshop) and Southern Cross University (Workshop).

A number of invoices were generated by the VIC during June totalling \$1,970.00 for the hiring of both The Living Classroom and Accommodation for various events, including the Southern Cross (TLC for Workshop and Accommodation), a three-day package hire fee for the whole facility for the Orange Festival Student exchange.

*Campaign Monitor Email Blast send out* - Nil

*Roxy Theatre - ticketing/booking site and website design* - Nil

*Roxy Theatre - ticketing sales via the VIC* - Nil

*Community Groups - ticketing/booking site and website design* - Bingara Orange Festival – Grease movie and meal deal ticketing/booking set-up.

*Community Groups – Assistance - ticketing sales via the VIC* - Myall Creek Committee – Myall Creek Rocks the Roxy Concert - a small number of ticket sales which totalled \$240.00 were tendered over the counter at the VIC and on the door at the Theatre. Orange Festival: - Stallholder fees totalling \$460.00. Numerous stalls were paid via direct deposit.

*Roxy Conference Room fees generated* - Nil

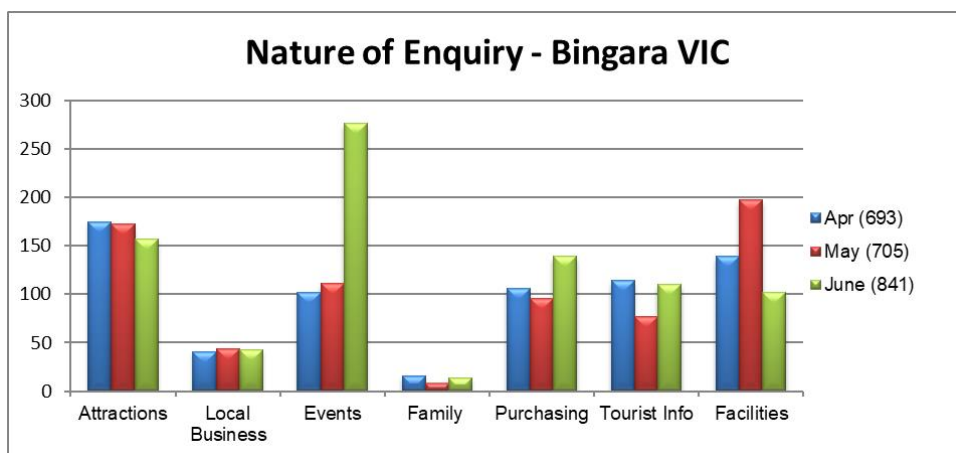
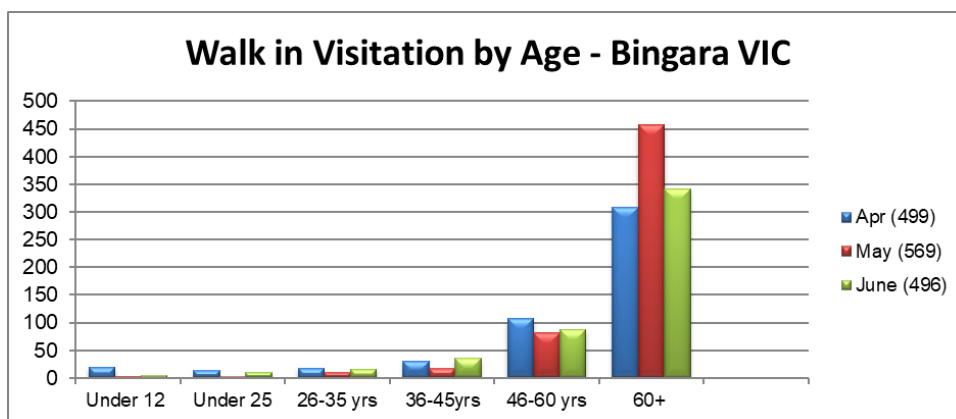
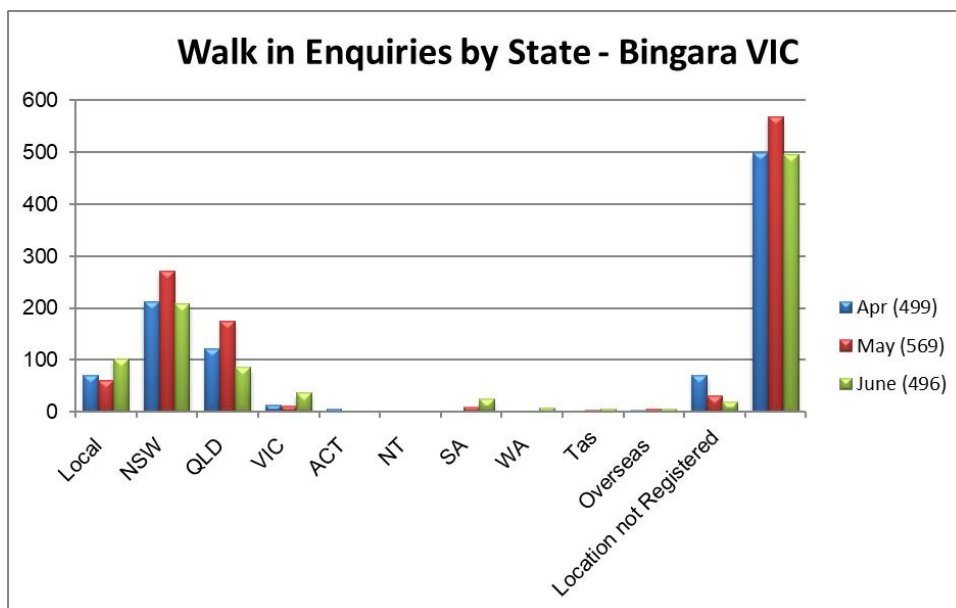
*Camping Donations - collected by Council rangers and receipted by the VIC* - Honesty box donations of \$ 626.70.

*Comments/notes from Visitors found in Camping Donation Boxes* - One couple commented: “Thank you for the opportunity to stay and visit your region, Muchly appreciated stayed 2 nights donated \$10.00. Others commented: “Thank you so much for such a lovely campground. Your town is so beautiful and what a delight the lady at the info Centre is.”

“Thank you, Bingara, for supplying a wonderful area for campers. Beautiful town, clean, well maintained, and great amenities.”

“Thank lovely place”

“Thank you lovely site with a drawing of a little heart”



## CUSTOMER SERVICE REQUESTS (CRMs)

CRMs carried forward from:

Department	Outstanding as at 1 July 2023	Completed since 1 July 2023	Outstanding as at 1 August 2023
Technical Services	31	19	12

Environment and Sustainability	10	7	3
Town Utilities Parks and Gardens	7	4	3
Building Services	6	5	1
<b>Total Outstanding</b>	<b>54</b>	<b>35</b>	<b>19</b>

CRM's - 1 July 2023 to 1 August 2023:

Department	Received during July 2023	Completed during July 2023	Outstanding as at 1 August 2023
Technical Services	25	4	21
Environment and Sustainability	16	8	8
Town Utilities Parks and Gardens	17	12	5
Building Services	4	0	4
Executive	4	4	0
Organisation and Community Services	1	1	0
<b>Totals</b>	<b>67</b>	<b>29</b>	<b>38</b>

CRMs received since 1 July 2023 and still outstanding as at 1 August 2023:

Department	Open
Technical Services	33
Environment and Sustainability	11
Town Utilities Parks and Gardens	8
Building Services	5
Executive	0
Organisation and Community Services	0
<b>Total</b>	<b>57</b>

## CONSULTATION

Consultation has occurred within the Organisation and Community Development Directorate.

## POLICY IMPLICATIONS

Policy implications are those relating to the 2023/2024 Operational Plan and the Policies of Gwydir Shire Council.

**FINANCIAL IMPLICATIONS**

The activities carried out by the Organisation and Community Services Department are in line with the 2023/2024 Operational Plan.

**STRATEGIC IMPLICATIONS**

The activities undertaken by the Organisation and Community Services Department regarding social and environmental factors are targeted in line with the 2023/2024 Operational Plan.

**OFFICER RECOMMENDATION**

**THAT the report be received.**

**ATTACHMENTS**

Nil

## 6.2 Executive Services Report

**File Reference:** NA

### Delivery Program

**Goal:** 5. Organisational management

**Outcome:** 5.1 Corporate management

**Strategy:** 5.1.5 Provision of responsible internal governance

**Author:** Max Eastcott, Executive Services

**STAFF DISCLOSURE OF INTEREST** Nil

### IN BRIEF/SUMMARY RECOMMENDATION

This report is for reception.

**TABLED ITEMS** Nil

### COMMENT

#### Planning – June 2023

There were no Development (D/A) and Development Modification (s96) applications were approved during the month of June 2023:

The following Development (D/A) and Development Modification (s96) applications were received during or prior to June 2023 and remain undetermined at the end of June 2023:

No.	Property Description and Description of Work	Reason	D/A	s96
49/2016	Ceres Ag 'Gunyaerwarildi' 1470 North Star Road Warialda - Continued occupation/use of rural worker accommodation being the installation of a number of premanufactured cabins	Approved in principle awaiting compliance certification or engineering certification for the cabins.	✓	-
50/2022	M J Keating 12 East Street Bingara - Modification of dwelling location	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	-	✓
21/2023	Z P Collins 21 Bowen Street Bingara - Garage/shed	Request of Addition Information and payment of fees	✓	-
22/2023	Field Solutions Pty Ltd 6226 North Star Road North Star - Telecommunications and Communications Facility	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
23/2023	J A Grant / Pinchgut Pty Ltd 12 Stephen Street Warialda - 10 bedroom boarding house	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-

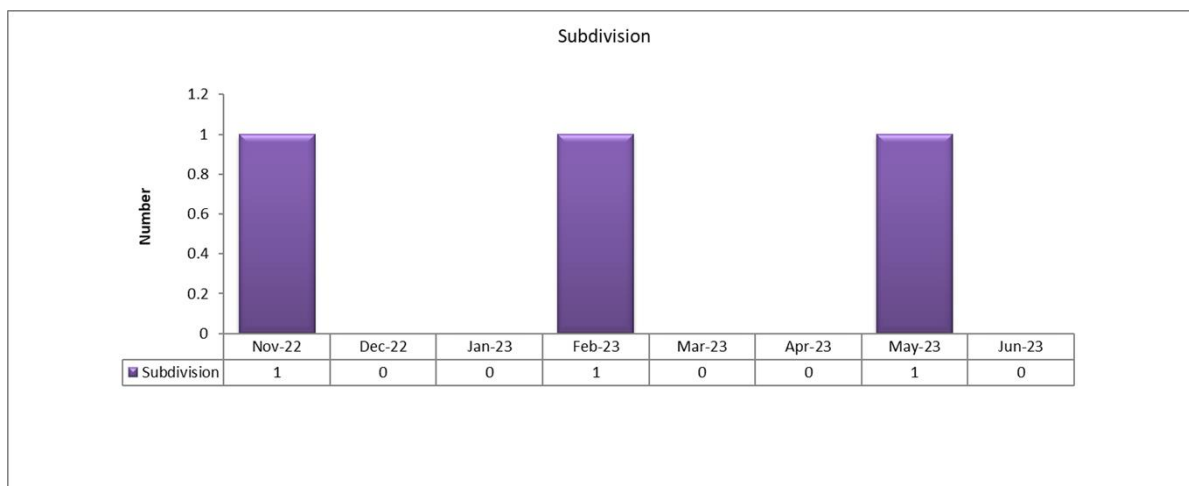
24/2023	SMK Consultants / Gwydir Shire Council 33 -35 Maitland Street Bingara - Demolition of all buildings	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
25/2023	SMK Consultants / Gwydir Shire Council 43 Hope Street Warialda - Demolition of Total Ag buildings	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
28/2023	P Covell (SMK Consultants) Est Late D Connolly 40 Bombelli Street Bingara - 2 Lot Urban Subdivision	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
30/2023	S Egan 55 Burundah Drive Warialda - Addition of a roofed entertainment area, outside water closet and decking	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-

There were no Development (D/A) or Development Modifications (s96) applications approved and not previously reported to Council for the month of June 2023.

There were no Development (D/A) or Development Modifications (s96) application(s) refused (R), withdrawn (W) or cancelled (C) during the month of June 2023.

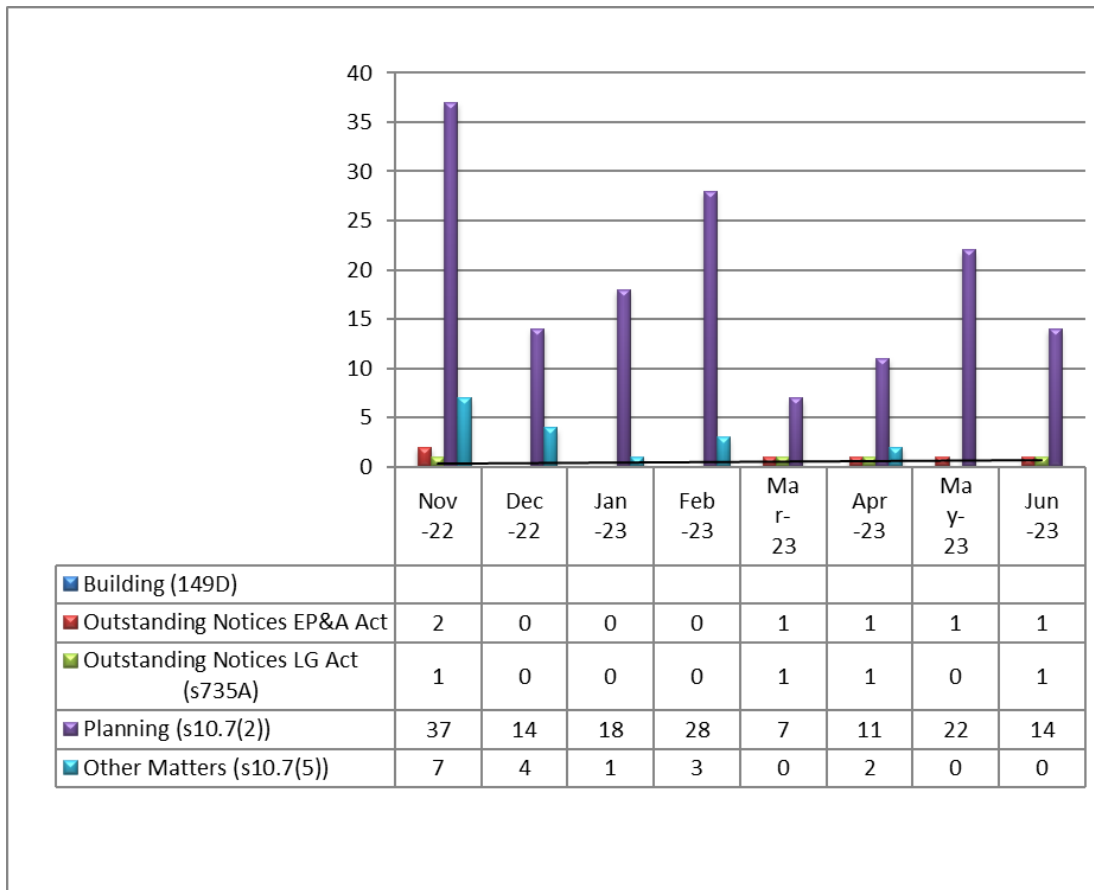
There were no Development (D/A) applications determined where there has been a variation in standards under clause 4.6 of the Gwydir Local Environmental Plan 2013 during the month of June 2023.

The following graph shows the Subdivision Certificates issued during the month of June 2023.

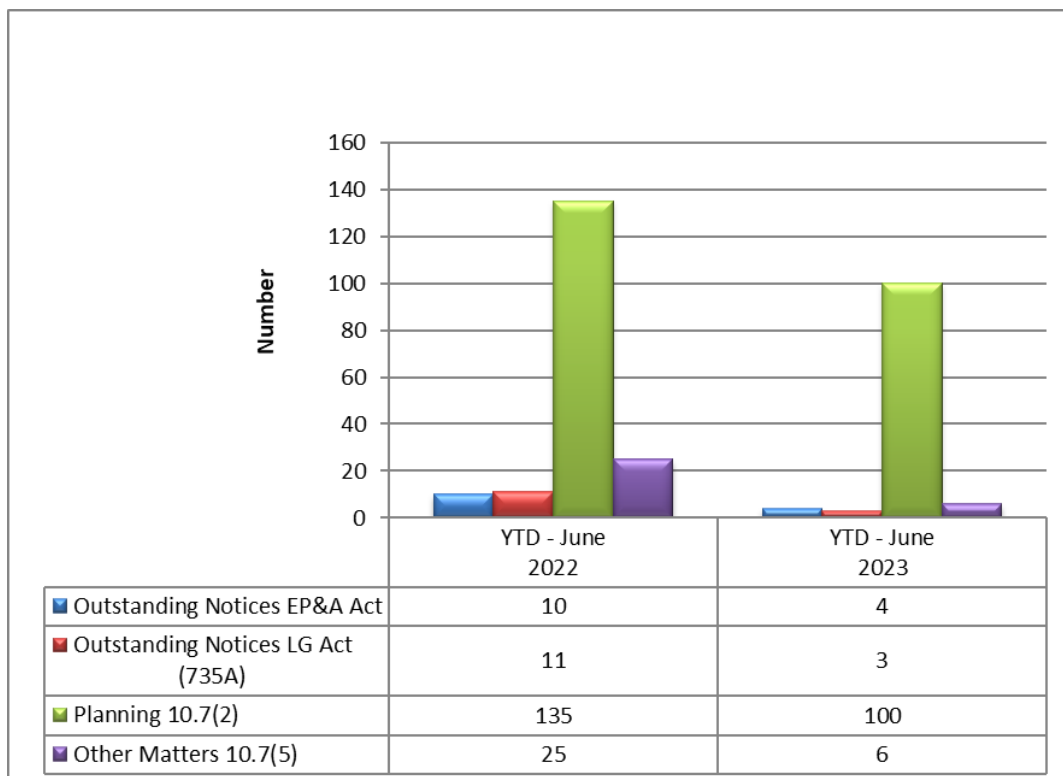


The following graph shows the Conveyancing Certificates issued during month of June 2023 compared to the previous seven months:

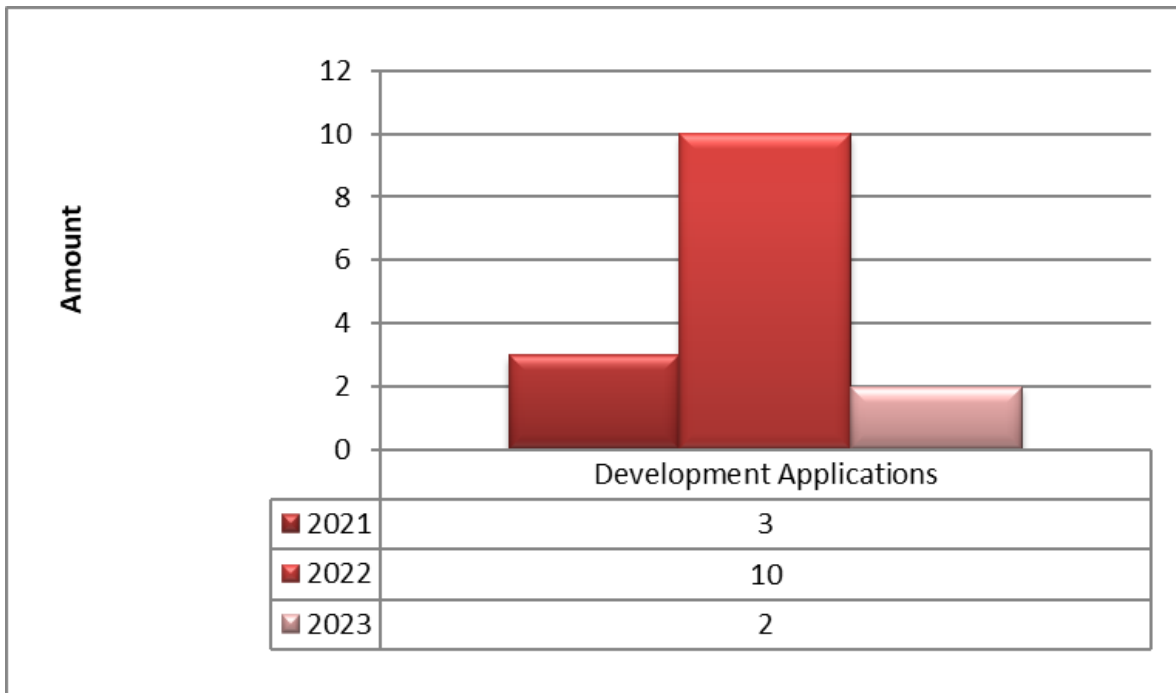




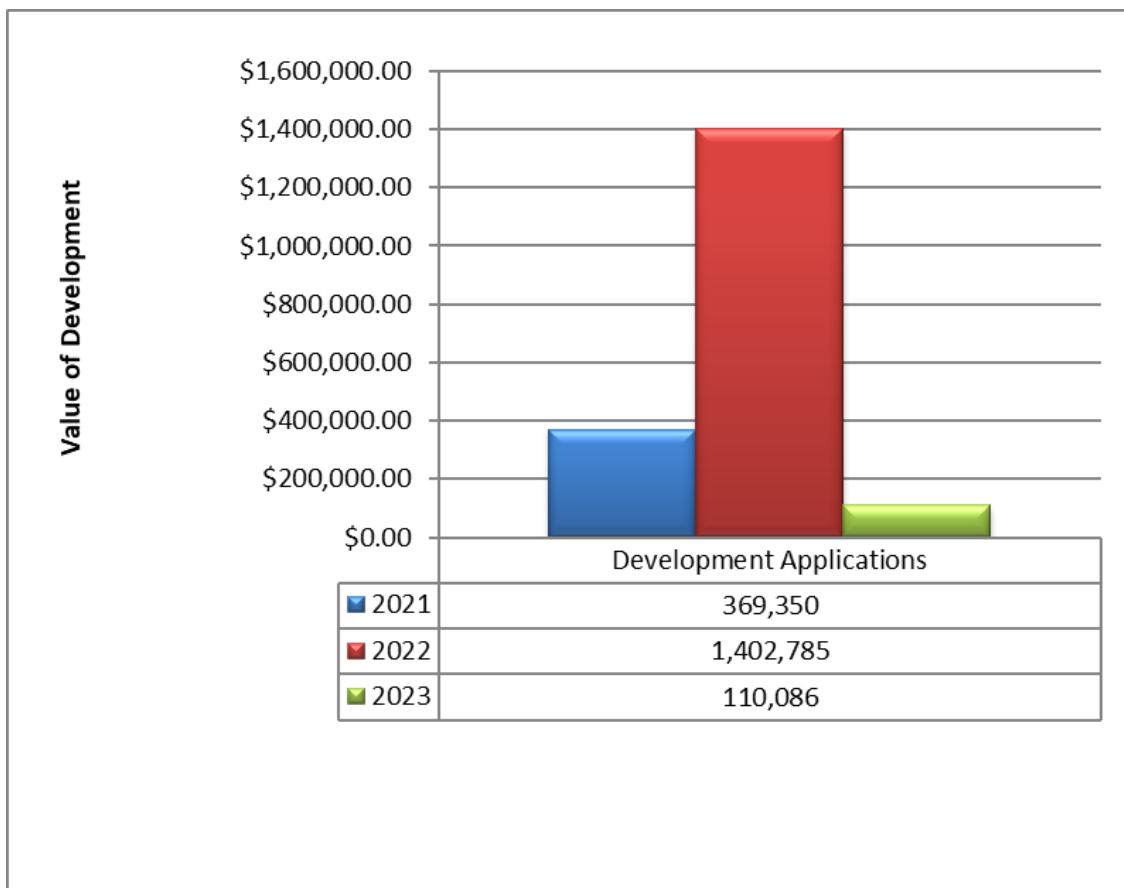
The following graph shows the Conveyancing Certificates issued up to and including the month of June 2023 compared with the same period in 2022:



