



## WORKPLACE SURVEILLANCE POLICY

**Summary:**

The purpose of this policy is to provide clear direction on the application of the *NSW Workplace Surveillance Act 2005* at Tenterfield Shire Council.

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<b>File Number</b>	<b>TBD</b>
<b>Document version</b>	TBD
<b>Adoption Date</b>	TBD
<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	TBD
<b>Consultation Period</b>	<b>Not Applicable</b>
<b>Review Due Date</b>	February 2023 – 3 years
<b>Department</b>	Office of Chief Corporate
<b>Policy Custodian</b>	Manager Finance & Technology
<b>Superseded Documents</b>	Nil.
<b>Related Legislation</b>	Privacy and Personal Information Protection (PPIP) Act 1998 Government Information (Public Access) (GIPA) Act 2009 Local Government (LG) Act 1993 Protection of the Environment Operations (POEO) Act 1997 Workplace Surveillance (WS) Act 2005 Surveillance Devices (SD) Act 2007 Road Rules (RR) 2008 Environmental Planning and Assessment (EP&A) Act 1979 Evidence Act 1990 (EA) State Records Act 1988
<b>Delegations of Authority</b>	Manager Finance & Technology

## **1. Overview**

This policy outlines the requirements of the NSW Workplace Surveillance Act 2005 and how workplace surveillance will operate under this Act at Tenterfield Shire Council.

## **2. Policy Principles**

The workplace surveillance policy will be operated fairly, within applicable legislative requirements and only for the purposes for which it is established in the policy or which are subsequently agreed in accordance with this policy.

The surveillance devices will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

Access to the surveillance monitoring equipment shall be restricted to authorised staff and will be protected from unauthorised access.

## **3. Policy Objectives**

The objective of this policy is to ensure that Council complies with the requirements of the Workplace Surveillance Act 2005 and represents formal notification to all Council employees, councillors, contractors and volunteers, at all Council sites and premises about activities that fall within the statutory definitions of surveillance.

The use of certain surveillance devices has the potential to deter vandalism or personal attack and is identified to reduce the safety risks associated with employees, councillors, contractors, volunteers, customers and others in the workplace and council premises. The use of certain surveillance devices will be used to optimise performance, improve efficiency and improve customer service.

While Council does not intend to use surveillance methods or data to monitor staff movements, it may from time to time, or with cause, access surveillance systems and data records in order to investigate complaints or conduct other workplace investigations as appropriate.

The main objectives are to:

- Deter vandalism and/or a possible physical/verbal assault
- Reduce the safety risks associated with workers, customers and others in the workplace
- Optimise efficiency and customer service
- Identify the geographical location of employees, councillors, contractors, volunteers in the event of an emergency
- Provide data and information to defend staff against incorrect allegations
- Increase information available when conducting investigations (e.g. code of conduct and fraud related complaints, defending Council)

## **4. Policy Statement**

### **Who this Policy applies to**

This Policy applies to all Council employees, councillors, contractors and volunteers, at all Council sites and premises.

### **Workplace Surveillance**

The *NSW Workplace Surveillance Act 2005* (the Act) requires Council to provide notification to its employees regarding workplace surveillance and prescribes how this notification must be conducted. The following sections of this Policy details Council's notification.

### **Notice of surveillance**

This Policy is the written notification to Council employees regarding Council's activities that fall within the statutory definitions of surveillance. A copy of this policy will be provided to all staff on initial adoption and included in the induction package for new staff. Updates to this Policy will be notified to all staff.

### **Kind of surveillance to be carried out by Council**

The types of workplace surveillance that Council conducts include:

- Closed Circuit TV Camera surveillance (CCTV)
- Computer surveillance
- Tracking surveillance

### **Camera surveillance**

The primary purpose of Council's camera surveillance is for security. Surveillance cameras are mainly at entries, exits and around the exteriors of Council facilities and buildings, however some do exist within Council's Offices. Council also uses cameras in spaces where there is public and council interaction (e.g. customer service areas). As these spaces are also workplaces, the Act applies and Council will:

- ensure that Surveillance cameras (including their casings or other equipment generally indicating the presence of a camera) are clearly visible where surveillance is taking place.
- clearly display visible signs at each workplace entrance notifying people that they may be under surveillance.

Council installs surveillance cameras in and near worksites, plant and fleet to monitor security.

Generally, onsite staff will be aware of and/or involved in the installation of these cameras and this Policy is further notification to staff that these cameras are used. Access to and use of information collected using camera surveillance is to be in accordance with the Video Surveillance on Public and Other Lands Policy.

### **Computer surveillance**

Use of Council's computers and email and internet accounts generate vital information and data which is considered to be Council's property and is managed accordingly. Council may from time to time retrieve and review such information and data in accordance with this Policy.

Examples of information and data that may be accessed and reviewed can include, but is not limited to:

- system storage and download volumes
- internet usage and access
- suspected malicious code or viruses
- email usage including content sent and received
- computer hard drives
- mobile telephone/smartphone/mobile device use, access and locational records (e.g. all phone bills state the general location calls/texts were made from)
- use of WIFI access points
- access and use of Council Software
- information and Communication Technology logs, backups and archives
- records from Multi Function Devices

Council IT staff and approved contractors are approved to monitor the above to maintain network stability, continuity of service and compliance.

Council will not carry out computer surveillance of a particular employee unless it is carried out in accordance with this Policy and authorised by the Chief Executive Officer, Chief Corporate Officer, Manager Infrastructure or Manager Finance & Technology.

Council reserves the right to prevent (or cause to be prevented) the delivery of an email sent to or from staff, or access to an internet website (including a social networking site) by staff, if it contains, refers or links to:

- obscene, offensive or inappropriate material (for example, material of a sexual, indecent or pornographic nature)
- material that causes or may cause insult, offence, intimidation or humiliation
- defamatory or may incur liability or adversely impacts Council's image or reputation
- illegal, unlawful or inappropriate content
- anything that does or potentially affects the performance of, or cause damage to or overload Council's computer network, or internal or external communications in any way
- anything that gives the impression of, or is representing, giving opinions or making statements on behalf of Council without proper delegation

Where an email is prevented from being delivered to or from staff, they will receive a notice that informs them that the delivery of the email was prevented. Notice will not be given if:

- the email was considered to be SPAM, or contain potentially malicious software
- the content of the email (or any attachment) would or might have resulted in an unauthorised interference with, damage to or operation of any program run or data stored on any of Council's equipment
- the email (or any attachment) would be regarded by a reasonable person as being, in all the circumstances, menacing, harassing or offensive

- an email sent by a user if Council was not aware (and could not reasonably be expected to be aware) of the identity of the user who sent the email or that the email was sent by the user.

Council reserves the right to access and provide access to other authorised staff members, the emails of staff who have left the organisation for the purpose of ensuring records have been kept appropriately and for continuing business operations.

The Manager Finance & Technology has responsibility for access and use of data collected via computer surveillance carried out in accordance with this section.

Employee's and contractor's obligations when using Council's computers and other IT resources are set out in Council's policy and/or procedures on IT use.

### **Tracking surveillance**

Council may use devices and technology that has tracking capability including but not limited to:

- GPS tracking within Council vehicle, truck and plant fleet
- Council supplied radios (including those used for isolated worker management)
- "On person" isolated worker devices
- Council issued mobile phones, smart phones, tablets and computers with GPS/WIFI capability or those devices under Council's BYOD Policy.

This data will be used for (but not limited to):

- monitoring performance data for maintenance and repair requirements
- knowing the location of plant, fleet and staff for Work Health and Safety or Disaster/Emergency Management purposes
- identifying opportunities for improving efficiencies in work practices
- identifying staff, plant and fleet locations to respond to emergencies
- investigations due to complaints and incidents

Where a vehicle, truck, plant or other item has tracking capability, Council will clearly display a notice on the item indicating that it is subject to tracking surveillance.

The Chief Executive Officer delegates to the Chief Corporate Officer, Director Infrastructure and Manager Finance & Technology responsibility for access and use of data collected via tracking surveillance carried out in accordance with this section and other staff members may only access or use this data for any purpose with the express written consent of one of these delegates.

Employee's obligations when using Council's plant and fleet are detailed in Council's Vehicle and Plant Use Procedure. Council's isolated worker Management is detailed in the Isolated Worker Procedure.

### **Infrastructure Construction and Maintenance plant and fleet**

Operational Plant and Fleet tracking data may only be accessed by staff with delegated authority from either the Chief Corporate Officer, Director Infrastructure or Manager Finance & Technology. If authorised, persons may monitor such data in real time only for the purposes of Work Health and Safety or Disaster/Emergency Management.

Further, authorised staff (to be clear, staff with express written consent from the Chief Executive Officer, Chief Corporate Officer, Director Infrastructure or Manager Finance & Technology) will have access to Plant and Fleet performance and usage data, collected via tracking surveillance, in order to assist in prioritising and scheduling maintenance and repair to improve efficiency and maintenance management purposes.

### **Private and Non Private Use of Council Vehicles**

Private and Non Private use of vehicles may be recorded and used for the purpose of accurately calculating Fringe Benefits Tax. Authorised staff (to be clear, staff with express written consent from the Chief Executive Officer, Chief Corporate Officer, Director Infrastructure or Manager Finance & Technology) will be provided with this data for the purpose of calculating Fringe Benefits Tax.

### **Isolated Workers**

Council' "On person" isolated worker devices (i.e. man down) are used to identify the location of an isolated/remote site worker in an emergency. Staff required to use these will be informed that they are required to carry the device while working alone at work.

Council' "On person" isolated worker device data and information will be accessible, retrieved and used without further authorisation in the following circumstances:

- A worker fails to return to base at the expected time.
- A worker does not respond to repeated attempts to contact them.
- An alarm is activated.
- A portable radio panic button is activated.
- An emergency situation requires the ability to locate council vehicles.

### **How the surveillance will be carried out**

Surveillance will be carried out in accordance with this Policy.

### **When will surveillance start**

Where surveillance was already in place prior to this version of this Policy, it will continue. Where surveillance is new, implementation will be 14 days after the approval date of the Policy.

### **Surveillance will be continuous**

All forms of surveillance (Camera, Computer and Tracking surveillance) will be continuous and Council will carry out surveillance of any user at such times of Council's choosing and without further notice to any user in accordance with the Act and this Policy. To be clear though, staff with private leaseback arrangements and indeed all staff with Council vehicles will not be monitored in real time while

not at work (ie a person won't be sitting at a screen on the weekend saying look where employee x is. If they did this would be against Council's code of conduct and the employee would face disciplinary action.) Staff with home to work use only of council vehicles may however be audited to ensure compliance with the home to work use only requirement and if a leaseback vehicle was involved in an accident on the weekend of course Council would review the data available – the vehicle is after all still a Council asset.

### **Surveillance will be ongoing**

Surveillance, as detailed within this Policy, will be ongoing unless specified within an amendment and subsequent approval of this Policy.

### **Changes in technology**

As technology improves and changes, other devices are likely to become available and will generate surveillance data and information. Where this happens, devices, information and/or data will be managed in accordance with the Act and this Policy.