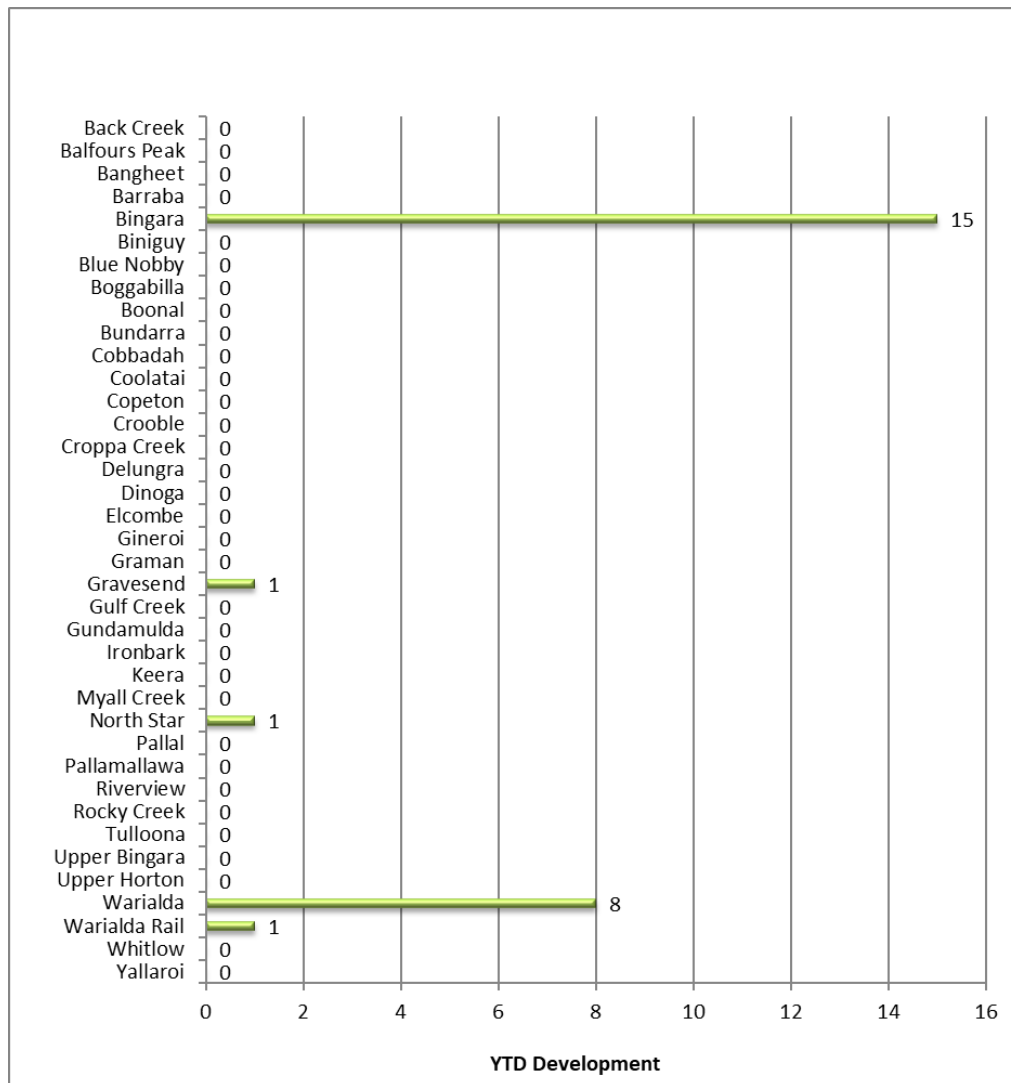
The table below shows a comparison between total development applications (excluding s4.55 modification applications) lodged during the month of June 2023 compared to the same period in the previous two years:



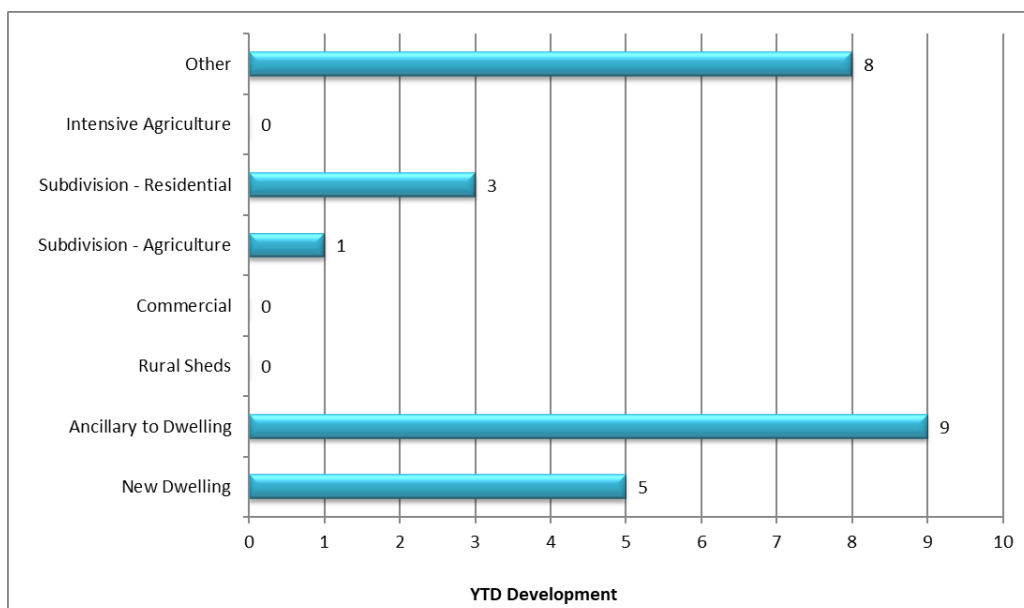
The table below shows a comparison between total value of development applications (excluding s4.55 modification applications) lodged during the month of June 2023 compared to the same period in the previous two years:



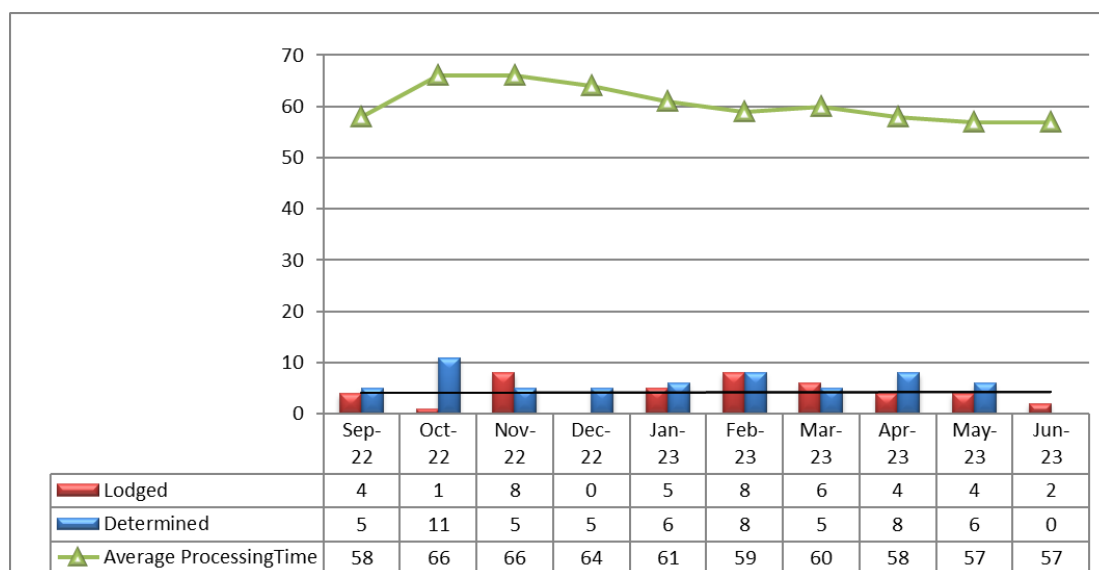
Development Applications (excluding s4.55 modifications) received for the year by locality – YTD June 2023:



Development Applications (excluding s4.55 modifications) received for the year by type – YTD June 2023:



Development Applications (excluding s4.55 modifications) received for the year by type – YTD June 2023:



### Planning – July 2023

The following Development (D/A) and Development Modification (s96) applications were approved during the month of July 2023:

No.	Property Description	Development/ Work	\$	D/A	s96
50/2022	M J Keating Lot 88 DP 754851 12 East Street Bingara	Modification of dwelling location on property	\$-	-	✓
28/2023	N A & R Adams Lot 2 Section 42 DP 758111 40 Bombelli Street Bingara	Two Lot Urban Subdivision	\$9,636	✓	-
30/2023	S & T L Egan Lot 9 DP 1097091 55 Burundah Drive Warialda	Additions to existing dwelling including a roofed entertainment area with outside water closest and decking that connects and surrounds existing pool to new entertainment area	\$100,450	✓	-
32/2023	MRE (Sheds) Pty Ltd Lot 354 DP 44038 36 Roger Moore Crescent Warialda	Construction a Self-storage premise consisting of two buildings, one with 20 enclosed units and one with 7 enclosed units	\$198,000	✓	-

The following Development (D/A) and Development Modification (s96) applications were received during or prior to July 2023 and remain undetermined at the end of July 2023:

No.	Property Description and Description of Work	Reason	D/A	s96
49/2016	Ceres Ag 'Gunyaerwarildi' 1470 North Star Road Warialda - Continued occupation/use of rural worker accommodation being the installation of a number of	Approved in principle awaiting compliance certification or engineering certification for the cabins.	✓	-

	premanufactured cabins			
19/2022	Local Government Engineering Services / G J Zampa 25 Dinoga Street Bingara - Modification to an approved dwelling floor plan	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	-	✓
21/2023	Z P Collins 21 Bowen Street Bingara - Garage/shed	Request of Addition Information and payment of fees prior to lodgEment	✓	-
22/2023	Field Solutions Pty Ltd 6226 North Star Road North Star - Telecommunications and Communications Facility	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
23/2023	J A Grant / Pinchgut Pty Ltd 12 Stephen Street Warialda - 10 bedroom boarding house	Being referred to Transport for NSW	✓	-
24/2023	SMK Consultants / Gwydir Shire Council 33 -35 Maitland Street Bingara - Demolition of all buildings	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
25/2023	SMK Consultants / Gwydir Shire Council 43 Hope Street Warialda - Demolition of Total Ag buildings	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-
27/2023	Nardoo Agriculture Pty Ltd/ R D & P K Quinn Gwydir Highway Gravesend - 999 Head Cattle Feedlot	Additional Information request prior to lodgement	✓	-
29/2023	Gwydir Shire Council 32 Plunkett Street Warialda - Continued Use of two additional three bedroom dwellings	Additional Information request prior to lodgement	✓	-
34/2023	Rural Cert Pty Ltd / J M Armitage 18 Gwydir Terrace Bingara - Construct a single storey principal dwelling and convert existing dwelling to a granny flat	Being notified and exhibited in accordance with the Gwydir Communication Participation Plan	✓	-

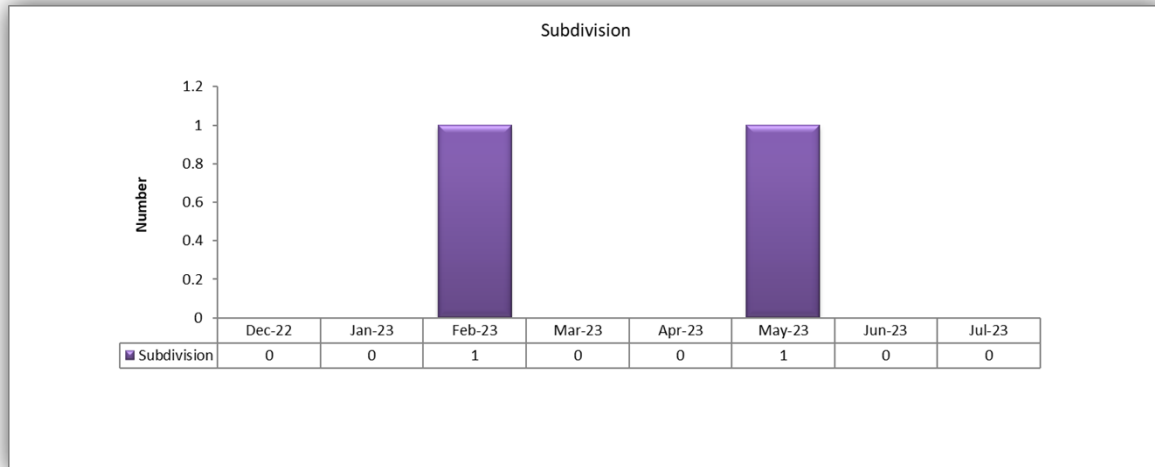
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There following Development (D/A) or Development Modifications (s96) application(s) were refused (R), withdrawn (W) or cancelled (C) during the month of July 2023.

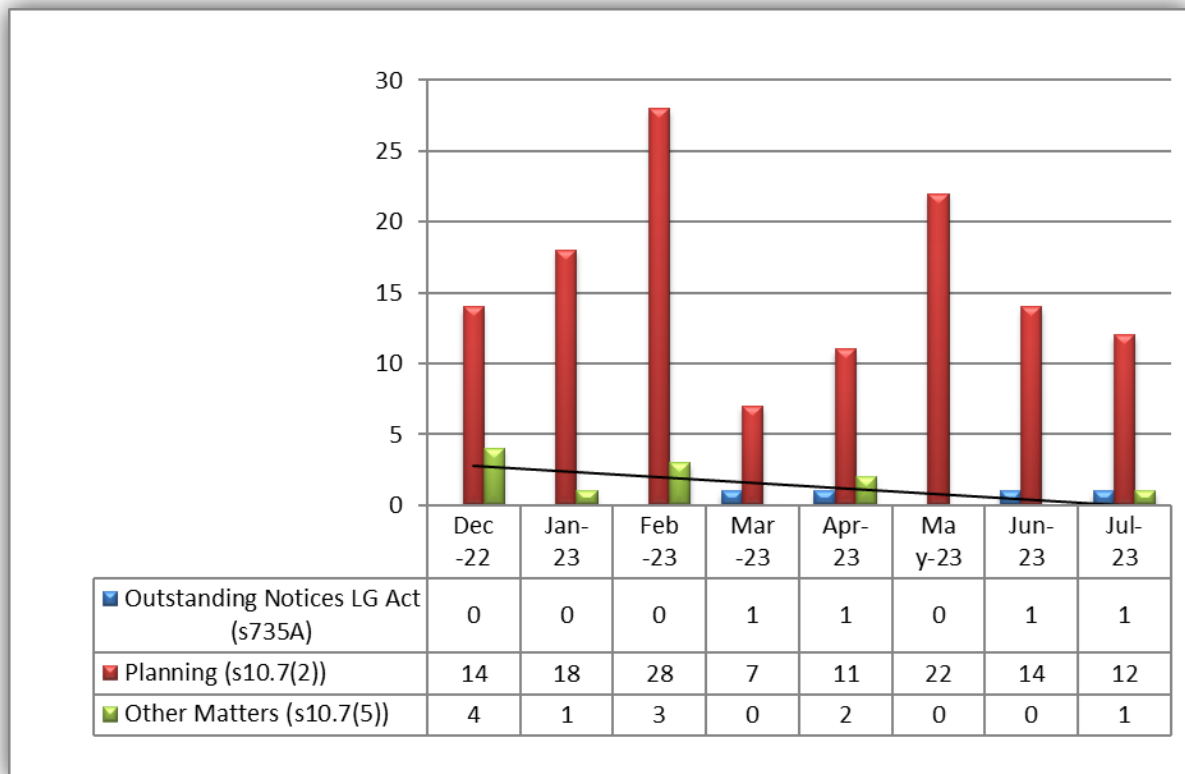
No.	Property Description	Reason	R	W	C
33/2023	N Yates Lot 9 DP 1239213 31 Martyn Street Bingara - Shipping Container	Withdrawn by Applicant	-	✓	-

There were no Development (D/A) applications determined where there has been a variation in standards under clause 4.6 of the Gwydir Local Environmental Plan 2013 during the month of July 2023.

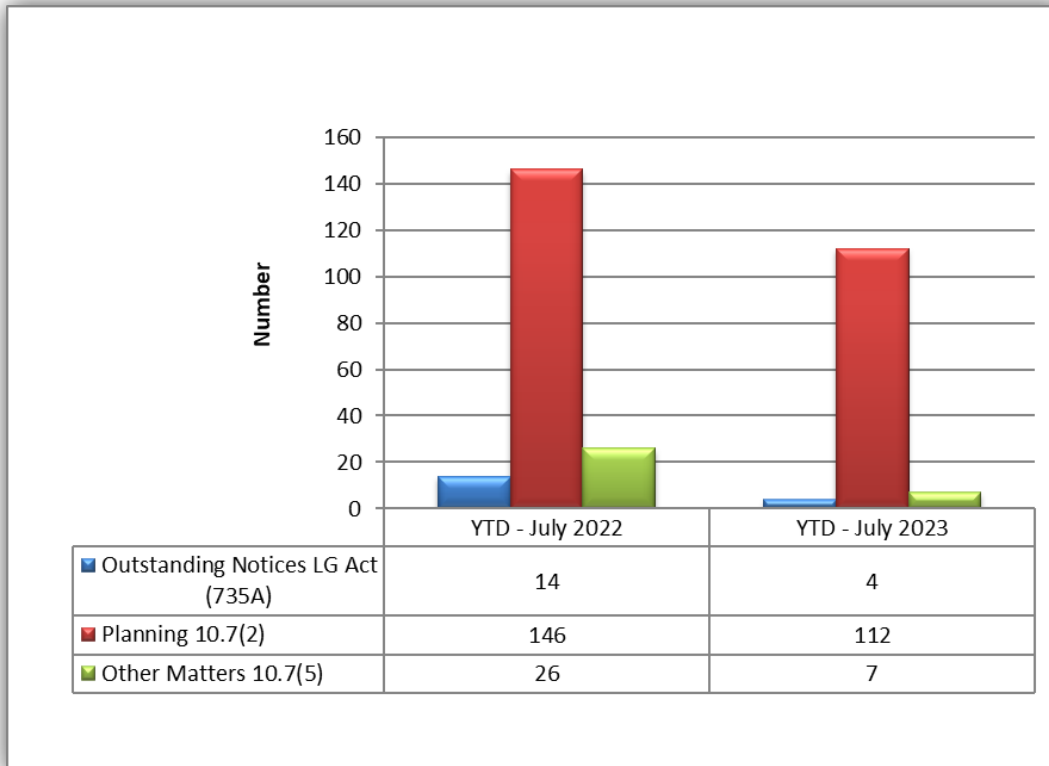
The following graph shows the Subdivision Certificates issued during the month of July 2023.



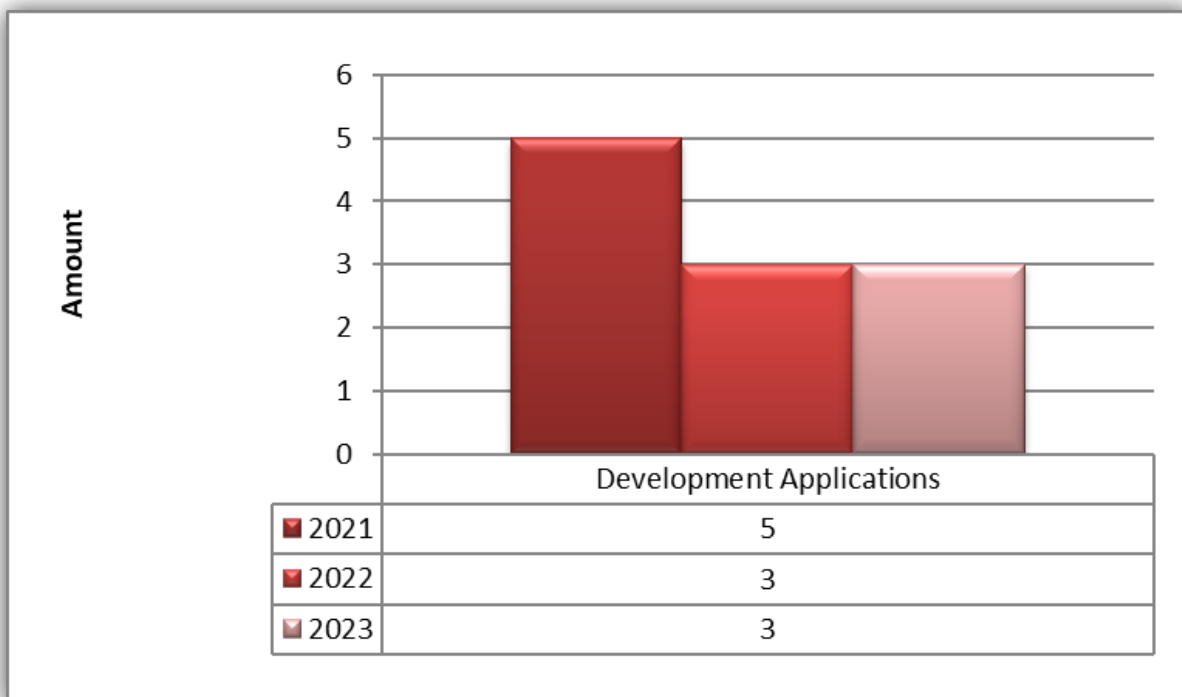
The following graph shows the Conveyancing Certificates issued during month of July 2023 compared to the previous seven months:



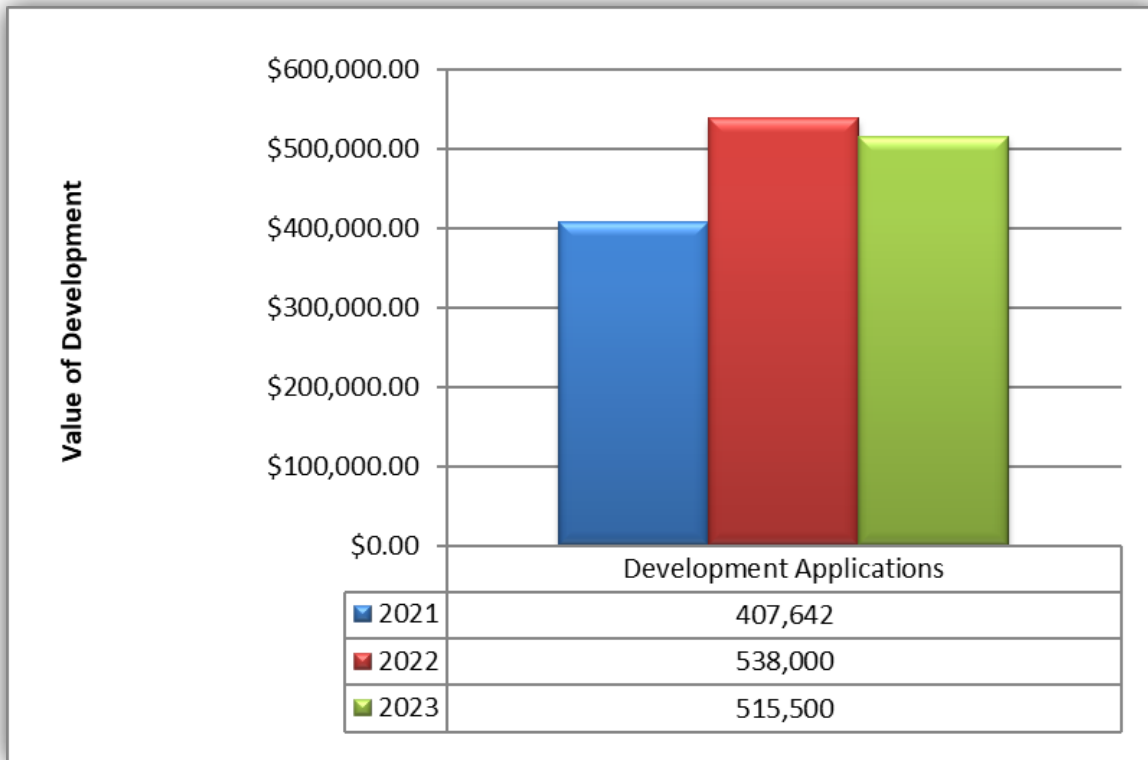
The following graph shows the Conveyancing Certificates issued up to and including the month of July 2023 compared with the same period in 2022:



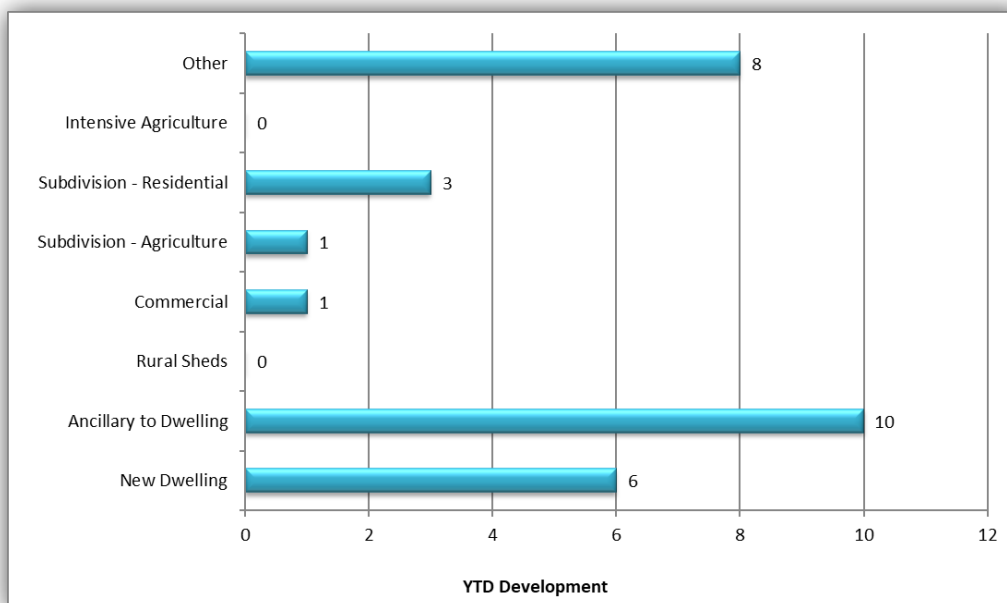
The table below shows a comparison between total development applications (excluding s4.55 modification applications) lodged during the month of July 2023 compared to the same period in the previous two years:



The table below shows a comparison between total value of development applications (excluding s4.55 modification applications) lodged during the month of July 2023 compared to the same period in the previous two years:

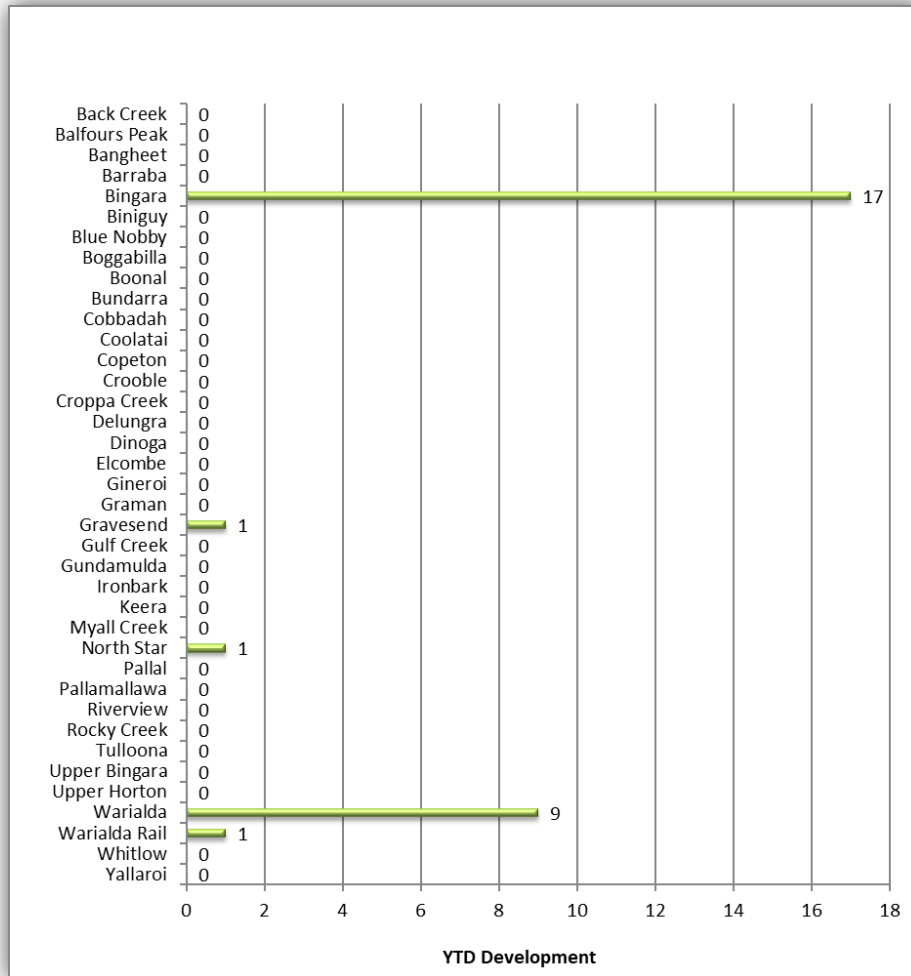


Development Applications (excluding s4.55 modifications) received for the year by type – YTD July 2023:

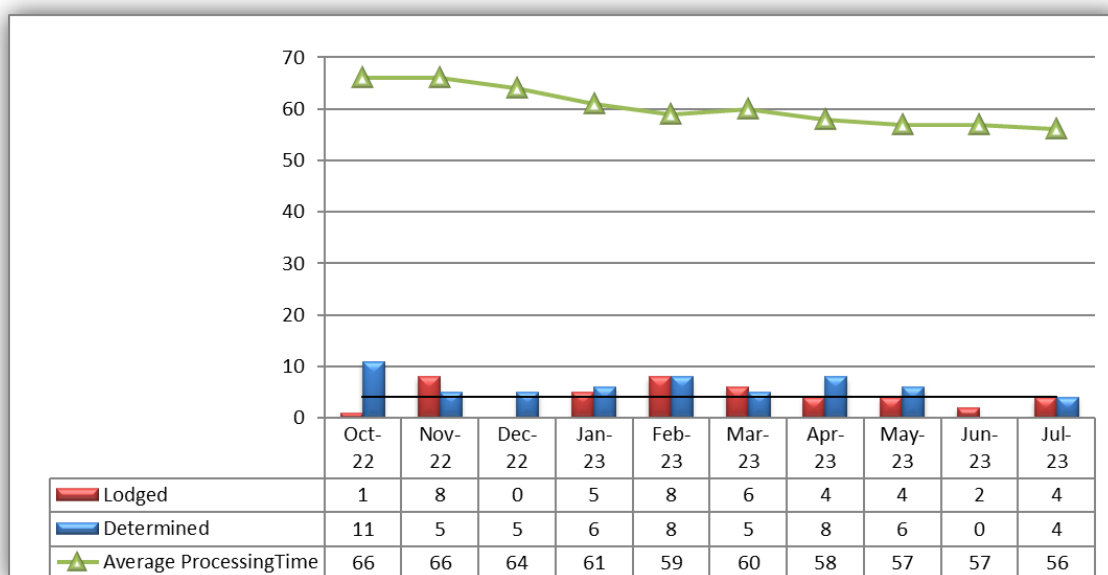


Development Applications (excluding s4.55 modifications) received for the year by locality – YTD July 2023:





Development Applications (excluding s4.55 modifications) received for the year by type – YTD July 2023:



**BUILDING SERVICES – JULY 2023**

The Department continues to receive enquiries and provide advice on a range of planning and building matters including:

- Minor structure construction e.g., sheds
- Commercial opportunities and construction
- Basix (Building Sustainability Index)
- Bushfire requirements
- Building construction standards and requirements
- Stormwater
- Licensing and owner builder requirements
- Fees and charges

The department is continuing to receive a high volume of applications via the NSW Planning Portal. It is mandatory that all applications for Construction Certificates, Complying Development and Building Information Certificates be lodged with Council via the NSW Planning Portal. There are currently 7 applications awaiting more information prior to lodgment and 57 active approvals that are at varying stages of building process and working towards their completion and the issue of an Occupation Certificate.

There are a number of applications at varying stages of assessment, no approvals have been issued for Construction Certificate (CC), Complying Development Certificate (CDC), Building Information Certificate (BIC) and Section 68 approvals during July 2023

Three Occupation Certificates (OC) have been issued for the month.

No.	Property Description	Development/Work	\$	OC
16/2021	10 Gwydir Terrace Bingara	Conversion of existing garage into granny flat and the construction of attached verandah on main dwelling	\$38,000	✓
12/2022	Croppa Creek Recreation Reserve Apsley Crescent Croppa Creek	Amenities Building	\$143,802	✓
26/2023	31 Market Street Warialda	Attached Carport	\$10,000	✓

### Number Of Complaints/Inspections July 2023

Type	No.	Yr. to Date	Actioned	Pending
Building	39	543	534	9

### BUILDING MAINTENANCE

The Department continues to receive requests to carry out minor maintenance and these are generally dealt with in a timely manner. Otherwise, the works are scheduled into maintenance staff building activities including new works for attention.

### Projects Worked On

Nicholson Oval Clubhouse is currently the main priority of the Building Services Team. Works are progressing as expected, the main roof has been put in place, and construction of the awning over the front verandah area will commence shortly. As with all building projects there have been unexpected issues arise, the team has worked diligently to overcome all minor issues as they occur.



*Nicholson Oval Clubhouse*



*View from Eastern Aspect*





*View of Northern Aspect (rear of building)*

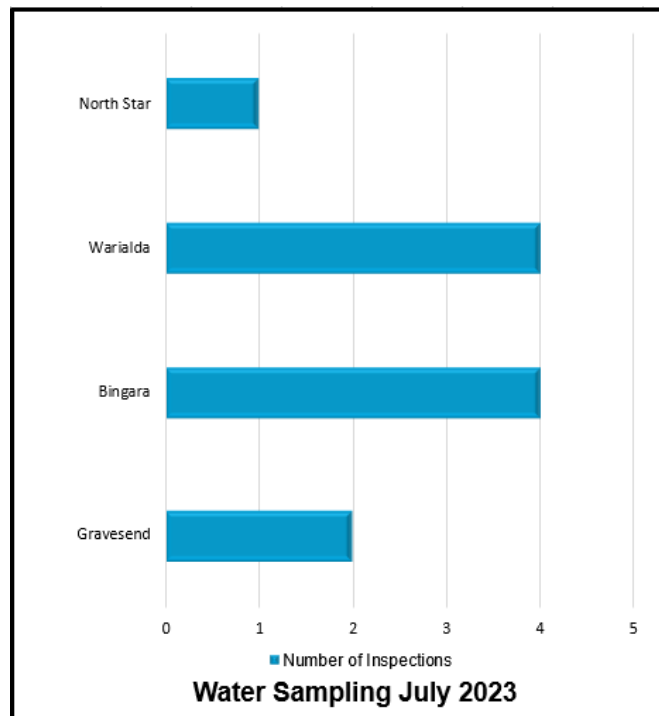
### **Environment & Sustainability Department July 2023**

The Department continues to receive enquiries and provide advice on a range of health matters including:

- Overgrown properties
- Food premises design and fit-out
- Food handling practices
- Mobile food vendors
- Food business notification
- Pet Ownership

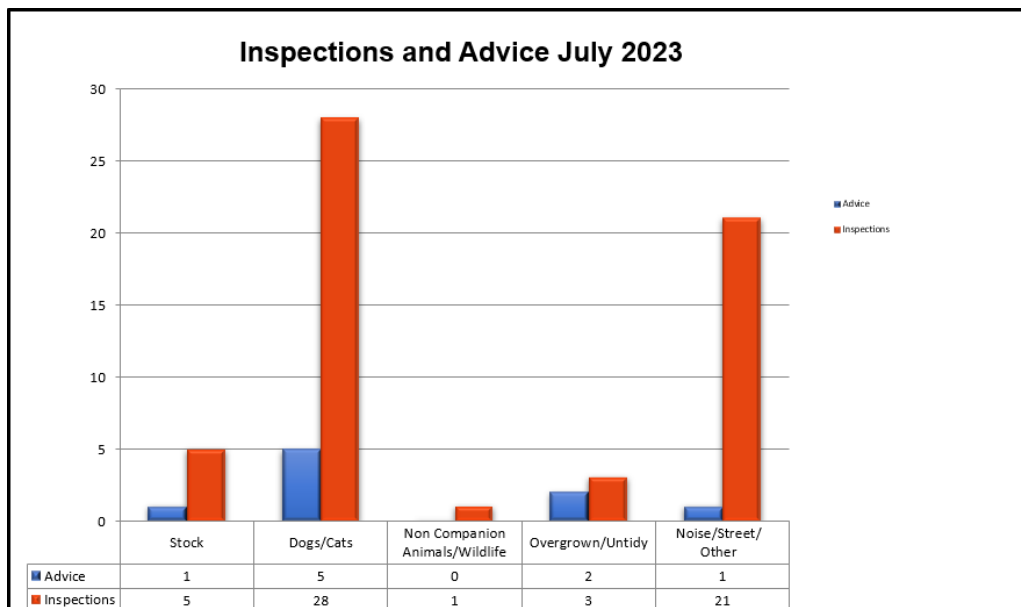
### **Water Surveillance**

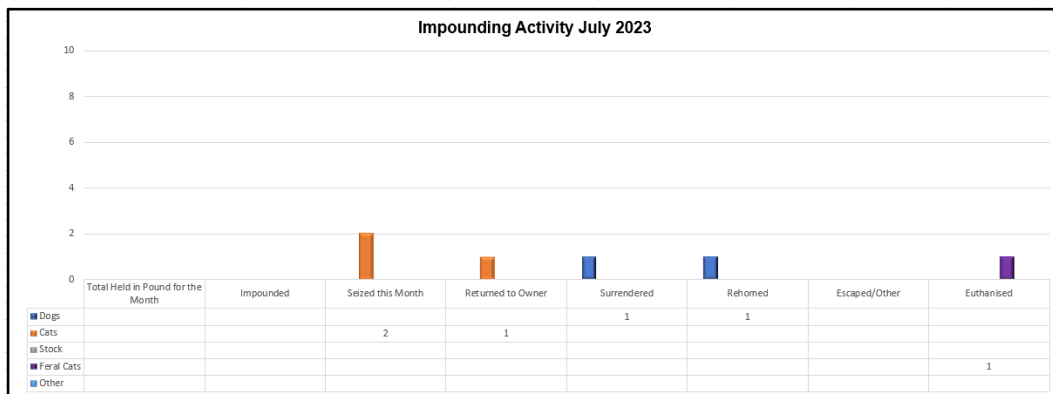
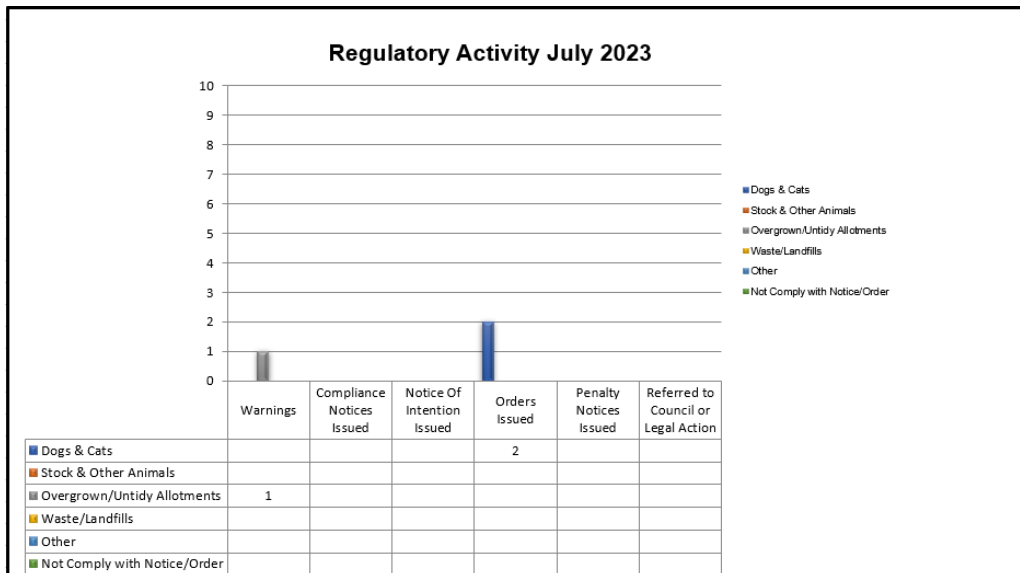
The Department continues to carry out routine sample collection for microbiological and chemical testing of the water supplies in the towns of Warialda and Bingara, fortnightly sampling of Gravesend and monthly sampling at North Star.