### **Prohibited Surveillance**

Council will not, in accordance with the WS Act:

- Conduct surveillance of change rooms and bathrooms
- Use work surveillance devices for the purpose of tracking location while employees are not at work, unless the surveillance is computer surveillance of the use by the employee of equipment or resources provided by or at the expense of Council.
- Prevent, or cause to be prevented, delivery of an email sent to or by, or access to an Internet website by, an employee of Council unless:
  - it is in accordance with this Policy
  - Council has (as soon as practicable) provided the employee a prevented delivery notice by email or otherwise, unless notice is not required in accordance with s17(2)-(3) of the Act
- Prevent delivery of an email or access to a website merely because:
  - the email was sent by or on behalf of an industrial organisation of employees or an officer of such an organisation, or
  - the website or email contains information relating to industrial matters (within the meaning of the *Industrial Relations Act 1996 (NSW)*).

### **Audit of Surveillance Methods**

On an adhoc basis but at least once per annum, the Manager Finance and Technology will conduct an audit to ensure that only authorised staff have accessed the various surveillance systems in use by council:

- Closed Circuit TV Camera surveillance (CCTV)
- Computer surveillance
- Tracking surveillance

And that such use has been for a purpose as outlined in this Policy.

### **Covert Surveillance**

Council will not carry out, or cause to be carried out, covert surveillance unless it is in accordance with the requirements of Part 4 of the Act.

### **Surveillance information and data**

*All Council staff shall at all times be compliant with Council's code of Conduct and maintain strict confidentiality of all Council records, information and data. Council will ensure that surveillance information and records are not used or disclosed unless the use or disclosure is:*

- *for a legitimate purpose related to the employment of Council employees or Council's legitimate business activities or functions, or*
- *to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence, or*
- *for a purpose that is directly or indirectly related to the taking of civil or criminal proceedings, or*
- *reasonably believed to be necessary to avert an imminent threat of serious violence to persons or of substantial damage to property.*

***Disciplinary action under Council's Code of Conduct will be taken if this policy is breached and this could lead to dismissal. To be clear Council does not condone the use of surveillance data for anything other than legitimate purposes as per this Policy. (Please refer to the Policy Breach section below).***

*Access requests outside of this Policy are to be made in accordance with the relevant Surveillance data access procedure(s).*

### **Installation of Surveillance Devices**

Any installations of surveillance devices must be in-accordance with the WS Act, Surveillance Devices Act 2007 (NSW) and this Policy.

### **Policy breach**

Any employee or contractor found to be in breach of this Policy will be subject to appropriate disciplinary action, up to and including summary dismissal.

## **5. Scope**

This policy extends to all staff, councillors, contractors and volunteers of Council.

## **6. Accountability, Roles & Responsibility**

All staff, councillors, volunteers and contractors are responsible for complying with this Policy.

## **7. Definitions**

**Surveillance:** of an employee means surveillance of an employee by any of the following means (s3 WS Act):

- a) camera surveillance, which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place,



- b) computer surveillance, which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and the accessing of Internet websites),
- c) tracking surveillance, which is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning System tracking device).

**Surveillance information:** means information obtained, recorded, monitored or observed as a consequence of surveillance of an employee.

**Covert surveillance:** means surveillance of an employee while at work for an employer carried out or caused to be carried out by the employer and not carried out in compliance with the requirements of Part 2 of the WS Act.

**Workplace:** means premises, or any other place, where employees work, or any part of such premises or place.

**8. Related Documents, Standards & Guidelines**

- Tenterfield Shire Council Code of Conduct
- Privacy and Personal Information Protection (PPIP) Act 1998
- Government Information (Public Access) (GIPA) Act 2009
- Local Government (LG) Act 1993
- Protection of the Environment Operations (POEO) Act 1997
- Workplace Surveillance (WS) Act 2005
- Surveillance Devices (SD) Act 2007
- Road Rules (RR) 2008
- Environmental Planning and Assessment (EP&A) Act 1979
- Evidence Act 1990 (EA)
- State Records Act 1988

**9. Version Control & Change History**

Version	Date	Modified by	Details
V1.0		Council	Adoption of Original Policy



## CITIZEN AND CUSTOMER SERVICE POLICY

### Summary:

The purpose of this policy is to provide clear direction on the delivery of customer services to residents, visitors and stakeholders in Tenterfield Shire.

<b>Policy Number</b>	1.035
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<b>Department</b>	Office of Chief Corporate Officer
<b>Policy Custodian</b>	Chief Corporate Officer
<b>Superseded Documents</b>	Citizen and Customer Service Policy Version 3.0
<b>Related Legislation</b>	<i>NSW Local Government Act 1993</i> Citizen and Customer Contact Charter Complaints and Unreasonable Conduct Policy Exclusion Policy for Disruptive or Abusive Citizens and Customers
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Policy Principles

The Citizen and Customer Service Policy applies to all permanent, temporary and casual employees, volunteers and nominated contractors of Tenterfield Shire Council.

### 2. Policy Statement

Tenterfield Shire Council will provide the highest possible level of service to its customers. Our service to our customers will reflect our Vision and Corporate Values. All activities undertaken at Tenterfield Shire Council are focussed on the delivery of service to our customers. Therefore, our service goes beyond the personal contact staff have with the public and encompasses internal procedures and practises that result in efficient service.

Council's staff will be professional at all times and provide:

- Courtesy in all circumstances;
- Accuracy in what they do;
- Accountability for the quality of service they deliver;
- Integrity in all their dealings;
- Consideration for the needs of the customer, and
- Promptness in all their actions, keeping people informed of progress.

### **3. Scope**

Council's primary purpose is the provision of service to both residents and non-residents of the Tenterfield Shire local government area.

#### **1.1 External Customers**

All those seeking assistance from the Council will be accorded a high level of service regardless of the manner in which that assistance is sought.