### Compliance and Regulatory Control

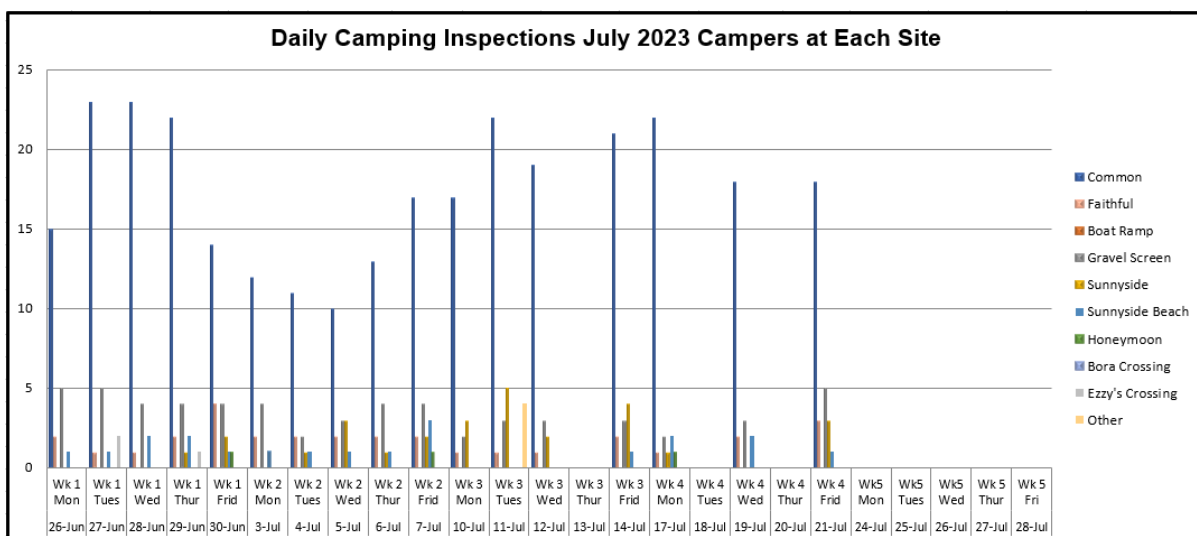
Council has received customer requests regarding overgrown block, roaming dogs, roaming stock, noise, the keeping of animals and other concerns during the month of July 2023. These are investigated and actioned as necessary.

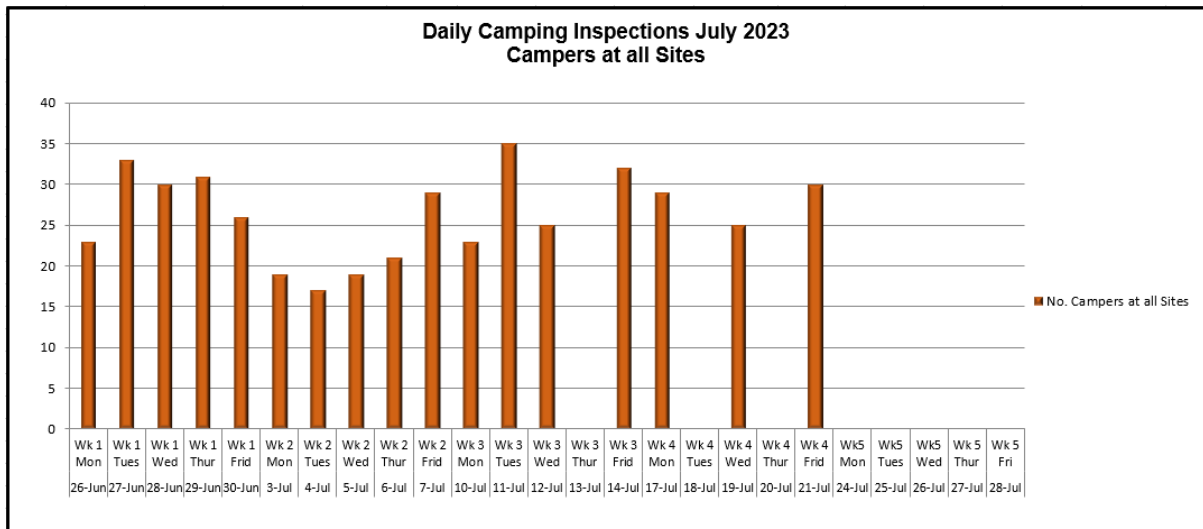




## Riverside Camping

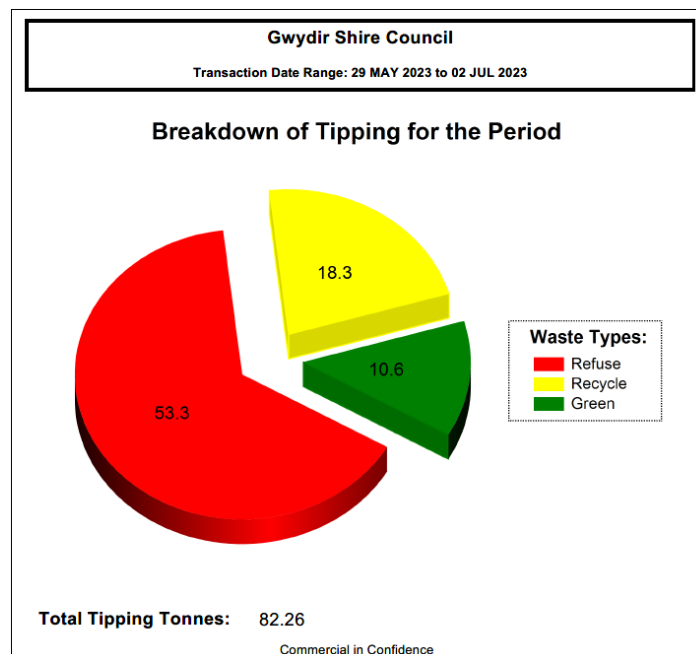
Council's Compliance Officers aim to carry out daily checks along the river to ensure that camping is being conducted in a safe and hygienic manner. Flyers promoting local events and services are distributed to campers and enquiries from campers are addressed as required. The graphs below show total numbers of campers and the distribution of campers at the different campsites.





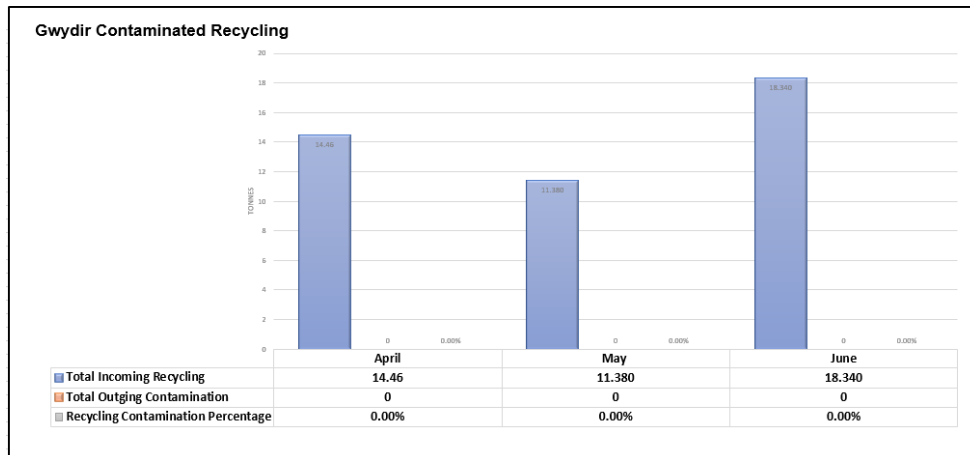
**Waste Contract Services – June 2023**

At the time of the report the available data from Cleanaway is for the previous reporting period.

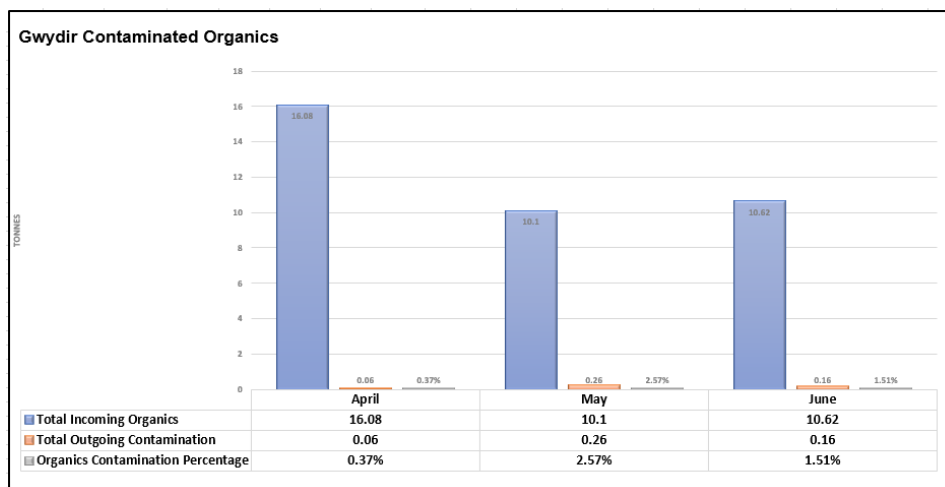


**Recycling Contamination**





**Organics Contamination**



**Comment from Cleanaway**

*Recycling*

There has been a slight increase in recycling collected and lower contamination processed. With the backlog in the Moree Transfer Station there is still no delineation between Moree and Gwydir loads. Processing has been affected this month with illness causing the MRF to close temporarily.

*Landfill*

Bingara: Tyre shredding has commenced at Bingara landfill.

Croppa Creek: Shale has been spread at the site to improve access.

Warialda Rail: Ongoing issues with the access gate are being resolved.

Warialda: The site continues to be maintained to the current standard.

Upper Horton: Remains in an easily accessible condition.

Coolatai: Remains in an easily accessible condition after clean-up of the site.

Gravesend: Remains in an easily accessible condition after clean-up of the site.

**Priority Weed Control**

*Property Inspection Program*

The newly recruited weeds officers have been undergoing the mandatory induction training with the DPI, whilst also continuing to assist land holders and the community with:

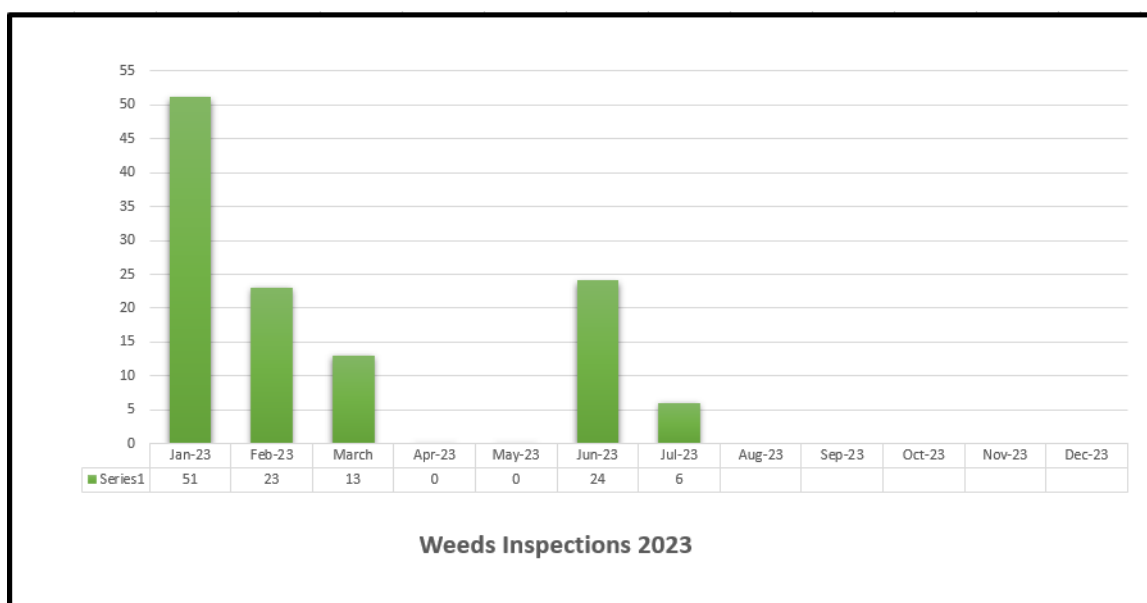
- Advice on the control of Priority Weeds and Biosecurity Duties
- Private and Public Property inspections
- Spraying of priority weeds and emerging weeds
- Completing the works program for the Murray–Darling Healthy Rivers Program Small Grant
- Authorised Officers are continuing to participate in ongoing Rapid Response Task Force in response to Parthenium Weed incursions in the Croppa Creek region and surrounds. The recent wet weather in the Croppa Creek area has caused the program to be temporarily put on hold.

**Weeds Inspections**

Public Property inspections have continued as scheduled. Private property inspections in Section E will resume upon the completion of the Authorised Officer’s Training for the two new weeds officers. The parthenium outbreak at Croppa Creek continues to be inspected and monitored to ensure it is identified, contained, and then eliminated.

Weeds Officers are currently concentrating their efforts on the continuing Parthenium incursion in the Croppa Creek area and cestrum control works along the waterways and campgrounds in the council area.

The following graphs and charts show the noxious weed inspections carried out during the reporting period.



**Priority Weeds Inspections for the Month of July 2023**

<i>Areas Inspected</i>	<i>No.</i>	<i>Ha</i>	<i>Rd km</i>	<i>Weeds Present</i>
Roadside – High Risk Pathways	1	300	30	Mimosa Bush

Roadside	2	185	37	Mimosa Bush
NWLLS Reserves	1	1	-	Mimosa Bush
High Risk Private Property Inspections	2	30	6	Parthenium

### Priority Weeds Control Works for July 2023

Road/Property	Weeds Present	Area Ha	Road - km	High Risk Road	Roadside	Private Works	Other
Wade off Old Keera Road	Green Cestrum	1	-				
Gwydir River Common	Green Cestrum	0.5	-				
Water Reservoir Road	Green Cestrum & Mother of Millions	1	-				
Bingara Old Cemetery	General	2	-				

The Planning & Environment Department report for July 2023 was compiled with information available at the time of preparing the report.

### Councillors Activity Schedule

July 2023		
Councillor	Event	Date
Cr John Coulton (Mayor)	Bingara Orange Festival	1 <sup>st</sup> July
	Willoughby & Gwydir Exchange Farewell Dinner – The Living Classroom Bingara	2 <sup>nd</sup> July
	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	RFS Meeting – Warialda Council Chambers	19 <sup>th</sup> July
	Bio Digester/BFG/Gwydir Shire Council BFG Site – Todd Newton	20 <sup>th</sup> July
	Horton Road Celebration	21 <sup>st</sup> July
	Ken Davey's Zoom Meeting	25 <sup>th</sup> July
	Bushfire Forum (The Warialda Project) Tamworth	26 <sup>th</sup> July
Ordinary Council Meeting Warialda Council Chambers	27 <sup>th</sup> July	
Cr Catherine Egan (Deputy Mayor)	Bingara Orange Festival	1 <sup>st</sup> July
	Central Northern Regional Library (CNRL) Committee Zoom Meeting	5 <sup>th</sup> July

	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	Special Events Meeting – The Roxy Conference Room	20 <sup>th</sup> July
	Horton Road Celebration	21 <sup>st</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July
Cr David Coulton	Bingara Orange Festival	1 <sup>st</sup> July
	Willoughby & Gwydir Exchange Farewell Dinner – The Living Classroom Bingara	2 <sup>nd</sup> July
	Meeting with Colin Cuell – Warialda Showground	11 <sup>th</sup> July
	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	Historical Society Meeting – Warialda Museum	18 <sup>th</sup> July
	Horton Road Celebration	21 <sup>st</sup> July
	Telco Forum – The Living Classroom	24 <sup>th</sup> July
	Bushfire Forum (The Warialda Project) Tamworth	26 <sup>th</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July
Cr Geoff Smith	Bingara Orange Festival	1 <sup>st</sup> July
	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July
Cr Lyndon Mulligan	Bingara Orange Festival	1 <sup>st</sup> July
	Willoughby & Gwydir Youth Exchange – Farm Visits and Shire Tour North Star	2 <sup>nd</sup> July
Cr Marilyn Dixon	Bingara Orange Festival	1 <sup>st</sup> July
	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	Special Events Meeting – The Roxy Conference Room	20 <sup>th</sup> July
	Horton Road Celebration	21 <sup>st</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July
Cr Tiffany Galvin	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	Special Events Meeting – The Roxy Conference Room	20 <sup>th</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July
Cr Jim Moore	Committee Meeting – Warialda Council Chambers	13 <sup>th</sup> July
	Citizenship Ceremony – Warialda Council Chambers	13 <sup>th</sup> July
	Historical Society Meeting – Warialda Museum	18 <sup>th</sup> July

	Horton Road Celebration	21 <sup>st</sup> July
	Bushfire Forum (The Warialda Project) Tamworth	26 <sup>th</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July
Cr (Dr) Chris Matthews	Bingara Orange Festival	1 <sup>st</sup> July
	Ordinary Council Meeting – Warialda Council Chambers	27 <sup>th</sup> July

**OFFICER RECOMMENDATION**

**THAT the report be received.**

**ATTACHMENTS**

Nil

### 6.3 Technical Services' July 2023 Report

<b>File Reference:</b>	NA
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#### Delivery Program

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	2.1 Our economy is growing and supported
<b>Strategy:</b>	2.1.1 Plan for and develop the right assets and infrastructure
<b>Author:</b>	Alexander Eddy, Director of Engineering Services

#### STAFF DISCLOSURE OF INTEREST Nil

#### IN BRIEF/SUMMARY RECOMMENDATION

This report is for reception.

#### TABLED ITEMS Nil

#### BACKGROUND

The Monthly Technical Services report has been identified by Council as the process of reporting the activities carried out monthly by the Technical Services Department. This report is for the month of July 2023.

#### COMMENT

##### Construction

##### **IB Bore Road Upgrade**

Works continue on the SR9 IB Bore Road upgrade near North Star this month. This project is jointly funded by the Fixing Country Roads Program (\$9.54m), and the Federal Government's Heavy Vehicle Safety and Productivity Program (\$2m). Work continues this month with 6km of the 20km project bitumen sealed. Simultaneously, stabilisation of the next 2km section is currently underway.



SR9 IB Bore Road

### County Boundary Road Upgrade

Contract drainage works continue on the SR41 County Boundary Road upgrade near Crooble. The project is jointly funded by the Federal Government's Roads of Strategic Importance (ROSI) Program (\$9,75 million) with Council contributing an additional \$2.44 million.

All major concrete work on the 6 causeway structures and concrete pipe culverts is now complete with only minor work remaining. Works are expected to be completed on budget and well ahead of schedule in August 2023.



*SR41 County Boundary Road, Floodway 3*

### Getta Getta Road Resheeting

The Getta Getta Road resheeting project, funded by the Fixing Local Roads Program, is well underway with 10km of the 20.9km project sealed, with the next 5km carted, and currently crushing and being laid with polymer stabilising aid. The project is tracking within available budget and is expected to be completed before December 2023. A trial graded seal was placed on the western end of the project in anticipation of the resolution to seal the entire road. This trial was successful, and it is expected that 13km will be sealed by September.

### Gulf Creek Road Timber Bridge Replacement

This project is funded by the Fixing Country Bridges Program (\$252,500) with a co-contribution from Council (\$30,000). Box culvert units have been installed on the base slab and formwork has been set up on the upstream side of the units to facilitate the placement of reinforcement. Once the steel inspection was completed, concrete was poured onto the wingwalls and headwall along the upstream of the units.





*Gulf Creek*

### **Grant Funded Minor Projects**

#### **Footpaths**

Footpath works on Link Street and Cunningham Street in Bingara have now been completed and opened to traffic. The team has now moved to the Warialda area, after completing footpath repairs in Gravesend, where works on Reedy Creek are well underway. The crews have now completed all earthworks and have formed and poured approximately 250m of new concrete footpath along the creek bank. Long Street, All Abilities Park and Naroo footpath works are now expected to start during August, with the Naroo alignment currently being pegged. All works are expected to be completed by the end of September, with additional footpath and kerb/gutter replacement currently being scoped.



*Footpath construction underway at Reedy Creek, Warialda*

### **Maintenance**



General maintenance continues on regional and state roads, including vegetation control, slashing, whipper snipping and spraying of guideposts and guard rails.

Seal maintenance is ongoing on all state, regional and local roads as potholes continue to develop. Crews continue with Riddell Street stormwater repair/ replacement and associated works replacing kerb and guttering. A second crew has completed the removal of trees and rehabilitation to Bombelli Street, Bingara with contractors sealing the road.

Maintenance crews have been working on extending the stormwater pipes to the new buildings along Plunkett Street, Warialda. Street sweeping has also been carried out during the reporting period.

### Maintenance Grading

Maintenance grading was carried out on the following roads during July:

- Trevallyn Road
- Noumea Road
- Gulf Creek Road
- Bundaleer Road
- Agincourt Road
- Fairford Road

### Flood Damage

Flood damage crews have continued working on grading and repairing a 4.5km section on SR57 Currangandi Road throughout July. A second crew is currently working on formation grading and repairing 3km of damages on SR34 River Road.



*SR57 Currangandi Road*



*SR34 River Road*

Council contractors, Rollers Australia, have completed resheeting on a 3.5km section on SR89 Glenarthur Road and currently formation grading a 6km section on SR90 Old Bora Road.



SR90 Old Bora Road

Council continues to value-add to contracted flood damage restoration works wherever possible, by extending works using existing Council funded maintenance budgets.

Flood damage work has been completed on the following roads:

- SR67 Agincourt Road – 3.0km
- SR45 Bereen Road – 6.0km
- SR62 Hibernia Road – 12.0km
- SR54 Pinecliff Road – 4.5km
- SR97 Sadowa Road – 0.8km
- SR99 Terreege Road – 3.4km (including 0.3km of new seal)
- SR14 Mosquito Creek Road at Racecourse Creek
- SR21 Terry Hie Hie Road – 1.2km
- SR68 Goat Road – 6.0km
- SR16 Trevallyn Road – 6.5km
  
- SR34 Bonanza Road – 3.0km
- SR82 Kirewa Road – 1.5km
- SR69 Tucka Tucka Road – 2.5km
- SR72 Scotts Road – 1.7km
- SR61 Peates Road – 8km
- SR42 Mungle Road – 8km
- SR31 Eulourie Road – 2.4km (north of SR32 Pallal Road, 1.2km remaining)
- SR32 Pallal Road – 2km
- SR55 Moreena Mail Road – 4.2km (0.9km remaining)
- SR76 Bristol Lane – 8km
- SR92 Killarney Gap Road – 0.5km resheeting and 6km maintenance grading
- SR262 Nunga Road – 3.5km
- SR30 Caroda Road – 10.6km
- SR71 Mt Jerrybang Road – 2.6km
- SR49 Michell Lane – 4km
- SR12 Upper Whitlow Road – 2.4km

SR19 Whitlow Road – 2km  
SR119 Woodburn/ Emello Road – 2.8km  
SR50 Thornleigh Road – 3.7km  
SR51 Towarra Road – 2.3km  
SR60 Pound Creek Road – 2km  
SR76 Bristol Road – 8km  
SR13 Oregon Road – culvert replaced  
SR3 Elcombe Road – culvert washout  
SR105 Fairweather Road – 0.7km  
SR106 Flemmings Road – 0.3km  
SR43 Buckie Road – 1.5km  
SR93 Sheepstation Creek Road – 6km  
SR20 Gravesend Road – 15km  
SR41 County Boundary Road – 4.2km  
SR1 Copeton Dam Road – 3888m<sup>2</sup> heavy patching  
SR2 Bingara Road – 924m<sup>2</sup> heavy patching  
MR133 Killarney Gap Road – 5525m<sup>2</sup> heavy patching  
SR89 Glenarthur Road – 3.5km

### **TfNSW Natural Disaster claims**

Works are underway on flood damage repairs and are progressing well. Following the significant rain event in mid-September 2022, Resilience NSW has declared the fourth natural disaster event in the Shire since 10 December 2020. Staff have completed all emergency works from the latest event and are now in the process of identifying repair works and preparing further claims. It is expected that these claims for funding will exceed \$ 7 million. This brings the total expected claimable flood damage costs since December 21 to more than \$25 million. Currently there has been over \$18 million in flood damage claims approved by TfNSW.

### **Roads Maintenance Council Contract – Works Orders issued by TfNSW**

All Work Orders issued by Transport for New South Wales (TfNSW) are quality assurance schedule of rates projects carried out by Council staff under the Roads Maintenance Council Contract with TfNSW.

The 'Hollymount' Rehabilitation Project, segment 6120 on MR63 Fossickers Way, continues this month, with all required trees and vegetation now removed from the site and sedimentation and erosion controls have been installed using 150mm rock, coir logs and silt fencing to prevent anything leaving site due to disturbance. Culvert setout works have now started with concrete pours for base slabs to be completed in August. Roadbase material has started to be delivered and shoulder widening works (boxing out) will commence early next month. All guardrail works have now been completed on HW12 Gwydir Highway, with only two more sites to be completed on MR63 Fossickers Way.

This financial year will see another extensive bitumen resurfacing program with one segment scheduled on HW12 Gwydir Highway and 20 segments on MR63 Fossickers Way, currently being scoped for a Tender release. With this, we will see

approximately \$600K spent on reseal preparation over the network and a further \$700K spent on heavy patching, also currently being scoped, to be finalised for Tender release in August. Further ordered works will include repairs to 4 culverts across the network and the 'Wendouree' Rehabilitation Project, located south of Bingara on MR63 Fossickers Way, expected to start in October, after the completion of the 'Hollymount' Rehabilitation Project. A contractor has now been booked for late August to remove the eroding soil on the Campbell Bridge pedestrian underpass and replace it with 150mm rock. A native vine will then be planted to grow over the rock area to further help stabilise the bank.

Routine maintenance continues each week undertaking inspections, rest area services, vegetation control and bitumen repairs, with this year's budget reduced back to its normal amount of \$500K.

### **Town Utilities Monthly Report – July 2023**

#### **Water and Sewer**

Water and Sewerage operators carried out routine operational tasks and in addition attended 23 service line repairs, repaired 1 hydrant and manhole, repaired 2 water main breaks, replaced 7 water meters, attended 16 sewer blockages, repaired 4 sewer mains and installed 2 new sewer connections during the reporting period.

Regular weekly tasks carried out by Water and Sewerage staff include water testing, grounds maintenance at the water treatment plants, reservoirs, both sewerage treatment plants, sewer pump stations, Warialda truck wash and truck wash ponds.

Other work was undertaken at Moffatt Park Gravesend, Naroo, Warialda Recreation ground, Plunkett St units and temporary accommodation, Gwydir Oval, Bingara Showground, Bingara and Warialda Cemeteries, Batterham's lookout, Bingara hatchery and Cunningham Park.

Water and sewerage asset revaluation is under way with inspections of infrastructure undertaken in July 2023.

#### **North and East Bingara Sewer Extension:**

Contractors have established a temporary depot, site office, crib room and material storage yard at the Bingara Sewerage Treatment Plant. The street mains in east Bingara along Copeton Dam Road and Old Keera Road have been installed. Construction crews are now working in the north Bingara section.

Progress as of Friday 31<sup>st</sup> July: 7,109 of 10,260 meters of street mains has been installed and 38 of 86 pump station units have been installed. The contractor aims to be completed by 22<sup>nd</sup> December 2023.



*Horizontal drilling street mains*

#### Warialda Truck wash

The truck wash facility was used by 137 trucks during July with an average wash down time of 52 minutes and total water used was 823kL. The estimated income for July is \$9,518.52 less monitoring fees and expenses.

#### **Grant Projects**

##### Open Spaces Program

The Minister for Northern Tablelands, Adam Marshall turned the first soil for construction of the Bingara skate park on Wednesday 19 July 2023.

The skate park was designed and developed in consultation with students from Bingara Central School. The park will be constructed in Cunningham Park and is expected to be completed by 30 April 2024.





*Minister for Northern Tablelands Adam Marshall and Council's Town Utilities Manager, Andrew Cooper*

### Covid Stimulus Funding

Batterham's Lookout – the installation of picnic shelter and footpath was undertaken in July 2023.



*Batterham's Lookout picnic shelter and footpath*

### Regional Sports Facility Program – Covered Netball Court in Bingara

The covered netball court was officially opened by Member for Northern Tablelands, Adam Marshall on 19 July 2023. This project is now complete.

### Parks and Gardens

All parks and gardens continue to be maintained. Council undertakes weekly inspections of playgrounds and cleaning of handrails and touch areas. Mowing, weed control, irrigation, hedging, and trimming were routinely undertaken during July 2023. Council continues to mark and maintain the fields for the community groups using Council's ovals. Myall Creek and the Glacial area are inspected on a weekly basis.

The Parks and Gardens staff pruned the orange trees in Bingara during July.



*Pruning orange trees*

A section of footpath in Cunningham Street adjacent to CWA park was replaced during July under maintenance works.





*Cunningham Street footpath replacement*

### Bingara Showground

Work commenced in June at the Bingara Showground to install a swabbing stall for Bingara Jockey Club. This is a requirement of Racing NSW and must be completed prior to the Annual Bingara Race Meeting scheduled for August. A section of the old stables near the jockey mounting yard has been removed to allow for the installation. Racing NSW and the Bingara Jockey Club will meet the cost of construction. The concrete slab was laid in July with completion expected prior to race day on 26 August 2023.



*Slab for Swabbing Stall at Bingara Showground*



Workshops and Depots – July

Workshop Services and Jobs	May	June	July
Total number of services in Workshops	21	19	37
Total number of repairs in Workshops	129	110	163

Plant update:

A secondhand trailer was purchased for the driver training school. This trailer will be specifically used for driver training the tag trailer will be returned to be used with the construction crew's patching team.



*Secondhand pig trailer for driver training*

Major Repairs and maintenance undertaken in the workshops during July included:

P1106 – pig trailer – reline brakes, replace cam and bushes

P1916 – grader – repairs to hitch

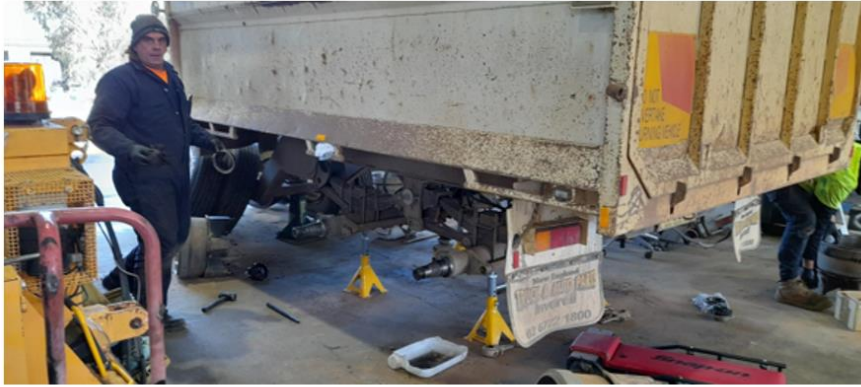
P1789 – backhoe (North Star) – repairs to all hydraulic leaks and handbrake

P1065 – loader – fit new fuel filter housing and pre filter

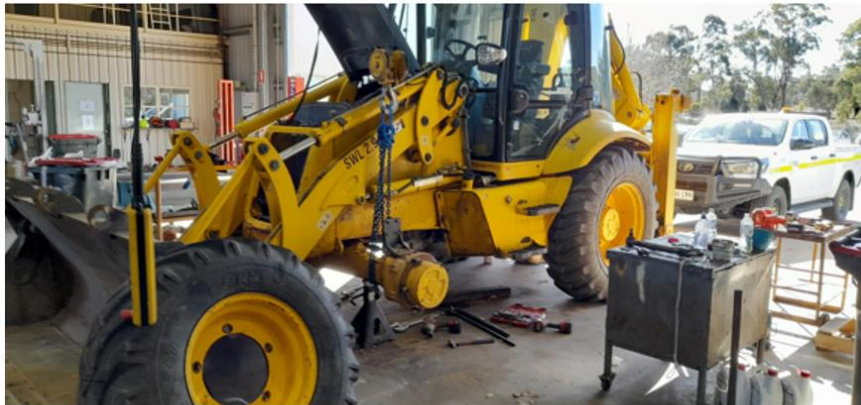
P1786 – water cart – replace wheel studs, 2 rims, front and rear shackle bushes

P1721 – grader – calibrate transmission

P1213 – broom – fit new hydraulic motor



*P1106 – pig trailer repairs*



*P1789 – backhoe repairs*

### Fabrication

A new guillotine was delivered during July. This will be used for fabrication of signs and sheet metal work in the workshop.



*Guillotine for use in fabrication workshop*

### **OFFICER RECOMMENDATION**

**THAT** the report be received.

### **ATTACHMENTS**

Nil

## 6.4 Warialda Community Warriors Op-shop Management Committee

<b>File Reference:</b>	NA
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### Delivery Program

<b>Goal:</b>	1. A healthy and cohesive community
<b>Outcome:</b>	1.2 Our community is an inviting and vibrant place to live
<b>Strategy:</b>	1.2.1 Enable accessible and affordable lifestyle options
<b>Author:</b>	Community Assets Manager

### STAFF DISCLOSURE OF INTEREST Nil

### IN BRIEF/SUMMARY RECOMMENDATION

This report recommends the formation of the Warialda Community Warriors Op-Shop Management Committee as a Section 355 Committee of the Council in line with the attached request from the community group.

### TABLED ITEMS Nil

### BACKGROUND

The Council has been requested to support the creation of this Section 355 Committee.

The correspondence attached to this report from Angela Turner outlines the request to the Council.

The group will operate out of the refurbished Bradburn building in Plunkett Street Warialda.

### COMMENT

The General Manager's representative on the Committee, if created, will be the Deputy General Manager, Mrs Leeah Daley.

### OFFICER RECOMMENDATION

**THAT the Warialda Community Warriors Op-Shop Management Committee be formed in accordance with the Committee's draft Charter attached.**

### ATTACHMENTS

1. Warialda Community Warriors [6.4.1 - 1 page]
2. Warialda Community Op Shop MANAGEMENT COMMITTEE [6.4.2 - 2 pages]

**Max Eastcott**

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**From:** Warialda community Warriors <warialdacomunitywarriors@gmail.com>  
**Sent:** Wednesday, 2 August 2023 2:08 PM  
**To:** Gwydir Mail; Max Eastcott  
**Subject:** Warialda community Warriors

Dear Mr Eastcott

I am the Chair of the Warialda Community Warriors Group that was first established two years ago.

We have been operating as a sub committee of the Warialda Rail Progress Association which is a Section 355 Committee of Council. We have grown in numbers and we are considering being the management committee for the planned Warialda Op Shop to operate, in conjunction with Challenge Disability Services and community volunteers.

We have a Committee of 10 people and we expect that this will grow as there has been considerable interest in the Op Shop.

I am writing to you to request Council's consideration of including our community group as a Section 355 Committee of Council. We plan to continue our fundraising initiatives with all funds raised being returned to the Warialda Community. We have already run a successful Ball raising approximately \$25K for the Challenge Disability Service. We are planning another Ball in October that will raise funds for Westpac Helicopter and Warialda community fund for the benefit for those effected by unexpected serious health conditions.

We have the skills in our group to meet the requirements of a Section 355 Committee operating with Council's support.

Representatives of our group would be more than willing to meet with you or council representatives if you would like further information. I can be contacted on my mobile [0458 021 045](tel:0458021045).

Yours Faithfully

Angela Turner  
Chair of Warialda Community Warriors Group (previously Warialda Don't Dismyability)

**WARIALDA COMMUNITY WARRIORS OP SHOP MANAGEMENT COMMITTEE**

**Committee Membership and quorum**

The membership of this Committee is:

A Gwydir Shire Councillor Representative if selected by the Council;

The General Manager or nominee; and;

Between Five and Ten Community Representatives

The quorum is 4.

The non-Council members of this Committee are 'designated persons' under Section 441 of the Local Government Act.

Therefore each non-Council Committee member is required to complete an annual written return of interests and declare any pecuniary interest in any matter before the committee as required under the Local Government Act.

**Committee Chairman and Deputy Chairman**

The Chair, Deputy Chair and Secretary/Treasurer are determined by a vote at the Committee.

Whenever the voting on a motion put to this Committee is equal, the Chairperson is to have a casting vote as well as an original vote.

**Committee Delegation**

Pursuant to Section 377 and 379 of the Local Government Act, 1993, as amended, and subject to the limitations and stipulations which the said Sections 377 and 379 impose, the power to resolve upon any matter submitted for consideration concerning the future planning and management of the activities of the Warialda Community Op Shop.

**Committee Function**

The role of this Committee initially is the control, development and management of the Warialda Community Op Shop.

The Committee will achieve this through performing the following functions;

- Prepare a short, medium and long term management plan for the project.

- Develop the estimated budget and any proposed fees and charges for the next financial year.
- Submit an Annual Report for inclusion into the Council's Annual Report before the end of September each year for the preceding financial year outlining the performance of the Committee against the adopted management plan and budget.
- Table the minutes of each Committee Meeting, if requested, at the next available Council Meeting.
- Determine the allocation of funds to local charities.
- Maintain the volunteer workers' hours' records.

## 6.5 Child Safe Policy

<b>File Reference:</b>	NA
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### Delivery Program

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	1.2.2 A shared responsibility for community safety
<b>Author:</b>	Social Services Manager

**STAFF DISCLOSURE OF INTEREST** Nil

### IN BRIEF/SUMMARY RECOMMENDATION

That the attached policies relating to the implementation of the Child Safe Standards be approved

**TABLED ITEMS** Nil

### BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse recommended 10 Child Safe Standards. The Child Safe Standards provide a benchmark against which organisations can assess their child safe capacity and set performance targets. The Standards provide tangible guidance for organisations to drive a child safe culture, adopt strategies and act to put the interests of children first, to keep them safe from harm.

Compliance and enforcement measures relating to the Child Safe Standards under the Children's Guardian Act commenced from 1 February 2023. Staff are working to implement the necessary policies, procedures and training to adhere to these requirements.

### OFFICER RECOMMENDATION

**THAT the attached documents relating to the implementation of the Child Safe Standards' legislation are adopted.**

### ATTACHMENTS

Child Safety Policy  
 Contractors and Child Safety  
 Mandatory Reporting of Risk of Significant Harm Guidelines  
 Child Protection Mandatory Reporting of Significant Harm Procedure





**Policy Number:** CS.04.23  
**Policy Section:** Social Services Division  
**Policy Title:** CHILD SAFETY

**File reference:**

**OBJECTIVES:**

To ensure Council is compliant with NSW child protection legislation, including mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.

To articulate the professional and legal obligations of Council staff in relation to child protection. All staff and volunteers are committed to identifying possible risk and significant risk of harm to children and young people in our care. We comprehend our duty of care responsibilities to protect children from all types of abuse and neglect and will always adhere to our moral and legislative obligations.

To ensure Council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students and persons undertaking work experience and contractors/suppliers where a child or young person is involved.

To promote the health, safety, welfare and wellbeing of children and young people, and to ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.

To ensure that Council is implementing best practice approaches to child protection, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.

**POLICY STATEMENT:**

Our Organisation is committed to providing a child safe environment where children's safety and wellbeing is supported, and children feel respected and valued. Gwydir Shire Council adheres to the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. Council believes that the safety and wellbeing of children and young people is everybody's business. In NSW, the safety of children and young people are the shared responsibility of parents and families, supported by the community, government, and nongovernment organisations. Council staff, volunteers, and contractors share a commitment to the awareness, prevention, and response to the suspected risk of significant harm of a child or young person. This is in adherence to the Children and Young Persons (Care and Protection) Act 1998.



Council maintains a rigorous and consistent recruitment, screening and selection process. Council takes allegations against staff involving children and young people seriously and supports the fair and thorough investigation led by the General Manger and Gwydir Shire Council triage team. Council adopts the Office of the Children's Guardian's Principles for Child-Safe Organisations (2017) and the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards and The Childrens Guardian amendment (Child Safe Scheme) Bill 2021

### **SCOPE**

This Policy applies to all full-time, part-time, casual, temporary and fixed term Council Employees (and includes staff, students on placement, volunteers, 355 Committee members and Councillors).

The Policy also applies to the management of contracted service providers and grant and sponsorship recipients delivering services involving child-related work, either on behalf of or in conjunction with the Council.

### **WORKING WITH CHILDREN CHECK**

People working or volunteering with children in New South Wales must, by law, have a Working with Children Check. The Office of the Children's Guardian provides checks of workers and volunteers to organisations, contributing to creating safe environments for children and other vulnerable people.

A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Office of the Children's Guardian will look at criminal history, child protection information and other information.

Working with Children Checks are valid for five years. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked. If new information about a person means they pose a risk to children's safety, that person's check will be re-assessed and, if necessary, they will be prohibited from working with children. The Office of the Children's Guardian will inform both the person affected and any organisations they're linked to about the change in status.

Organisations need to be registered with the Office of the Children's Guardian to verify employees Working with Children Checks. Working with Children Checks must be verified **BEFORE** the employee begins working with children.

### **DEFINITIONS**

**Child-Safe Organisation:** An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned. DCJ: The NSW Department of Communities and Justice.

**Department of Communities and Justice (DCJ)** is the NSW Government agency responsible for the care and protection of children and young people

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW,



mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (The Care Act).

#### **Child- Related Work**

Work which involves direct contact by the worker with a child or children where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child in connection with at least one of the 20 legislated categories of child-related work, which include:

- education and care and child minding services
- clubs or other bodies providing programs and services for children
- entertainment for children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- transport services for children - including school bus services, services for children with a disability and supervision of school road crossings

It may also include a worker who has access to confidential records or information about children.

#### **Contracted Service Provider**

An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of or in conjunction with the Council, where that entity has been engaged as a result of informal and formal procurement processes such as Request for Quotations (RFQs), Tenders, Expressions of Interest (EOIs), and one-off or standing purchase orders.

#### **Ill-treatment of a Child**

Means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Ill-treatment includes:

1. making excessive or degrading demands of a child
2. a pattern of hostile or degrading comments or behaviour towards a child
3. using inappropriate forms of behaviour management towards a child

#### **Mandatory reporters**

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g., registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g., social workers, caseworkers and youth workers)
- Education (e.g., teachers, counsellors, principals)
- Children's services (e.g., Early Childhood Education workers, family day carers and home-based carers)



- Residential services (e.g., refuge workers)
- Law enforcement (e.g., police)
- Registered psychologists providing a professional service as a psychologist
- A person in religious ministry or a person providing religious-based activities to children

All staff have a responsibility to recognise and respond to concerns for safety, welfare and the wellbeing of children and young people, and to report these concerns to management.