#### **1.2 Internal Customers**

Staff will give each other the same level of service as that provided to our external customers, as it is important that internal service standards support the external service delivery.

#### **1.3 Courtesy**

Courtesy will be shown in all circumstances, even in difficult situations where the customer does not show similar courtesy in return. Staff will be courteous in their spoken words, body language and demeanour.

#### **1.4 Accuracy**

Where there is any doubt about the accuracy of any information, the details will be checked and validated prior to release.

#### **1.5 Accountability**

Staff will look for ways to enhance the quality of service they deliver. Concerns about the quality of service will be referred to the next level of management.

#### **1.6 Integrity**

Staff will act with integrity in all their dealings and comply with all provisions of Councils Code of Conduct.

#### **1.7 Confidentiality**

Staff will ensure personal information is kept confidential.

#### **1.8 Consideration**

Consideration will be given to the needs of the customer. Staff will be empathetic and respond to the needs of the customer within the constraints of Local Government Regulations and Council's role and responsibilities.

1.9 Promptness

Staff will deal with matters promptly.

1.10 Continuous Improvement

Impediments to good customer service, when identified, will be addressed. Examples might include reviewing systems, procedures, documentation, improving online service provision via Council's websites and the internet and wherever possible to enable customers to complete business over the phone. Council recognises that our customers may wish to contact Council in a variety of ways and we are committed to providing choice about how customers can access Council Services.

1.11 Performance Measurement and Customer Feedback

Council recognises the need for a Strategic Approach to Customer Services and has established Key Performances Indicators (KPI's) for each specific program area of our Operational Plan.

Staff will be assessed on the quality of their delivery of customer service through Council's Annual Performance and Assessment Process.

Council's Citizen and Customer Contact Charter provides a commitment from Council and its staff to deliver high quality services to its Community.

It specifies the quality of services delivery that the Council aims to deliver and the course of action customers can take if service standards and corporate values are not met.

1.12 Training

Training and coaching will be provided on customer service and general communication skills on a needs basis. In order to meet our commitment to Customer Services, Council will ensure that all staff has access to a range of training and materials to support service delivery.

1.13 Customer Responsibilities

Council requests that customers assist Council in our service delivery by:

- Treating staff with courtesy and respect;
- Respecting the rights of other customers;
- Being honest and accurate with information provided to Council;
- Work with Council to resolve problems, and
- Provide Council with feedback.

#### **4. Accountability, Roles & Responsibility**

**Chief Executive Officer, Executive and Management Teams Managers and Supervisors** are responsible for:

- Monitoring the level of service provided by their staff and nominated contractors and for modelling and coaching good customer service, and
- Assessing staff against any established customer service criteria.

**Managers** are accountable for ensuring consistently high levels of customer service in their departments, and are responsible for acting upon any identified impediments to the delivery of good customer service.

The **Manager Human Resources, Workforce Development and Risk Management** and the **Manager Customer Service, Governance and Records** are responsible for arranging any training and/or coaching on customer service and communication skills.

**Individual Staff**

Each member of staff and/or nominated contractor is:

- Accountable for the quality of the service they deliver, and
- Responsible for identifying and reporting any impediments to delivery of good customer service.

**5. Definitions**

- Customers include all customers, whether internal or external.
- Nominated contractors are those whose contracts necessitate their working at Council worksites, using Council’s facilities and operating in a similar manner to staff.

**6. Related Documents, Standards & Guidelines**

The Policy should be read in conjunction with:

- Citizen and Customer Contact Charter
- Complaints and Unreasonable Conduct Policy
- Exclusion Policy for Disruptive or Abusive Citizens and Customers
- Code of Conduct for Councillors and Staff

**7. Version Control & Change History**

Version	Date	Modified by	Details
V1.0	26/09/12	Council	Adoption of Original Policy (Res No. 385/12)
V2.0	24/06/15	Council	Review/Amended (Res No. 191/15)
V3.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V4.0	24/02/21	Council	Review/Amended (Res No. XXX/21)



## COMPLAINTS AND UNREASONABLE CONDUCT POLICY

### Summary:

The purpose of this policy is to provide clear direction on what is considered to be reasonable and unreasonable conduct and behaviour when accessing Council's services.

<b>Policy Number</b>	1.033
<b>File Number</b>	
<b>Document version</b>	Version 5.0
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<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	XXX/21
<b>Review Due Date</b>	August 2023
<b>Department</b>	Office of Chief Corporate Officer
<b>Policy Custodian</b>	Chief Corporate Officer (Public Officer)
<b>Superseded Documents</b>	Complaints and Unreasonable Conduct Policy Version 4.0
<b>Related Legislation</b>	Citizen and Customer Contact Charter Citizen and Customer Service Policy Exclusion Policy for Disruptive or Abusive Customers Policy Code of Conduct; Procedures for Council's Administration of the Code of Conduct; Procedure: Strategies for dealing with Unreasonable Behaviours; Internal Reporting Policy 4.161; Division of Local Government Practice Note 9, 2009.
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Policy Principles

An effective complaints handling system is an essential part of providing quality service. It is a measure of "customer" satisfaction. It provides positive feedback

about aspects of the service that work well, and is a useful source of information for improvement.

An effective complaints system will benefit the council in four important ways:

- Creating a second chance to provide service and satisfaction to dissatisfied members of the public;
- Identifying areas that need improvement;
- Providing opportunities to strengthen public support for the Council, and
- Assisting in planning and allocation of resources.

A Complaints handling system should also inform the Community of what is considered Unreasonable Conduct. A small percentage of people will phone, correspond with or complain to Council in a way that could reasonably be described as persistent, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for staff. This Policy includes a section on what constitutes Unreasonable Conduct.