According to the *Children and Young Persons (Care and Protection) Act 1998*, mandated reporters must make reports if they suspect on *reasonable grounds* a child is at risk of significant harm because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm

Source: Children and Young Persons (Care and Protection Act) NO 157 Chapter 3 - Part 2 - Section 23

**Maltreatment** refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission. Specifically abuse refers to acts of commission and neglects acts of omission. Note that in practice, the terms child abuse and child neglect are used more frequently than the term child maltreatment.

**Risk of Significant Harm (ROSH)** refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

**Reportable Conduct**

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a. a sexual offence,
- b. sexual misconduct,
- c. Ill-treatment of a child,
- d. Neglect of a child,
- e. an assault against a child,
- f. failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse,
- g. behaviour that causes significant emotional or psychological harm to a child.

Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include :

1. displaying behaviour patterns that are out of character,
2. regressive behaviour,
3. anxiety or self-harm.

**Reportable Allegation**

A reportable allegation in relation to an employee of the Council, means:

- a. if the employee holds, or is required to hold, a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment, or
- b. if the employee is not required to hold a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside the course of the employee's employment with the public authority.

**Investigation (of Reportable Allegations or Conduct)**

The process in which the Council:

- gathers all relevant facts
- manages risks to children, employees and the organisation during an investigation
- makes an assessment as to whether an allegation is reportable under the Reportable Conduct Scheme
- notifies the Children's Guardian of the Reportable Allegation or conduct



- makes a finding of Reportable Conduct including whether an allegation is sustained or not, and
- provides information to assist any relevant employment proceedings.

### **Reasonable grounds**

refer to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- Firsthand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

### **PRINCIPLES**

This Policy reflects Council's commitment to:

- The Office of the Children's Guardian's Principles for Child-Safe Organisations (2017):
  - Principle 1: The organisation focuses on what is best for children.
  - Principle 2: All children are respected and treated fairly.
  - Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation.
  - Principle 4: Children receive services from skilled and caring adults.
- The Child Safe Standards identified by the Royal Commission (2017):
  1. Child safety is embedded in organisational leadership, governance and culture.
  2. Children participate in decisions affecting them and are taken seriously.
  3. Families and communities are informed and involved.
  4. Equity is upheld and diversity is taken into account.
  5. People working with children are suitable and supported.
  6. Processes to respond to complaints of child abuse are child focused.
  7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
  8. Physical and online environments minimise the opportunity for abuse to occur.
  9. Implementation of the Child Safe Standards is continuously reviewed and improved.
  10. Policies and procedures document how the organisation is child safe.
- The United Nations Convention on the Rights of the Child (1990).



### WHAT IS CHILD ABUSE?

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

NSW Department of Communities and Justice identify different forms of child abuse which include- neglect, sexual, physical and emotional abuse or psychological harm.

[https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect?merge\\_chapters=true](https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect?merge_chapters=true)

### INDICATORS OF ABUSE

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators. *The following is a guide only.* One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if they are under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- marked delay between injury and seeking medical assistance
- history of injury
- the child gives some indication that the injury did not occur as stated
- the child tells you someone has hurt them
- the child tells you about someone they knows who has been hurt
- someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused.

### NEGLECT

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision.

Some examples are:

- inability to respond emotionally to the child
- child abandonment
- unable or unwilling to provide adequate food, shelter, clothing, medical attention safe home conditions
- depriving or withholding physical contact





- failure to provide psychological nurturing
- treating one child differently to the others

#### **Indicators of Neglect in children**

- low weight for age and failure to thrive or develop
- child not adequately supervised for their age
- poor standard of hygiene leading to social isolation
- scavenging or stealing food
- extreme longing for adult affection
- lacking a sense of genuine interaction with others
- acute separation anxiety
- self-comforting behaviours, e.g. rocking, sucking
- delay in development milestones
- untreated physical problems, such as sores, serious nappy rash and urine scalds, dental decay

#### **PHYSICAL ABUSE**

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- make direct admissions about fear of hurting their children
- have a family history of violence
- have a history of their own maltreatment as a child
- make repeated visits for medical assistance
- use excessive discipline

#### **Indicators of Physical Abuse**

- facial, head and neck bruising
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes that may suggest head injury
- explanations are not consistent with injury
- bruising or marks that may show the shape of an object
- adult bite marks or scratches
- multiple injuries or bruises
- ingestion of poisonous substances, alcohol or drugs
- sprains, twists, dislocations



- bone fractures
- burns and scalds
- general indicators of female genital mutilation, such as having a 'special operation'.

#### **EMOTIONAL or PSYCHOLOGICAL ABUSE**

Psychological harm occurs where the behaviour of a person damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:

- constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection
- excessive or unreasonable demands
- persistent hostility, severe verbal abuse, and rejection
- belief that a specific child is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- exposure to domestic violence
- intimidating or threatening behaviour.

#### **Indicators of psychological abuse**

- feeling of worthlessness about themselves and life
- inability to value others
- lack of trust in people and expectations
- lack of 'people skills' necessary for daily functioning
- extreme attention seeking behaviours
- extremely eager to please or obey adults
- may take extreme risks, is markedly disruptive, bullying, or aggressive
- other behavioural disorders (disruptiveness, aggressiveness, bullying)
- suicide threats (in young people)
- running away from home.

As some delay in the manifestation of psychological harm may be likely, Council should maintain detailed notes in respect of any allegation of psychological harm when indicators of harm are not present at the time the allegation was made

#### **SEXUAL ABUSE**

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse includes:

- exposing the child to the sexual behaviours of others



- coercing the child to engage in sexual behaviour with other children or adults
- verbal threats of sexual abuse
- exposing the child to pornography or prostitution or using a child for pornographic purposes
- previous conviction or suspicion of child sexual abuse

#### **Indicators of Sexual Abuse**

- bruising or bleeding in the genital area
- bruising to buttocks, lower abdomen or thighs
- injuries such as tears to the genitalia
- the child describes sexual acts
- direct or indirect disclosures
- age-inappropriate behaviour and/or persistent sexual behaviour
- self-destructive behaviour- self-mutilation
- regression in developmental achievements
- child being in contact with a suspected or known perpetrator of sexual assault

#### **DOMESTIC/FAMILY VIOLENCE**

Domestic/Family violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Domestic/Family violence causes fear, physical, and/or psychological harm. It is most often violent, abusive, or intimidating behaviour by a man against a woman, but can also be these behaviours by a woman against a man. Living with domestic/family violence has a profound effect upon children and young people and therefore constitutes a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010).

#### **Indicators of Domestic/Family Violence**

##### **The child may:**

- demonstrate aggressive behaviour
- develop phobias & insomnia
- experience anxiety
- show signs of depression
- have diminished self esteem
- demonstrate poor academic performance and problem-solving skills
- have reduced social skills including low levels of empathy
- show emotional distress
- have physical complaints



## LEGISLATIVE CHANGES

In October 2016, the NSW Government introduced reforms to strengthen the regulatory powers of the Office of the Children's Guardian. New amendments also tightened provisions for appealing against decisions to bar unsuitable Working with Children Check applicants from working with children. Also, under the Working with Children Check, it is now an offence to make a false or misleading statement, punishable by a maximum penalty of \$550.

These changes are included in the *Child Protection (Working with Children) and Other Child Protection Legislation Amendment Act 2016*, making amendments to the following Acts:

- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Teaching Service Act 1980*
- *Education (School Administrative and Support Staff) Act 1987*

Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation.

The Childrens Guardian amendment (Child Safe Scheme) Bill 2021

In children's employment, the amendments give the Office of the Children's Guardian new powers to enter and inspect premises where they reasonably suspect a person is illegally employing a child, as well as the ability to serve on-the-spot penalty notices for breaches of children's employment legislation.

New legislation introduced in response to the Royal Commission into Institutional Responses to Child Sexual Abuse has also clarified the legal responsibility of organisations to protect children, report abuse and in some cases increased penalties for not doing so.

- Child Protection (Working with Children) Amendment Statutory Review Bill 2018 NSW (April 2018)
- The Childrens Guardian amendment (Child Safe Scheme) Bill 2021

**Implications for councils:** New sections to make it an offence for an employer to fail to obtain and verify the details of a worker employed to work with children or to keep a record of the details that were obtained. The bill provides for penalty infringement notices to be served on employers who fail to ensure that staff working with children have obtained clearance. Employers can verify whether a worker has the appropriate clearance through an online process.

- [Criminal Legislation Amendment \(Child Sexual Abuse\) Bill 2018](#) (June 2018)

**Implications for councils:** This includes the 'failing to protect' offence where a person will commit an offence if they know that another adult in the organisation who works with children poses a serious risk of physically or sexually abusing a child.



This also includes the 'failing to report' offence where a person will commit an offence for failing to report child abuse. The new offence, Section 316A, will apply where a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child.

- Civil Liability Amendment (Organisation Child Abuse Liability) Bill 2018 (October 2018)

**Implications for councils:** Councils can be held vicariously liable for the abuse of children perpetrated by people who are employed by council and by people who are "akin to employees" of council. This may include family day care workers, as well as volunteers and contractors.

In addition, councils, as providers of children's services, which do not take reasonable steps to prevent child abuse of children in their care, may be liable in a negligence action.

- Children's Guardian Act 2019 (November 2019)
- The Children's Guardian amendment (Child Safe Scheme) Bill 2021

**Implications for councils:** All councils, county councils and Joint Organisations are relevant entities for the purposes of the Act. This means that councils will have obligations to investigate reportable allegations which are allegations that an employee who is engaged to provide services to children or who is required to hold a Working with Children Check (WWCC) has engaged in sexual offences, neglect or assault or ill-treatment of a child, and to make determinations about reportable convictions, which are convictions for an offence.

The Act requires an employee of an approved education and care service to report to the general manager of the council a reportable allegation or reportable conviction that relates to an employee of the service. The Act also requires a relevant entity to have a code of conduct and policies in place to prevent and detect reportable conduct by employees of the entity. LGNSW has provided a [summary](#) of the Act.

## REQUIREMENTS

**Mandatory reporting risk of significant harm:** Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are required to report these concerns to the Department of Communities and Justice (DCJ) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Child Protection Helpline. The Child Protection Helpline receives reports via either telephone on PH: 132 111 or via eReporting. Mandatory reporting is outlined in the Children and Young Persons (Care and Protection) Act 1998.

### **Selection and recruitment:**

Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The WWCC is an essential part of Council's recruitment process to prevent people who pose a



risk to the safety of a child or young person from being employed or engaged in child-related work. Human Resources (HR) manage all selection and recruitment related WWCC. This is in line with the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.

In addition all full-time, part-time, casual, temporary and fixed term Council Employees (including staff, students on placement, volunteers, 355 Committee members and Councillors) and contracted service providers and grant and sponsorship recipients delivering services involving child-related work, either on behalf of or in conjunction with the Council will be subject to a National Police Check prior to employment.

**Allegations against staff:** Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement, Early Childhood Educators, facility hirers and leasees involving a child or young person will be handled in accordance with the relevant legislation, specifically Children's Guardian Act 2019. This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the triage team, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.

**Child-Safe Organisation:** Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards. Council also supports the Office of the Children's Guardian's Principles of Child-Safe Organisations. Council's Child Protection Team collaborates on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

#### **Disciplinary Action**

Following a Council investigation and subsequent agency risk assessment, the triage team need to decide whether any disciplinary action should be taken with respect to the employee and refer to the General Manager for a final decision.

#### **Support during Investigation**

An allegation of child abuse is an extremely serious matter. An investigation into a child protection allegation or conviction can be daunting for all parties. A number of simple actions can help children, families, employees and the person bringing the allegation to feel supported. These include:

- allocating a contact person to whom all inquiries are directed,
- encouraging and maintaining confidentiality,
- keeping parties informed of progress (as appropriate, ensuring the investigation is not compromised),
- reassuring the person making the allegation that they have done the right thing by reporting it,





- ensuring, as far as possible, that the person making the allegation is not subjected to any harassment, victimisation, threats, etc., in retribution,
- offer the employee the opportunity to have a support person present during investigative and disciplinary interviews
- giving information about counselling or other services.

### **Record Keeping**

Accurate records of investigations should be kept by a delegated person within Gwydir Shire Council detailing allegations and the subsequent risk assessments, investigations, and actions. These records need to be treated as highly confidential, kept securely and must be kept permanently.

It is in the interests of both employer and employee who is the subject of the allegation to make and retain adequate records of all events pertaining to the allegation, including instances when an allegation is found to be unsubstantiated, false or malicious.

Records demonstrate whether an agency has responded appropriately to an allegation or conviction and the Ombudsman will refer to records when carrying out audits.

The following documentation should accompany a final report where the Ombudsman has notified Gwydir Shire Council of its intention to monitor the investigation:

- details of the planning process for the investigation (e.g. investigation plan, notes regarding the allegations, who is responsible for investigating them, time frame, list of people needing to be interviewed, list of actions required, objectives),
- records concerning the assessment of the risk the employee subject of the allegation might pose to children (both the alleged victim and any other children they may have contact with), together with details of any action taken to manage this risk during and after the investigation,
- details of any information provided to the employee, child, or family regarding support available while the investigation was underway,
- records or notes of any interview conducted (these should include details of questions and responses, as close as possible to the actual words used, signed by the interviewee, interviewer and any witnesses and dated, as well as notes of any other conversations you had with the person subject of the allegation),
- any statements received, including any written submissions made by the employee subject of the allegation,
- notes of any decisions made, or discussions had during the investigation, such as telephone calls or meetings (these notes could be in the form of a diary and should be signed and dated),
- your findings regarding the allegations (whether the allegation is sustained or not) and the factors considered in making these findings,



- any action to be taken, or has been taken, as a result of the decision,
- a copy of final correspondence to the employee who is the subject of the allegation, and
- any other documents relied upon when making the final decision regarding the allegation.
- Some of the information above might be contained in handwritten notes (e.g. diary notes of telephone calls). If so, please photocopy these notes and forward them to the Ombudsman, ensuring they are legible, signed and dated.
- In assessing the investigation, the Ombudsman will assume that all relevant documentation has been provided. However, if new information comes to light, it may be necessary for the Ombudsman to obtain further information from Gwydir Shire Council in addition to that already provided and/or that listed above.

#### **RELATED LEGISLATION**

- Advocate for Children and Young People Act 2014
- Child Protection (Offenders Prohibition Orders) Act 2004
- Child Protection (Offenders Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Children's Guardian Act 2019
- Commission for Children and Young People Act 1998
- Community Welfare Act 1987
- Crimes Act 1900
- Crimes (Domestic and Personal Violence) Act 2007
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2012
- Government Information (Public Access) Act 2009
- Young Offenders Act 1997
- The Children's Guardian amendment (Child Safe Scheme) Bill 2021

#### **Policy Development**

This Gwydir Shire Council Child Safety Policy is to be kept up to date with any amendments to the Act or other relevant changes that are implemented in service delivery to children and young persons.



## MANDATORY REPORTING OF RISK OF SIGNIFICANT HARM - GUIDELINE

### BACKGROUND

Everyone in the community should be alert to signs of abuse or neglect in children and young people. Their safety, welfare and well-being are a community responsibility. An injury, concerning behaviour or a disclosure may be a trigger to consider whether you should report a child or young person, or whether you or your agency can offer support to prevent significant harm from occurring or continuing. Any member of the community, including mandatory reporters, who suspect, on reasonable grounds, that a child or young person is at risk of significant harm should report their concerns to the Child Protection Helpline. Mandatory reporters should telephone **133 627**. Non mandatory reporters, including the general public, should phone **132 111**.

Gwydir Shire Council supports and encourages all staff in responding to incidents, disclosures or suspicions of children and young people at risk of harm. Council supports the rights of children and young people and is committed to their care and protection. Council believes that the safety and wellbeing of children and young people is everybody's business. Gwydir Shire Council employs staff that are mandatory reporters. In compliance with the *Children and Young Persons (Care and Protection) Act 1998*, where there are concerns that a child or young person is suspected to be at risk of harm, staff who are mandatory reporters must respond to and report these concerns. Mandatory reporting refers to the reporting of concerns for the safety and welfare of a child (0 -15 years) or young person (16 - 17 years) relating to Section 23 and 27 of the *Children and Young Persons (Care and Protection) Act 1998*. Mandatory reporters sit within different departments across Council including Children's Services, Youth Services, Social Services, Libraries, Residential Services (Naroo) and Swimming Pools. All Council staff have a duty of care to appropriately respond to concerns for the safety, welfare or wellbeing of children and young people.

### PURPOSE

The purpose of this Guideline is:

- To ensure Council is compliant with NSW child protection legislation on mandatory reporting and exchanging information.
- To articulate the professional and legal obligations of Council staff in relation to child protection.
- To ensure that Council staff have an accessible procedure for managing child protection concerns including reporting risk of significant harm in accordance with the *Children and Young Persons (Care and Protection) Act 1998*.



- To ensure that all Mandatory Reporters across Council record and respond to any incidents, disclosures or suspicions of a child or young person that may be at risk of harm.

## DEFINITIONS

**Abuse:** A term used to refer to different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience, including physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.

**Child/Young Person:** child (0 -15 years) or young person (16 - 17 years)

**Child Protection Concerns:** Any suspicions, disclosures and/or incidents involving a child or young person who may be at risk of harm.

**Child Protection Helpline:** A twenty-four hours a day, seven days a week, state-wide call centre run by DCJ that is staffed by professionally qualified caseworkers to receive and screen all reports about suspected abuse or neglect of a child or young person or those at risk of harm from abuse or neglect. Mandatory reporters should telephone 133 627. Non mandatory reporters, including the general public, should phone 132 111.

**Child-Safe Organisation:** An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.

**DCJ:** Department of Communities and Justice is the NSW Government agency responsible for the care and protection of children and young people.

**Mandatory Reporters:** People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the *Children and Young Persons (Care and Protection) Act 1998*. This includes, but is not limited to, professionals working in health care; welfare; education; children's services; residential services; and law enforcement.

**MRG:** Mandatory Reporter Guide. The MRG is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.

**Neglect:** A term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.

**Prescribed Bodies** Include:

- The NSW Police Force,
- a government department or a public authority,
- a government school or a registered non-government school or TAFE,
- a public health organisation or a private hospital,



- a private fostering agency or a private adoption agency,
- a designated agency which is a department of the Public Service or an organisation that arranges out of home care,
- any agencies that conduct a residential childcare centre or a childcare service,
- any other organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.

**Reasonable Grounds.** An objective basis for suspecting that a child or young person may be at risk of significant harm based on:

- firsthand observation of the child or family,
- what the child, parent or another person has disclosed, and
- what can reasonably be inferred based on professional training and/or experience.

**Reportable Allegation.** A Reportable Allegation in relation to an employee of the Shire, means:

- A. if the employee holds, or is required to hold, a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment, or
- B. if the employee is not required to hold a Working with Children Check clearance for the purpose of employment with the public authority - an allegation that the employee has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside the course of the employee's employment with the public authority.

**Reportable Conduct.** Reportable Conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- A Sexual offence
- Sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- Failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse
- Behaviour that causes significant emotional or psychological harm to a child.



Examples of indicators of significant emotional or psychological harm include:

- Displaying behaviour patterns that are out of character
- Regressive behaviour
- Anxiety or self-harm.

**Reportable Conviction.** A conviction, (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving Reportable Conduct.

**Risk of Harm:** Concern/s about a child or young person that are likely to or may suffer physical, psychological or emotional harm as a result of what is being done (physical, sexual or psychological abuse) or not done (neglect) by another person.

**Risk of Significant Harm:** Concern/s about a child or young person that are sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risk of significant harm is the NSW threshold to report child protection concerns to FaCS via the Child Protection Helpline.

**Social Services:** Gwydir Shire Council's team who are responsible for the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

**WWCC:** Working with Children Check. The WWCC is a requirement for anyone who works or volunteers in child-related work in NSW. The check provides either clearance to work with children for five years, or a bar against working with children.

**Young Person:** A young person can be defined in a variety of ways depending on the context. For the purpose of this Policy a young person is a person who is over the age of 16 years but under the age of 18 years.

## SCOPE

This guideline applies to all mandatory reporters and any employee of Council who have reasonable grounds to suspect that there are child protection concerns. Council staff and representatives who are identified as mandatory reporters have an obligation to adhere to this Guideline.

A mandatory reporter is a person who, in the course of his or her professional work or other paid employment delivers programs and services wholly or partly, to children and young people. Council identifies the following teams and roles as mandatory reporters:

- All Bingara Preschool staff
- All Tharawonga Mobile Resource Unit Staff





- Swimming Pool Operators
- Social Services Staff
- Program and Event Coordinator
- Librarians
- Triage Team

### **GUIDING PRINCIPLES**

- 1. Use the Child Protection- Mandatory Reporting Risk of Significant Harm Procedure in conjunction with this guideline-[Appendix A].**
- 2. Key principles to adhere to throughout:**
  - Ensure that you keep the child or young person and their safety at the centre of your actions and don't allow other factors to influence your decision to respond to and report any child protection concerns.
  - Safety is of utmost importance - always be sure that you, other staff and/or volunteers are safe as well as children and young people and the wider community.
  - It is vital that if you see or hear something - do something.
  - Documentation is fundamental - everything must be clearly and accurately recorded and stored. It is vital that all records in relation to a child or young person at risk of harm be kept and stored in a secure location.
  - All staff and volunteers have a duty to consult and discuss child protection concerns with their manager or supervisor.
  - Follow up is critical – documenting and reporting is only the minimum requirement. Offer support where safe and possible to do so.
  - If you have child protection concerns, complete the MRG and consider follow up regardless of if you believe the concerns are 'significant' or not.
  - Mandatory reporters have an individual responsibility to respond to child protection concerns. All staff members are required to document and take appropriate action as an individual mandatory reporter if they believe a child or young person is at risk of harm.
  - Remember that it is better to be wrong about possible risk of harm of a child or young person than to potentially allow a situation to endure and cause further harm.
  - Child protection does not neatly fit into clear categories and steps- if you need further assistance; please contact the Triage Team.