Complaints and compliments are welcome feedback to Council to assist in the planning process and the improvement of Council's systems, policies and procedures.

## **2. Policy Objectives**

The objective of this policy is to establish a complaint handling system as an organised way of responding to, recording, reporting and using complaints to improve service to the community. It includes procedures for people to make complaints and guidelines for staff to resolve complaints, and provides information to managers and staff that can assist them to prevent public dissatisfaction in the future.

## **3. Policy Statement**

### **LODGING A COMPLAINT**

Complaints may be lodged with Council:-

- in person; or by
- telephone;
- facsimile;
- email;
- letter.

They should detail the name, address and contact phone numbers of the complainant together with a description of the problem and desired outcome.

Complaints about a staff member, contractor, volunteer or Councillor will only be accepted in writing and may need to be referred to Council's Code of Conduct procedures. Any Councillor in receipt of a complaint must refer the matter directly to the Chief Executive Officer.

### **3.1 The Public Officer**

Council’s Public Officer is charged with the responsibility of dealing with complaints from the public concerning Council’s affairs. Council’s Chief Corporate Officer holds the position of Public Officer and can be contacted on (02) 6736 6000.

Should the Public Officer determine that a complaint will not be investigated, the complainant will be advised of the reason for this decision?

**3.2 Anonymous Complaints**

The Chief Executive Officer or the Public Officer will determine whether an anonymous complaint will be investigated dependent upon the seriousness of the complaint and provided there is sufficient information in the complaint to enable an investigation to be conducted, or whether there is a statutory requirement for identification of the complainant.

**3.3 Serious Complaints**

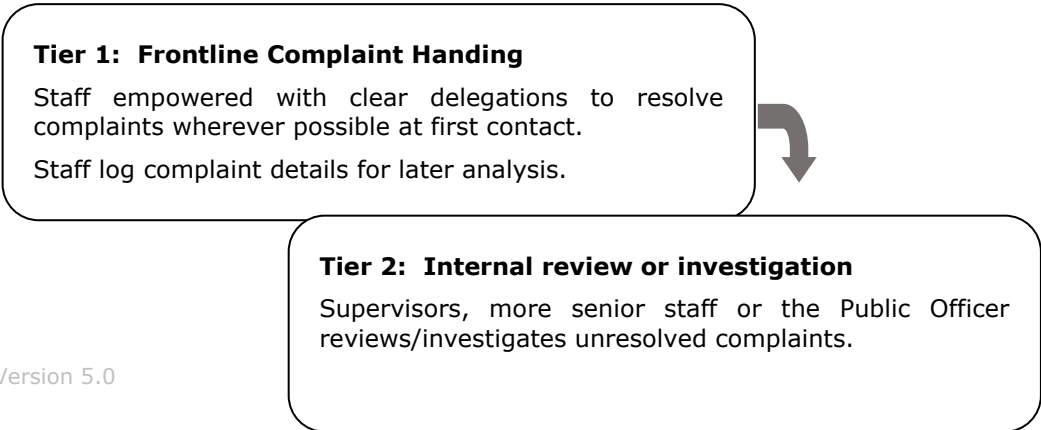
All complaints, including those received verbally or anonymously, alleging corrupt conduct, pecuniary interest breaches, improper use of position, criminal action or maladministration are to be referred immediately to the Chief Executive Officer. If the allegation relates to the Chief Executive Officer, the matter must be reported to the Mayor. Complaints of this nature will be dealt with in accordance with Council’s Code of Conduct.

**3.4 Confidentiality**

Council will not disclose the identity of a complainant should the complainant request their details remain confidential.

**4. COMPLAINT HANDLING PROCESS**

Council has implemented a tiered or staged approach to complaint handling. The model looks like this:







### **Tier 3: External review**

Still unresolved complaints referred externally, e.g.

- Alternative dispute resolution procedure (e.g. mediation) tried
- Complaint referred to external agency (e.g. ombudsman)
- Complainant informed of appeal procedure or other legal

## **4.1 First-tier**

Registration and attempted resolution by frontline staff or referral to an appropriate person or agency to deal with (e.g. code of conduct issues, protected disclosures, allegations of corrupt conduct).

## **4.2 Second-tier**

If a complainant is still dissatisfied, his or her complaint is reviewed or investigated by someone who is more senior, and the results of the review should be reported to the complainant. If the complainant remains dissatisfied, further consideration should be given to options that may be available to achieve a settlement. This may include conciliation, mediation, or further direct negotiations over remedying the grievance.

## **4.3 Third-tier**

If the complaint cannot be resolved within the Council, the complainant is referred to an outside agency such as the NSW Ombudsman, the Department of Local Government or to some alternative dispute resolution procedure or, as a last resort, any legal remedy.

### **NSW OMBUDSMAN**

Business hours: Monday to Friday 9am – 5pm

**Contacts Phone: 02 9286 1000 Toll free (outside Sydney metro): 1800 451 524**

Complaints: [ONLINE COMPLAINT FORM](#)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

### **OFFICE OF LOCAL GOVERNMENT**

Phone: 02 4428 4100 Fax: 02 4428 4199 TTY: 02 4428 4209

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) Address: Locked Bag 3015 NOWRA NSW  
2541

#### **4.4 Complaints and Correspondence that will not be investigated**

The Public Officer or the Chief Executive Officer may determine that a complaint will not be investigated where that complaint:

- Is considered frivolous or not made in good faith, or concerns a trivial matter;
- Involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- Relates to a decision of Council;
- Relates to conduct before a court, coroner or tribunal;
- Relates to matters under investigation by the Minister for Local Government, ICAC, the NSW Ombudsman's office, a Minister of the Crown or government department or NSW Police;
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- Relates to a decision, recommendation, or omission which is more than one year old;
- Relates to a matter awaiting determination by the Council;
- Relates to the actions or conduct of private individuals;
- Relates to hearsay or where the basis of complaint cannot be validated;
- Relates to a matter where there is insufficient information available, or
- Involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against Council.