### 3. Identifying Concerns

**If a child or young person is at imminent risk of harm or in danger, act immediately by ringing 000 and request the required emergency service.**

In accordance with the *Children and Young Persons (Care and Protection) Act 1998*, a child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances;

- 3.1 the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- 3.2 the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- 3.3 the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- 3.4 the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- 3.5 a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

*(Children and Young Persons (Care and Protection) Act 1998, s. 23. Available at [Children and Young Persons \(Care and Protection\) Act 1998 No 157 - NSW Legislation](#)*

There is no simple or singular description of what a child or young person at risk of harm looks like as child protection is extremely complex. Often children and young people are experiencing more than one form of abuse. For example, a child exposed to domestic violence is likely to be psychologically harmed and is at risk of neglect if their needs cannot be met due to the violence. Below are some general categories of abuse or neglect.

- Physical abuse
- Neglect- supervision, shelter/environment, food, hygiene/clothing, medical care, mental health care and/or education (not enrolled/ habitual absence)
- Sexual abuse
- Psychological harm
- If the Child or Young Person is a danger to self and/or others
- Relinquishing care



- Parent/carer with substance abuse
- Parent/carer with mental health concerns
- Parent/carer perpetrating and/or experiencing domestic violence
- Risks to the unborn child

For further information on risk factors and signs of abuse and neglect, visit the DCJ webpage- [Child at Risk of Harm and Neglect- Signs of Abuse](#)

#### 4. Responding to Disclosures of Abuse

If a child or young person discloses abuse or neglect that is occurring or has occurred, you should support the child or young person by reassuring them that you believe them. It is important to remember that your role is to be a supportive listener and not to counsel the child or young person or investigate his or her claims. Some of the ways to listen to and reassure the child or young person include;

##### Listen

- Move to a suitable environment, free of distractions.
- Be calm and patient - allow for the child or young person to be heard.
- Let the child or young person use their own words-avoid asking leading questions.
- Avoid “quizzing” the child or young person about details of the abuse.
- Don’t be afraid of saying the “wrong” thing. Listening supportively is more important than what you say

##### Reassure

- Reassure the child or young person that it is OK that they have told you what’s been happening.
- Address any concerns about the child or young person’s safety.
- Reassure the child or young person that he or she is not at fault, and not the cause of any distress you may feel.

##### Respect

- Respect that the child or young person may only reveal some details.
- Acknowledge the child or young person’s bravery and strength.
- Avoid making promises you can’t keep—manage the child or young person’s expectations.
- Explain to the child or young person that in order for them to be safe you will need to report their experience to someone else.

It is important to keep information from the disclosure as confidential as possible and only those who must know should be informed.

(Responding to children and young people’s disclosures of abuse 2015. Available at <https://aifs.gov.au/cfca/publications/responding-children-and-young-people-s-disclosures-abu>. Accessed July 2018)



## 5. Allegations against Staff

An allegation against staff is a suspected or confirmed concern or complaint involving a Council staff member or Council representative involving children or young people (under 18 years). This is where the child or young person's care, safety or protection may have been compromised as a result.

Complaints and allegations against staff involving a child or young person will be handled in accordance with the relevant legislation, specifically the *NSW Ombudsman Act 1974*, which mandates an explicit approach to the handling and reporting of complaints about staff involving children and young people. If an allegation against a member of staff is received or identified, all allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Triage Team, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations. Matters which relate to allegations against staff may also involve children at risk of significant harm. This Guideline must also be adhered to when managing allegations against staff where children and young people are involved.

## 6. Documentation and Record Keeping

All Council staff and volunteers must record the incident, disclosure and/or child protection suspicion as soon as possible using the '*Child Protection Documentation of Incident, Disclosure and/or Suspicion Of Risk Of Significant Harm Form*' [Appendix A]. This form is to be updated to include any follow up actions. Records must be factual and using the child or young person's own words in cases where a disclosure is made. All child protection concerns need to be passed on to your supervisor or manager as soon as possible. All records of child protection are to be treated as sensitive information and should only be shared with those who need to have access to it.

Some child protection concerns will only be identified when a number of observations are made, and a pattern of cumulative harm is observed. Often ongoing observations about children and young people will be vital in identifying significant harm. This further supports the need for documenting concerns over time. (Insert CM Container no. Here)

## 7. Mandatory Reporter Guide (MRG)

***If a child or young person or the child or young person is at imminent harm or in danger, act immediately by ringing 000 and request the required emergency service.***

Examples of imminent harm include;

- Serious physical injury to a child or young person requiring medical attention
- Serious neglect to a child or young person of an immediate nature
- Domestic violence involving serious injury and/or use of a weapon
- Sexual harm involving serious current concerns
- A high-risk prenatal report where the birth is imminent



- Immediate safety issues

(Child Wellbeing & Child Protection NSW Interagency Guidelines, 2010. Available at [http://www.community.nsw.gov.au/data/assets/pdf\\_file/0009/336357/reporting\\_section.pdf](http://www.community.nsw.gov.au/data/assets/pdf_file/0009/336357/reporting_section.pdf). Accessed January 2019)

In all other cases, the Mandatory Reporter Guide (MRG) must be used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also use the MRG and report the suspected risk of significant harm to the DCJ Child Protection Helpline.

The MRG can be accessed here-

[Mandatory Reporter Guide](#)

An MRG needs to be completed for each incident or occasion that you have child protection concerns. This means for example, completing an MRG today due to concerns of neglect, if these concerns or others were to reappear/reoccur in a weeks' time, a new MRG is to be completed.

Use the Gwydir Shire Council 'Reporting Risk of Significant Harm' Procedure to help guide you. Once you have completed the MRG, ensure that you click 'generate PDF'.

#### 7.1 Taking the Action of the MRG Final Decision

There are five possible final decisions that the MRG will generate. These include;

- Immediate Report to the Child Protection Helpline
- Consult with a Professional/Service
- Consult with your Referral Network
- Document and Continue Relationship

If you receive an **Immediate Report to Child Protection Helpline** final decision this indicates an immediate response is required. You should contact the Helpline immediately, following the instructions on the screen.

If you receive a **Report to the Child Protection Helpline** final decision you should contact the Helpline promptly, and definitely before you leave work that day. Follow the direction on the screen in relation to contacting the Helpline.

If a report to the helpline is required, it is important to consider:

- Timing (ASAP, especially if 'immediate' is the outcome)
- Forms of reporting – phone or eReport. The DCJ Child Protection Helpline receives reports via either telephone on 132 111 or via eReporting
- Information you will need to report or what information would assist in the report
- Always inform your supervisor or manager of the concerns and your actions. Where it is appropriate and safe to do so consider informing the older child or young person and/or the parent.

If you receive a **Consult with a Professional/Service** decision means that the concerns are close to the threshold for risk of significant harm, and you should



consider what more you could do to address the child wellbeing concerns. In this regard it is important to be proactive. Consult with a professional may mean;

- Talking with your supervisor or manager about options for referral or other strategies to be helpful.
- Talking to other practitioners who know family members, in particular children and young people, to ensure you have accurate information about the family and to explore whether there are other strategies that could support the child or young person.
- Talking to a practitioner with specialist knowledge about concerns relevant to the child or young person and their family.

Refer to section 8 - Information Exchange for more information.

The **Consult with your Referral Network** final decision indicates that there is no risk of significant harm, but the family may benefit from a referral to additional services and has shown a willingness to accept services.

**Document and Continue Relationship** final decision indicates that concerns don't meet the threshold for reporting. If it is not part of your usual role to continue service provision to the client or their family, you do not need to continue contact. If it is part of your role to continue the relationship, you have the opportunity to be aware of additional information about the client or family and any deterioration in the family's circumstances, and to use that information to review the MRG.

### 7.2 Follow up

You must take the action of the final decision of the MRG. Regardless of the final decision, you must continue to monitor and document any new or ongoing concerns. With each incident, disclosures and/or suspicion, a new concern needs to be managed. A Mandatory Reporter's responsibilities regarding the safety, welfare or wellbeing of children and young people do not cease once an MRG has been completed or a report is made to the Child Protection Helpline. It is the responsibility of all staff to use their professional resources and capabilities to provide support appropriate to their role and continue to respond to any new or ongoing concerns for the child or young person. Follow up is vital if you have ongoing contact with the child or young person that you have concerns about.

Please ensure that you complete the follow up section of the '*Child Protection Documentation of Incident, Disclosure and/or Suspicion Of Risk Of Significant Harm Form*' [Appendix A] as an ongoing log of what has occurred.

### 8. Information Exchange

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* allows information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information, such as the *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002* and the *Commonwealth Privacy Act 1988*. Services and organisations that can participate in exchanging information for the purpose of child protection are referred to as 'prescribed bodies'.

Chapter 16A allows organisations to share information relating to the safety, welfare or wellbeing of children or young people without consent and prioritises safety over





privacy with the consideration made to the following conditions:

- Deem that exchanging information with another organisation will assist you to make a decision, assessment or plan, provide a service or manage a risk in relation to the safety, welfare or wellbeing of the child or young person.
- Ensure that you have completed an MRG and made a report to the Child Protection Helpline.
- Consult and seek approval from your supervisor or manager to exchange information with another organisation, service or agency.

#### **8.1 The four key principles to consider are:**

- A. Organisations that have responsibilities for children or young persons should be able to provide and receive information that promotes the safety, welfare or wellbeing of children or young persons.
- B. Organisations should work collaboratively and respect each other's functions and expertise.
- C. Organisations should be able to communicate with each other to facilitate the provision of services to children and young persons and their families.
- D. The needs and interests of children and young people, and of their families, in receiving services relating to the care and protection of children or young people takes precedence over the protection of confidentiality or of an individual's privacy.

(Dept of Communities and Justice, Exchanging information related to child protection and wellbeing. Available at [What is Information Exchange? \(16A\) \(nsw.gov.au\)](https://www.nsw.gov.au/what-is-information-exchange-16a) Accessed May 2023)

#### **8.2 Providing information under Chapter 16A**

Information can legally be shared between prescribed bodies if it relates to the safety, welfare or well-being of a child or young person. This includes information about:

- A parent or other family member.
- A child or young person's history or circumstances.
- Any person/s having a significant relationship or contact, with the child or young person.
- Other agencies working with the child or young person, including past support or service arrangements.

Information should be exchanged in written format as this ensures that everything is recorded, and no information is lost. Information should only be shared in consultation with your supervisor or line manager and once the identity of the individual requesting the information can be confirmed. For reference, DCJ have designed a template document for exercising the information exchange which can be found using the following link-

[DCJ Letter Requesting Information under Chapter 16A](#)



### 9. Consider Work, Health and Safety (WHS)

Council recognises its obligation to ensure that all WHS incidents are reported, recorded and investigated. Given the service we provide to the community, child protection incidents are considered as WHS incidents within Council.

Due to the sensitive nature surrounding child protection matters and following the relevant legislative reporting requirements, if the incident has the potential to affect a staff member's physical or psychological state an incident must also be reported as per Council's WHS Incident Reporting Procedure.

It is advised that when reporting this incident, you ensure the event is identified as 'sensitive'.

### 10. Staff Affected by Child Protection Concerns

Dealing with incidents, disclosures and/or suspicions of children and young people at risk of significant harm can have a lasting impact. If you have been affected by child protection concerns, Council wants to reinforce the value of self-care strategies and the availability of Council's Employee Assistance Program (EAP). EAP is a free service to all employees and family members who may need assistance or advice with work and/or personal issues. The EAP service provides counselling that is confidential, professional and supportive.

#### ROLES & RESPONSIBILITIES

**All Council Staff** - All Council staff engaged with children have a responsibility to comply with the Child Protection Policy, Guidelines and Procedures.

**All Council Volunteers** - All Council volunteers engaged with children have a responsibility to comply with the Child Protection Policy, Guidelines and Procedures and report to their line manager or supervisor if any child protection concerns arise.

**Person identifying concerns**- All Council staff, volunteers and contractors that identify any child protection concerns must ensure that they respond and report all concerns accordingly. The individual is responsible to document and maintain a record on the '*Child Protection Documentation Of Incident, Disclosure and/or Suspicion Of Risk Of Significant Harm Form*'. They must inform their supervisor or line manager of the concerns and planned actions as well as any outcomes or follow up. The de-identified information of the concerns should be passed on to the Triage Team.

**Mandatory Reporters**- All Council identified mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* must respond to suspicions, allegations or disclosures of a child or young person at risk of significant harm. These individuals must comply with the Child Protection Policy, Guidelines and Procedures, particularly the *Mandatory Reporting Risk of Significant Harm Guidelines* and associated procedures. Mandatory reporters must document and maintain a record of child protection concerns using the *Documentation Form*. They must inform their supervisor or line manager of the concerns and planned actions as well as any outcomes or follow up. The de-identified information of the concerns should be passed on to the Triage Team.

**Supervisor/Manager**- The Supervisors/Managers are responsible for ensuring that the Child Safety Policy, Guidelines and Procedures are implemented in their area of responsibility. Matters are to be escalated to Manager or Director level if they



become high risk, complex or contentious.

**RELATED LEGISLATION**

- *Advocate for Children and Young People Act 2014*
- *Child Protection (Offenders Prohibition Orders) Act 2004*
- *Child Protection (Offenders Registration) Act 2000*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children and Young Persons (Care and Protection) Regulation 2012*
- *Commission for Children and Young People Act 1998*
- *Community Welfare Act 1987*
- *Crimes Act 1900*
- *Crimes (Domestic and Personal Violence) Act 2007*
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2012*
- *Government Information (Public Access) Act 2009*
- *Ombudsman Act 1974*
- *Young Offenders Act 1997*



## APPENDIX A

### CHILD PROTECTION DOCUMENTATION OF INCIDENT, DISCLOSURE AND/OR SUSPICION OF RISK OF SIGNIFICANT HARM

#### 1.1 STAFF MEMBER INFORMATION

Date:		Time:	
Name:			
Role:			
Team / Service:			
Directorate:			

#### 1.2 CHILD / YOUNG PERSON INFORMATION (one form per child)

Name of child / young person:	
Residential address:	
Date of Birth	
School attended (if known):	
Language/s spoken by child:	
Primary Parent/Carer name/s:	
Primary Parent/Carer contact:	
Language spoken by Parent/Carer:	
Health consideration including known disability, mental health diagnosis or other health conditions:	
Current location of child / young person (if known):	



Details of siblings under 18 years of age(if known):	
Document any known child protection history or previous concerns.	

**1.3 DETAILS OF INCIDENT, DISCLOSURE OR SUSPICION**

Date:		Time:	
Persons present/ witness:			
Indicators of harm:			
Detail factual notes on child protection concerns, including observations:			
Was an MRG completed?	Yes / No Please attach	If No, please state why:	



Outcome of MRG:		
Was this reported to the Child Protection Helpline?	Yes / No	If yes, please fill in the information in table 1.4. If no skipto table 1.5
Send email to the Child Protection Team de- identified data regarding this matter?	Refer to guideline for what details are required	Date completed: Attach email:

#### 1.4 REPORT TO CHILD PROTECTION HELPLINE

Date:		Time:	
Name of Child Protection Officer spoken to (for phone report only):			
Method of reporting:	Phone / e-Report		
The nature of concerns and accurate details of the information reported: (dot points)			
Contact Reference Number (CRN): (generated at the end of report/eReport)			
What is DCJ planned response? (if known):			





<p>What actions will you take and what follow up is required? By when? And by whom?</p>	
<p>Have you exchanged information under Chapter 16A with other services working with the family?</p>	
<p>If yes, what service did you exchange information with?</p>	
<p>What information was gained?  Attach correspondence and letters of request.</p>	

**1.5 FOLLOW UP RECORD**

Date:		Time:	
Persons completing:			
Were all actions and follow up complete?	<b>YES</b>	<b>NO</b>	
<p>If yes, detail what occurred, when and by whom.  If no, why not? Detail how this</p>			



<p>What further actions or follow up is required? By when? And by whom?</p>	
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\*Complete additional 1.5 tables until no further action is required.

DRAFT

## CONTRACTORS AND CHILD SAFETY

### Background

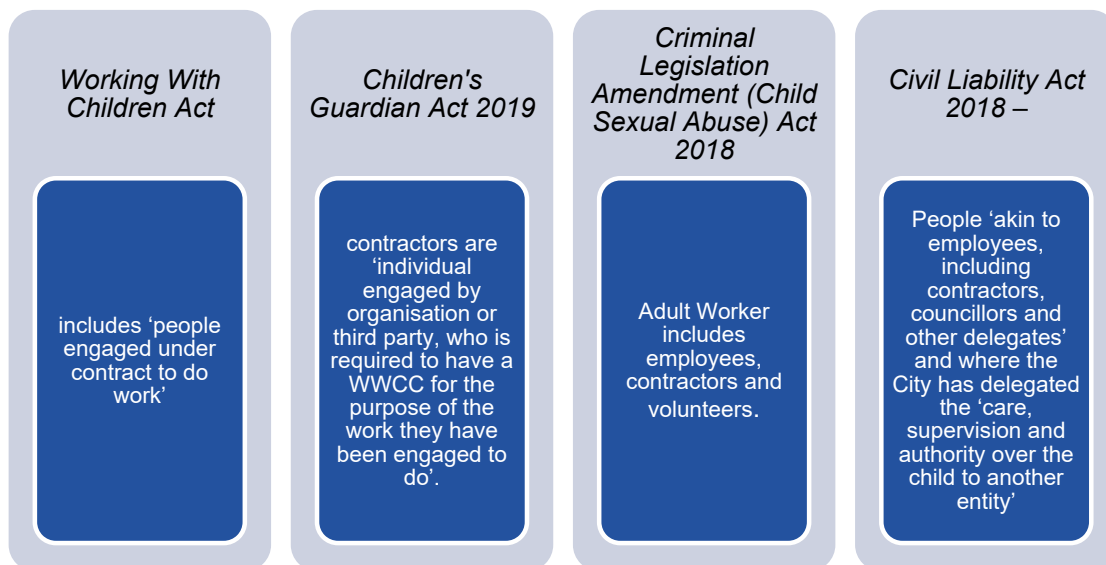
Councils use a broad range of contractual agreements with entities delivering child related work, including service agreements, purchase orders, grants and lease agreements, as well as staff employed through contingent labour hire organisations – sometimes referred to as contractors

The revised legislation provided only a very broad definition of contractor, and it is not immediately clear as to what kinds of contractual arrangements and contractors Councils have increased responsibility and liability for as a result of changes to child safety legislation.

### Which legislation mentions contractors

The definition of employee was expanded in the *Children's Guardian Act 2019*, *Working With Children Act 2012* and the *Civil Liability Act 2018* to include 'contractor', putting increased accountability on Councils for contractors it engages to deliver child-related work on its behalf.

Three of the four pieces of legislation put increased accountability on the Councils for contractors it engages to deliver child related work.



The NSW Office of the Children Guardian has confirmed, that in regards to verification of Working with Children Checks held by staff of a contracted service provider, the *Child Protection (Working with Children) Amendment (Statutory Review) Act 2018* does not place an obligation on an organisation to verify the WWCCs of workers employed by another organisation.

For many councils, there is significant uncertainty as to which kinds of specific contractual arrangements, and under what circumstances, and thereby which contractors, Council has increased accountability for in child protection matters.

### *Reverse onus of proof*

The NSW *Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018*, has amended the *Civil Liability Act 2002* to impose a statutory duty on organisations that **'exercise care, supervision or authority over children'** to prevent child abuse perpetrated by individuals associated with the organisation.

The amendment **reverses the usual onus of proof** so that if abuse occurs there will be a presumption that the organisation has failed in its duty of care unless it can prove that reasonable precautions were taken to prevent the abuse.

The expansion of **vicarious liability to contractors** combined with the introduction of the reverse onus of proof, is new legal territory, and has not been tested in law.

Councils often provides services and facilities for children in collaboration with other entities, communities and private agencies, under a range of different legal arrangements. In some circumstances, these arrangements may be considered the 'delegation of care, supervision and authority over the child to another entity' under the revised legislation, and as such it does not negate Councils duty of care.

Section 6G of the Civil Liabilities Amendment Act 2018 expands the definition of employees to include persons exercising functions akin to employees to include those 'akin to an employee' of an organisation, where that *'individual carries out activities as an integral part of the activities carried on by the organisation and does so for the benefit of the organisation'*.

Councils will not be vicariously liable for the acts of all contractors as there is an express exclusion where a contractor's 'activities are carried out for a recognisably independent business of the individual or of another person or organisation'. Where an organisation has delegated its care for children to another organisation then both organisations will be held responsible for the care of the child.

This means that **if** Council is determined to have delegated responsibility for children to another organisation under new definitions of law, Council will need to be satisfied that the other organisation has effective child safe policies and practices, and appropriate insurance in place.

Determining where Council is liable for contractors is particularly complex as Councils use numerous different legal and contractual arrangements to facilitate the delivery of services and facilities involving Child Related Work. It is not always clear which contractors are engaged in their own 'recognisably independent business' and which are not.

In short, it is not the type of legal arrangement that determines whether Council has increased accountability for contractors, but the nature of the agreement, in particular:

- whether the Council has delegated the authority, care and supervision of children to another entity
- whether that entity is not considered independent of the Council, and
- where an individual engaged under a contract arrangement *'carries out activities as an integral part of the activities carried on by the organisation and does so for the benefit of the organisation'*.

As mentioned above, the Office of the Children's Guardian recommend that organisations should seek their own legal advice.