Should it be determined that a complaint will not be investigated, the complainant will be advised of the reason for this decision.

The Public Officer may impose specific limits for unreasonable complainants and will determine the decision in accordance with the guidelines set out by the NSW Ombudsman in the "Good Conduct and Administration Practice: Guidelines for State and Local Government" for the placing of limits on contact between the organisation and members of the public.

#### **5. UNREASONABLE CONDUCT - PHONE AND CORRESPONDENCE**

A small percentage of people will phone, correspond with or complain to Council in a way that could reasonably be described as persistent, harassing or repetitive.

This behaviour from a minority of individuals takes up a disproportionate amount of resources, disrupts essential Council operations and can result in unacceptable stress for staff.

This procedure is designed to address unreasonable phone calls and correspondence that may or may not necessarily be a complaint. It will assist Council to manage inappropriately demanding or unreasonable behaviour from correspondents or complainants.

**It is important that the use of this procedure does not prevent people from freedom of expression to the extent that it is legally permitted. It is designed to ensure that freedom of expression is protected while ensuring that scarce resources are used fairly, efficiently and effectively, and that staff receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints.**

In accordance with the *NSW Ombudsman Good Conduct and Administrative Practice Guidelines (2nd Edition)*, *Complaints found to be made vexatiously*: on some occasions, the agency may find that the allegations are not supported by any evidence or that there is evidence to suggest that the complaint was made vexatiously — that is, primarily for the purpose of causing annoyance. In these cases the agency is generally justified in dismissing the complaint because it has no substance. The complainant should be advised that no evidence was found to support the allegations. However, the agency should freshly assess any further correspondence from the same person to determine if they have any substance where they contain additional, relevant information.

This Policy is not designed to address violent or threatening behaviour which needs an urgent response and relates to Work Health and Safety.

## **5.1 Defining unreasonable phone conduct, correspondence or complaints**

Unreasonable or persistent phone calls, complaints and correspondence (or as contained within submissions) for the purpose of this Policy are characterised in the following ways:

- a) Behaviour which is **persistent, harassing, prolific, repetitious** and/or;
- b) Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond reason and/or;
- c) Displays an inability to accept reasonable and logical explanations including final decisions and/or;
- d) Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner, including unreasonable demands regarding Council's operations or outcomes and/or;
- e) A "scatter gun" approach, with copies of letters being sent to several recipients on a regular basis, often including the media, the Councillors and/ or Members of Parliament.
- f) Repeated and/or frequent requests for information, but not those requests that are made under the access to information legislation.

Council staff will also refer to the Practice Note No. 9 "*Complaints handling in Council's*" section 10 when dealing with Unreasonable Conduct which includes the NSW Ombudsman inventory of specific unreasonable behaviours. These are:

## **5.2 Unreasonable Persistence**

- Persisting with a complaint even though it has been comprehensively considered by the council, and even where all avenues of internal review have been exhausted;
- Reframing a complaint in an attempt to get it taken up again;
- Showing an inability to accept the final decision;
- Persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly;
- Demanding a review because it is available but not arguing a case for a review;

## **5.3 Unreasonable Demands**

- Insisting on outcomes that are unattainable, (eg demanding outcomes that are beyond a council's power to deliver, demanding unreasonable outcomes, wanting to turn back time, unreasonable prosecution of individuals);
- Insisting on a 'moral' outcome, (eg. justice in the community interest, when really a personal interest is at stake);
- Demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exists;
- Wanting revenge, retribution;
- Wanting what is not possible or appropriate, (eg. copies of sensitive documents, private contact details of staff, other complainants etc);
- Issuing instructions and making demands as to how a complaint should be handled;
- Making unreasonable resource demands, expecting resources in excess of or out of proportion to the seriousness of issue;
- Wanting regular and lengthy phone contact where this is not warranted;
- Showing reactions or demands for action that are out of proportion to the significance of the issue;

- Moving the goal posts — changing the desired outcome;
- Shopping for a sympathetic ear in the council — demanding to talk to a supervisor or the general manager personally;
- Placing the complaint handler or the council on an extensive email copy list and expecting responses to numerous emails;
- Consistently creating complexity where there is none;
- Presenting as overly needy or dependent.

#### **5.4 Unreasonable lack of cooperation**

- Presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this;
- Presenting information in dribs and drabs — refusing to present all available information at the outset;
- Focusing on 'principles' rather than substantive issues;
- Changing the complaint, raising new issues in the process of the council's consideration of it;
- Displaying unhelpful behaviour, (eg. withholding information, dishonesty, misquoting others, swamping council with documents).

#### **5.5 Unreasonable Arguments**

- Holding irrational beliefs, (eg. seeing cause and effect links where there are clearly none);
- Holding what is clearly a conspiracy theory unsupported by any evidence;
- Insisting that a particular solution, interpretation or argument is the only correct one in the face of valid contrary or alternative arguments;
- Interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one;
- Insisting on the overwhelming importance of an issue that is clearly trivial.

#### **5.6 Unreasonable Behaviours**

- Displaying confronting behaviour, eg. rudeness, aggression, threats;

- Sending rude, confronting, threatening letters;
- Making threats of self-harm and/or making threats of harm to others.

## **6. Process**

All staff dealing with unreasonable conduct as outlined above will refer to the Practice Note No. 9 "*Complaints handling in Councils*" section 10: Strategies for dealing with Unreasonable Conduct.

The process for correspondence is as follows:

- a) The Chief Executive Officer, being the recipient of all business correspondence at Council, or the Public Officer will directly assess and allocate correspondence to staff.
- b) The Chief Executive Officer or the Public Officer will directly assess the correspondence as unreasonable, or the Staff member who identifies correspondence or complaints as unreasonable will forward the item to the Chief Executive Officer or the Public Officer.
- c) The Chief Executive Officer or the Public Officer will assess the documentation against the criteria bearing in mind residents' right to complain and correspond with Council on matters of their concern;
- d) If assessed that the correspondence or complaint is unreasonable, the Chief Executive Officer or the Public Officer will forward the correspondence to the Public Officer or the Manager Customer Service, Governance and Records for a second opinion.
- e) If the Public Officer or the Manager Customer Service, Governance and Records assesses the correspondence as unreasonable, Council will advise the correspondent in writing that their complaint and/or correspondence has been determined to be unreasonable, giving the reason for that decision based on the definitions in this policy.
- f) Where threats of violence or harm to a person, or other illegal activities are threatened, Council will refer the correspondence to the Police.
- g) The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response.

Council's Records Section will keep a register of unreasonable complaints and correspondence.

## **4. Accountability, Roles & Responsibility**

### **Chief Executive Officer, Executive and Management Teams**

The **Chief Executive Officer** is responsible for the implementation and delivery of this policy, with the **Public Officer** providing operational delivery and support through the Corporate and Governance service area.

### **Individual Managers**

The **Manager Customer Service, Governance and Records** will provide day to day operational response and support to the organisation in applying the policy to relevant examples of inappropriate customer behaviour and conduct.

All other Managers are responsible for bringing inappropriate customer behaviour to the attention of the **Chief Executive Officer**, the **Public Officer** or the **Manager Customer Service, Governance and Records**.

## **5. Definitions**

A complaint is an expression of dissatisfaction with the Council's level and quality of service or policies or procedures. Dissatisfaction may arise from the service provided by Council staff, Councillors, volunteers, contractors and systems or from the impact of a particular policy and procedure.

On its own, a request for a council service or the exercise by a council of its regulatory functions is not a complaint about a Council. Accordingly a Council's definition of what constitutes a complaint should not be so broad as to include such requests.

A valid complaint is one where **Council would appear to have failed** to respond appropriately to a request for service or a report and **does not** include:-

- A request for services;
- Reports of damage or faulty infrastructure (e.g. road pothole);
- Reports of hazards (e.g. fallen tree branch);
- Reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works);
- A request for information or explanation of policies or procedures or decisions of Council; and
- The lodging of an appeal in accordance with procedure or policy.

## **6. Related Documents, Standards & Guidelines**

- Records Management Policy 1.187;
- Citizen and Customer Service Policy 1.035;
- Citizen and Customer Contact Charter;
- Code of Conduct;
- Procedures for Council's Administration of the Code of Conduct;
- Procedure: Strategies for dealing with Unreasonable Behaviours;
- Internal Reporting Policy 4.161;
- Division of Local Government Practice Note 9, 2009.

## **7. Version Control & Change History**

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	26/09/12	Council	Adoption of Original Policy(Res No. 384/12)
V2.0	28/03/07	Council	Review/Amended (Res No. 137/07)
V3.0	26/02/14	Council	Review/Amended (Res No. 23/14)
V4.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V5.0	24/02/21	Council	Review/Amended (Res No. XXX/21)





## EXCLUSION FOR DISRUPTIVE OR ABUSIVE CITIZENS AND CUSTOMERS POLICY

### Summary:

The purpose of this policy is to provide clear direction on the exclusion of members of the public, residents or visitors when behaviours become disruption or abusive towards Council, councillors, staff and volunteers.

<b>Policy Number</b>	1.052
<b>File Number</b>	
<b>Document version</b>	Version 3.0
<b>Adoption Date</b>	24 February 2021
<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	XXX/21
<b>Review Due Date</b>	August 2023
<b>Department</b>	Office of Chief Corporate Officer
<b>Policy Custodian</b>	Chief Corporate Officer
<b>Superseded Documents</b>	Exclusion for Disruptive or Abusive Citizens and Customers Policy Version 2.0
<b>Related Legislation</b>	Citizen and Customer Contact Charter Citizen and Customer Service Policy Complaints & Unreasonable Conduct Policy Code of Conduct for Councillors and Staff
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Policy Principles

This policy applies to all visitors, citizens and customers to any public area or Council premises within Tenterfield Shire.

### 2. Policy Objectives

The objective of this policy is to provide a safe and pleasant environment, conducive to the effective use of Council's resources and services, and provide a safe workplace for all staff, contractors, volunteers and visitors.

### 3. Policy Statement

#### Prohibited, Threatening and Abusive Behaviours

The rights of individuals to come to Council should not be abridged or denied. To guarantee these rights for all persons, no citizen, customer or visitor shall engage in the following prohibited threatening behaviours:

- Abuse, intimidation and/or harassment towards Tenterfield Shire Council staff, visitors, customers or contractors in their professional capacity.
- Disruptive behaviour, which includes disorderly conduct, physical abuse, abusive or threatening language.
- Theft, vandalism or other illegal acts on Tenterfield Shire Council premises.
- Being in a state of intoxication that causes a public disturbance or interferes with others use or enjoyment of Council facilities and resources by other visitors.
- Loitering on the premises under circumstances that warrant alarm for the safety and health of any person on the property.

Staff will deal firmly and courteously with visitors who engage in prohibited behaviours. Where possible all interaction with the offending visitor will be undertaken by the staff member in charge of that area or other senior staff.