External legal advice clarified that it is not the type of contractual arrangement that determines whether the Council retains the responsibility to prevent the abuse and harm of children, but whether the third party is subject to any Council control.

Given Councils use a broad range of contractual agreements with entities delivering child-related work (including major and minor service agreements, Grants, lease agreements, commercial lease agreements) each with varying levels of control of the third-parties operations, it was determined it was premature to make a determination on the type of agreement alone.

The following criteria were developed to assess the level of Council control or independence of the organisation across a range of contracts:

- whether or not the service involves “Child-Related Work” as defined in child safety law;
- whether the work is carried out under direct supervision of Council staff, and;
- consideration of the level of financial, operational and perceived independence of the organisation from the Council.

#### **Where the Council is responsible for contractors doing Child-related work**

Broadly, there are two main scenarios where Councils engages a contractor to deliver services involving Child-Related Work on their behalf:

1. **On behalf of the Council** - where the facility and services are wholly managed and delivered by another organisation (Contracted Service Provider), and that organisation is also responsible for the recruitment and management of employees used in the delivery of the service. For example, the management of aquatic facilities on behalf of council.
2. **With the Council** - where the Council engages another organisation (Contracted Service Provider) or Sole Trader to provide services involving Child-Related Work under the management and supervision of Council employees and within Council staffed facilities, venues or controlled event sites. Current and common contracts involving Child-Related Work include:
  - Tutor, program and excursion facilitators— operating from community centres, libraries and out of school hours care services and early education and care services.
  - Child focused entertainers, face painters, and operators of jumping castles, carnival rides, petting zoos and pony rides
  - First aid and paramedic service providers used in events attended by children and families.

### **KEY LEGISLATIVE IMPLICATIONS**

#### **Responsibilities of the General Manager and executive liability offences**

Outsourcing services does not outsource the Councils responsibilities for child safety or the compliance obligation. In the first scenario described above - *On behalf of Council*- outsourcing service delivery, presents the highest compliance risk to the Council in terms of child safety obligations, as responsibility is retained, but the Council only has indirect oversight of operations.

The General manager retains the responsibility for these services under the Children’s Guardian Act 2019. Executive and Senior managers in management control may be subject to executive liability offences for any child safety failure concerning the contracted services, under the proposed regulatory framework for the Child Safe Scheme, currently before NSW Parliament.

It is appropriate that the executive leadership team carefully consider these implications and be responsible for approving any plan to outsource services involving Child-Related Work, including the exercising of options.

#### **Civil Liability**

Councils may be also found civilly liable for the conduct of contractors and their employees if they are involved in the abuse and or neglect of a child considered to be under the duty or care of the contractor or the Council. Council must therefore be confident that the contractor has fit for purpose child safety and protection policies, procedures and practices that enables the contracted service provider and the Council to meet our shared legislative obligations. This includes robust record keeping detailing how their policies and procedures were implemented in the particular circumstance, in the event of a civil case.

### **Reportable Conduct Scheme**

Generally, only organisations defined as a 'Schedule 1 entity' (which includes approved Education and Care Services, TAFE and Universities), 'a public authority' (which includes local governments) or a 'religious body' are subject to the Reportable Conduct Scheme under the *Children's Guardian Act 2019* A. As 'a public authority' the Councils are subject to the scheme.

However, any organisation that is engaged to do child-related work on behalf of or with the Council as outlined above, is in turn subject to the Reportable Conduct Scheme, as the *Children's Guardian Act 2019* extends the Councils responsibilities under the scheme to include contractors.

This means that the General manager retains unique responsibilities as Head of Entity to notify and investigate any convictions or allegations of reportable conduct against an employee of a contracted service provider or sole trader doing child-related work on behalf of or with the Shire.

For contractors doing child-related work on behalf of Council – they will now need to develop and implement a Reportable Conduct Procedure of their own, source and provide training for employees, and work with their contract manager to implement processes for notifying the Council of an allegation of Reportable Conduct against one of their employees. For recreational and leisure organisations, who are not subject to the scheme in their own right, this will be an entirely new requirement.

Where there is an allegation of reportable conduct against an employee of a contracted service provider, Council will need to ensure independent investigator is appointed to conduct the investigation.

For contractors working with the Council, the Councils child safety procedures can apply.

### **Child Safe Scheme**

The *Children's Guardian Amendment (Child Safe Scheme) Bill 2021* when passed and enacted by the NSW Government will require local government authorities, sporting and recreational bodies and approved early education and care services, TAFE and Universities (among many others) to meet the NSW Child Safe Standards. The head of a Child Safe Organisation will be required to ensure the organisation implements the NSW Child Safe Standards through systems, policies and processes.

Organisations council contract – including sporting and recreational bodies - will be required in their own right by law to comply with the Child Safe Scheme and will be directly regulated by the NSW Office of the Children's Guardian.

This does not absolve the Council of accountability. Compliance with the NSW Child Safe Standards and Child Safe Scheme will extend to any organisation the Council engages to deliver services involving Child-Related Work on behalf of the Council, as per scenario 1, as the Council retains accountability for such contractors under the Child Safe Scheme, as they are considered employees of the Council.

There is an expectation from the Office of the Children's Guardian and the community that the Councils awards contracts to contractors that meet the standards or have the skills and



capacity to meet the standards within a reasonable timeframe. Councils have an obligation to ensure all contractors doing Child-Related Work on our behalf are working towards meeting the standards and to monitor their progress. Using sole traders to deliver services involving child related work on behalf of the Councils is problematic and should be avoided. Sole traders aren't required to meet the standards in their own right, but as our contractor they will need to.

For those contracts in scenario 2 – working with the Councils - the organisations contracted will be operating in an environment where the Council maintains control of the venue and the Councils child safety policies and procedures apply. The implementation of the NSW Child Safe Standards in this scenario remains the responsibility of the Council, as the Council maintains control of the venue and the Councils child safety policies and procedures apply. Requiring contractors to demonstrate compliance with the 10 standards may be excessive in this scenario, particularly if they are not already subject to the child safe scheme in their own right.

#### **Other Contractual Arrangements**

A range of other contractual arrangements have been assessed as not involving Child-Related Work and/or not being done on behalf of the Council, as the organisations are independent of the Shire. These include:

3. ***Non child-related service contracts*** –for example catering and security services in locations where children attend
4. ***Venue Hire agreements***
5. ***Partnership agreements***
6. ***Lease Agreements,***
7. ***Grants Agreements***

Ultimately third parties in scenarios 4-7 are independent from the Council, and the council has not purchased services from these organisations that involve child related work. This means the Council is not responsible for these contractors' child safety practices. Therefore, standard contractual agreements should be updated to state it is their responsibility to determine which child safety laws they are subject to and to comply with them.

Councils may encourage these organisations to be child safe through contractual measures, but they are not accountable for their child safety practice.



## Child Protection- Mandatory Reporting Risk of Significant Harm - Procedure

### OBJECTIVE

To guide Council staff who are mandatory reporters, under the Children and Young Persons (Care and Protection) Act 1998 and ensure that they follow legislatively required steps to respond to children and young people who are at risk of significant harm.

Mandatory Reporters are those who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the Children and Young Persons (Care and Protection) Act 1998. This includes, but is not limited to, professionals working in; health care, welfare, education, children's services, residential services and law enforcement.

### BACKGROUND

Gwydir Shire Council supports the rights of children and young people and is committed to their care and protection. Council believes that the safety and wellbeing of children and young people is everybody's business. Council staff, volunteer's, partners and contractors share a commitment to the awareness, prevention and response to the suspected Risk of Significant Harm of a child or young person. This is in adherence to the Children and Young Persons (Care and Protection) Act 1998.

For further information please refer to Council's Child Protection Policy.

#### 1.0 Identify concerns for the safety, welfare or wellbeing of the child or young person

- **ALL STAFF**

- A** Observe and document the concerns that you have for the child or young person. Ensure your notes are based on fact, note the time, date and name those who are present/witness the concerns.
- B** Inform your supervisor or line manager of the child protection concerns that you have identified. Advise them on your intended plan.

#### **What if the child or young person is in imminent danger?**

Call 000 and request the required emergency service as well as Police.

Ensure that other children and young people, members of the community and staff are away from imminent risk and harm.

Ensure you are away and secure from imminent risk and harm.

#### **What is meant by a child or young person when talking about child protection?**

A child is a person who is under the age of 16 years. A young person can be defined in a variety of ways depending on the context. For the purpose of child protection in



NSW a young person is a person who is over the age of 16 years but under the age of 18 years.

[What is meant by "concerns for the safety, welfare and wellbeing of children and young people"? \(DCJ Child at risk of harm and neglect fact sheet\)](#)

**What if I feel uncomfortable or unsure?**

Consult your supervisor or manager

Ring Police Assistance Line - 131444

**What if I already know what to do with the child protection concerns?**

Please still follow this procedure including completing the Mandatory Reporter Guide unless the child or young person is in imminent danger.

**2.0 Complete the online Mandatory Reporter Guide (MRG)**

- **ALL STAFF**

[The NSW Mandatory Reporter Guide found on ChildStory Reporter Website.](#)

- A Complete the MRG.
- B Once complete, click 'Generate PDF' and save it.

[Guide to Selecting a Decision Tree, ChildStory Reporter website](#)

**What if there are multiple areas of concern?**

To complete the MRG, choose the most prominent or concerning risk.

**Is there an option to add additional concerns or risks in the MRG?**

Yes. The MRG will ask "Do you have other concerns about the safety, welfare or wellbeing of the child or young person?", if you answer "yes" you will be given a space with free text to document all additional concerns.

**3.0 Start the documentation form.**

- **REPORTER**
  - A Access the Child Protection - Incident, Disclosure and / or Suspicion of Risk of Significant Harm Form.
  - B Complete the Form to capture all of the information you know and have gathered as well as the steps you have taken in response.

**4.0 Take the action advised in the final decision of the MRG Decision**

**Report.**

- **ALL STAFF**

**What if the MRG final decision is to "document and continue relationship"?**



Continue to observe the child or young person and document your observations. Consult your supervisor or manager. If your concerns escalate again, go back to step 1 of this procedure.

**What if the MRG final decision is to "Consult the Child Wellbeing Unit (CWU)"?**

Council does not have a CWU. Instead, consult with a Professional/Service. Discuss possible actions with other practitioners such as:

- Alternative referral services
- Other practitioners working with the child/ young person/ their family
- A supervisor or a colleague
- Your peak-body association
- The Triage Team

**What options do I have if the MRG final decision is 'Report to the Child Protection Helpline'?**

You may either create an eReport or phone the Child Protection Helpline on 132 111 to report the concerns.

An eReport can only be created if the MRG final decision is 'Report to the Child Protection Helpline' or 'Immediately Report to the Child Protection Helpline'.

**What if I choose to create an eReport?**

- At the end of the MRG click the 'Create eReport' button. You will be redirected.
- If it is your first eReport with Council, click 'Sign Up' and register your details. All email addresses with a Cumberland email domain can register for eReport.
- If you have previously signed up: log in, complete and submit the eReport form.
- Save the eReport.

**What if I report concerns to the Child Protection Helpline via phone?**

Ensure that you note the following details:

- the MRG outcome
- the date and time contact was made with the Child Protection Helpline
- the name of the Child Protection Helpline officer spoken to
- whether the report was made by phone or via e-reporting (non-immediate reports only)
- the nature of concerns and accurate details of the information reported
- the Contact Reference Number (CRN) generated at the end of the report or e-report
- the response from the Department of Communities and Justice, if known



### **What if I do not agree with the final decision from the MRG?**

Consult your supervisor or manager. You cannot de-escalate the MRG recommendation, however you can escalate the MRG final decision. This means that if the recommendation is to "document and continue relationship" however you still hold concerns around risk of significant harm, in consultation with a supervisor/manager you may still decide to make a phone report to the Child Protection Helpline. Clearly document the basis for escalating the decision.

### **5.0 Finalise and submit the form and monitor concerns over time.**

- **ALL STAFF**

- A** Complete any details on the *Child Protection Documentation of Incident, Disclosure and/or Suspicion Of Risk Of Significant Harm Form* and attach the PDF you generated from the MRG and the eReport, if applicable, plus any other relevant documents.
- B** Enter the *Child Protection Documentation of Incident, Disclosure and/or Suspicion Of Risk Of Significant Harm Form* to Content Manager .
- C** Document and continue to work with the child or young person.

### **What if I have new concerns for the same child or young person?**

Go back to step 1 of this procedure with every new concern or escalating concerns in mind.

### **What if my contact with the child or young person is not ongoing?**

Clearly document your concerns, actions and the outcome, if there was one. If you are aware that the child or young person is involved with another service, provide handover and exchange information with this service.

[Can I exchange information with another service working with the child or young person? \(DCJ Exchanging Information Link\)](#)

[What else can be done to support children and young people? \(ChildStory General Practice Support Link\)](#)

### **What if I am impacted physically or psychologically by the child protection incident or concerns?**

-Discuss with supervisor or manager.

-Complete Work, Health and Safety (WHS) process (Pulse)

Dealing with incidents, disclosures and/or suspicions of children and young people at risk of significant harm can have a lasting impact. If you have been affected by child protection concerns, Council wants to reinforce the value of self-care strategies and the availability of Council's Employee Assistance Program (EAP). EAP is a free service to all employees and family members who may need assistance or advice with work and/or personal issues. The EAP service provides counselling that is confidential, professional and supportive.



**Who is on the Triage Team?**

- Director of Organisation and Community Services
- Manager Social Services
- Governance Officer
- Director of children's Service
- Any additional Directors/Managers if matter is from another area

Council reserves the right to vary, replace or terminate this policy when required.



## 6.6 July Investment and Rates Collection Report 2023

<b>File Reference:</b>	NA
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**Delivery Program**

<b>Goal:</b>	5. Organisational management
<b>Outcome:</b>	5.1 Corporate management
<b>Strategy:</b>	5.1.1 Financial Management and accountability systems
<b>Author:</b>	Helen Thomas, Chief Financial Officer

**STAFF DISCLOSURE OF INTEREST Nil****IN BRIEF/SUMMARY RECOMMENDATION**

This report is for reception

**TABLED ITEMS Nil****BACKGROUND**

In accordance with Clause 19(3) of the Local Government (Financial Management) Regulation 1993, the following information provides details of Council's funds invested as at 31<sup>st</sup> July 2023.

Direct Investments							
Broker	ID	Investment Name	Rating	Type	Next Rollover	Yield	Current Value
NAB	2022.16	NAB	AA	TD	24/08/2023	4.10%	\$1,000,000.00
NAB	2022.17	NAB	AA	TD	24/08/2023	4.10%	\$1,000,000.00
NAB	2202.18	NAB	AA	TD	24/08/2023	4.10%	\$1,000,000.00
<b>Grand Total</b>							<b>\$3,000,000.00</b>

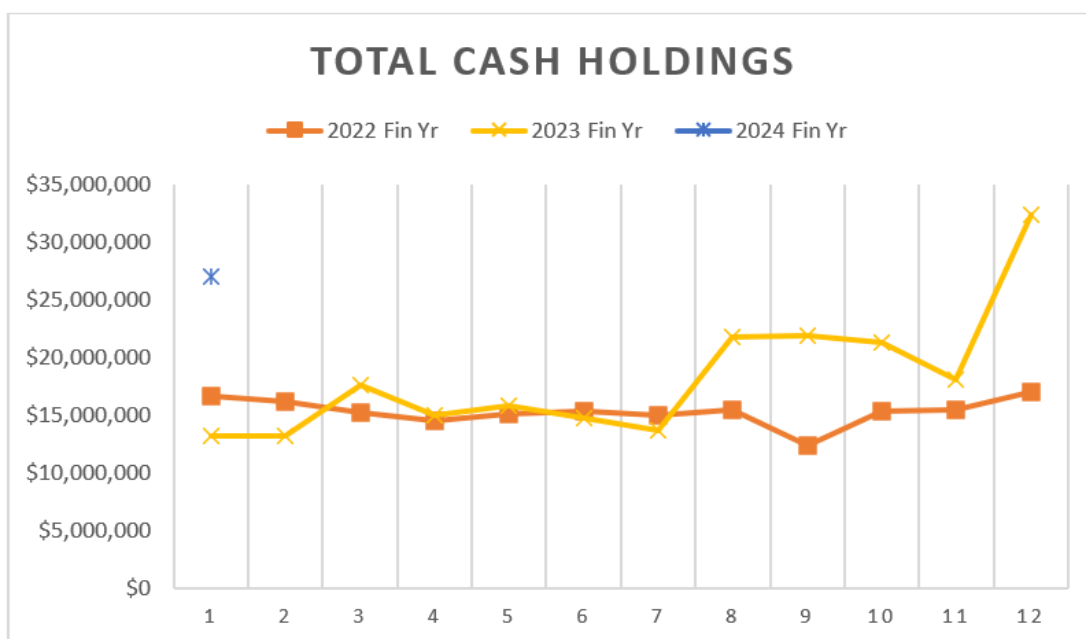
Managed Funds				
Fund	Investment Horizon	Type	Yield	Current Value
Regional Australia Bank	At Call	Cash		\$360,741.03
Regional Australia Bank Medical Centre	At Call	Cash	3.00%	\$50,000.00
<b>Grand Total</b>				<b>\$410,741.03</b>

Total Investments	
Direct Investments	\$3,000,000.00
Managed Funds	\$410,741.03
<b>Grand Total</b>	<b>\$3,410,741.03</b>

Cash and Investments	
Total Investments	
Direct Investments	\$3,000,000.00
Managed Funds	\$9,722,633.26
<b>Grand Total Investments</b>	<b>\$12,722,633.26</b>

Total Cash and Investments	
Investments	\$12,722,633.26
Cash at bank	\$419,524.76
<b>Grand Total Cash and Investments</b>	<b>\$13,142,158.02</b>

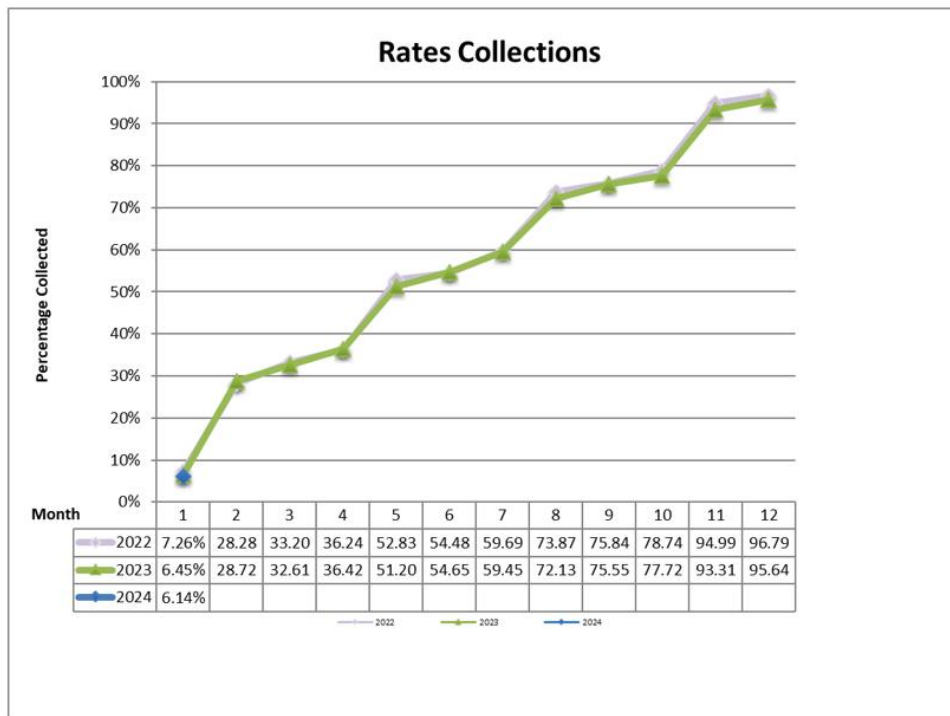
General Fund Cash	
<b>Total cash and investments</b>	<b>\$13,142,158.02</b>
<b>LESS:</b>	
Water fund*	-\$912,136.00
Sewer fund*	-\$2,845,000.00
Waste fund*	-\$4,042,000.00
<b>Other restrictions:</b>	
Employee leave entitlements*	-\$400,000.00
Asset replacement*	-\$287,689.00
Bonds and deposits	-\$1,126,478.46
Unexpended grants*	-\$2,600,000.00
Developer contributions	-\$539,000.00
<b>Discretionary General Fund Cash</b>	<b>\$389,854.56</b>



I, Helen Thomas, CFO and Responsible Accounting Officer for Gwydir Shire Council, certify that the Council’s investments have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council’s Investment Policy, as amended.

**RATES COLLECTIONS**

The graph below represents a comparative of the percentage collections for the current year against the two previous rating years. The current year’s collections are up to 31<sup>st</sup> July 2023.



**OFFICER RECOMMENDATION**

**THAT the July Monthly Investment and Rates Collection report be received.**

**ATTACHMENTS**

Nil

## **7 COUNCILLORS' REPORTS**

### **8 COMMITTEE OF THE WHOLE - CONFIDENTIAL ITEMS**

#### **Confidential Organisation and Community Services Report**

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this Item, as provided for under Section 10 A (2) (a) of the Local Government Act, 1993, on the grounds the report contains personnel matters concerning particular individuals (other than councillors).

#### **Additional Sale of Land for Unpaid Rates and Charges**

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this Item, as provided for under Section 10 A (2) (b) of the Local Government Act, 1993, on the grounds that the report contains the personal hardship of any resident or ratepayer.

#### **Gravel Tender**

It is recommended that the Council resolve into Committee of the Whole with the press and public excluded to allow consideration of this Item, as provided for under Section 10 A (2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

## **9 CLOSURE**