Where violence or threats of violence towards staff are made by citizens, customers or visitors, the General Manager will consider immediate exclusion, reporting to the Police and legal action.

### **Exclusion Policy**

Where practicable, staff will request a visitor who is exhibiting unacceptable behaviour to refrain from such behaviour. If they continue, the staff member will advise the visitor that such behaviour will lead to them being requested to leave the premises.

Failure to comply with a request to cease the unacceptable behaviour will, where possible, be reported to a supervisor or manager. The senior member of staff will request the visitor to leave the premises because of unacceptable behaviour. If, following a request to leave, the visitor fails or refuses to comply or responds in an abusive fashion, he/she will be required to leave the building for the balance of that calendar day. If he/she fails to leave, the Departmental Chief or Director will be called and the Police may be called.

The staff member requesting the visitor to leave will complete an Incident Report. One copy of the report is sent to the Chief or Director of the area where the incident occurred and another copy is filed in the incidents Register and registered in Council's Records Management system.

The Police may be called at any time where a visitor is involved in an illegal activity or when staff have a well-founded fear for their own safety or that of other visitors.

Whether the visitor is notified that this action has been taken will depend on the circumstances at the time.

### **Telephone Callers**

If contact with Council is by telephone, the telephone caller will be asked to refrain from abusive, intimidating, threatening language or the like. If the telephone caller refuses to refrain, the Officer will indicate that if this unacceptable behaviour continues, it will result in the termination of the call.

The Officer usually has details of the telephone caller when first answering the call, these details should be distributed to all staff in their area that may become involved in the caller's issue. If not, a suitable description and as much detail on the nature of the call should be distributed to other staff.

If the caller contacts Council again, another Officer takes the call and the behaviour is repeated, the Officer should indicate to the caller that if it continues, the call will be terminated and a report sent to their Director.

In the event of a caller being identified by a staff member as a person who has been barred, the caller will be informed of his or her exclusion and that the call will be terminated or transferred to their Manager/Supervisor to handle. The staff member will then enter this in the Incident Register and Records Management system, with the relevant Chief or Director included in allocation of the record.

### **Extended Exclusions**

If a visitor or caller returns and/or repeats the abusive behaviour following a period of exclusion, the Chief Executive Officer will consider long-term exclusion.

The Chief Executive Officer will be responsible for the period of extended exclusion, depending on the gravity or the repetition of the incidents, following consultation with the Director of the area affected.

All exclusions will be notified in writing by the Chief Executive Officer.

In the event a customer, barred from the use of Council premises, attempts entry to Council premises during any period of exclusion, the Chief or Director of the area will be notified and the Police may be called.

When a member of the public is excluded for a period longer than a day, all Customer Service and other staff who would be likely to come into contact with the person must be notified of the exclusion period.

### **Use of Council Premises During Exclusion Period**

It may be necessary that an excluded person needs to use Council facilities to proceed with a necessary business transaction between themselves and Tenterfield Shire Council.

Alternative arrangements will be made in order that an excluded person proceeds with essential Council business. That person will be advised to initially contact Council through written correspondence, however if face-to-face enquires are required, ie to view plans, a designated staff member will be appointed as a contact.

### **Appeal Process**

Excluded visitors may appeal to the Chief Executive Officer together with the Public Officer on the grounds that the exclusion was excessive.

The Chief Executive Officer will give consideration to the appeal and provide the person with a written response as to the outcome of the appeal.

### **Council Services**

Where customers as citizens are under exclusion, Council may at the discretion of the Chief Executive Officer, manage any correspondence under the Complaints & Unreasonable Correspondence Policy.

## **4. Accountability, Roles & Responsibility**

### **Chief Executive Officer, Executive and Management Teams**

The Chief Corporate Officer is responsible for administration of the Policy.

The Chief Executive Officer is responsible for any exclusion beyond one (1) day.

The Chief or Director in charge of any Tenterfield Shire Council public area is responsible for 'on the spot', general one (1) day exclusions and for documenting and notifying relevant Council Officers for information and/or further action.

### **Individual Managers**

All Managers are responsible for application of the policy in the delivery of Council services and interactions with customers and members of the public

## **5. Definitions**

- A "Visitor, Citizen or Customer" is anyone that engages with Council Staff in their professional capacity.
- A "telephone caller" is a member of the public that calls any Council staff member.
- A contractor is not a Council staff member, but is employed by Council, on a temporary basis, to work on behalf of the Council on Council premises.

## **6. Related Documents, Standards & Guidelines**

- Citizen and Customer Contact Charter;
- Complaints & Unreasonable Conduct Policy;
- Code of Conduct for Councillors and Staff.

## **7. Version Control & Change History**

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	26/02/14	Council	Adoption of Original Policy (Res No. 24/14)
V2.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V2.0	24/02/21	Council	Review/Amended (Res No. XXX/21)



## COMPETITIVE NEUTRALITY COMPLAINTS POLICY

### Summary:

The purpose of this policy is to provide clear direction on increasing consumer and business choice, reducing production and transportation costs in an effort to lower prices for goods and services, and creating an overall business environment in which to improve Australia's international competitiveness.

<b>Policy Number</b>	1.032
<b>File Number</b>	
<b>Document version</b>	V6.0
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<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	XXX/21
<b>Review Due Date</b>	August 2023
<b>Department</b>	Office of Chief Corporate Officer
<b>Policy Custodian</b>	Chief Corporate Officer (Public Officer)
<b>Superseded Documents</b>	Competitive Neutrality Complaints Policy Version 5.0
<b>Related Legislation</b>	<i>NSW Local Government Act 1993</i> <i>NSW ICAC Act 1988</i> <i>NSW Ombudsman Act 1974</i> <i>Competition and Consumer Act 2010</i>
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Policy Principles

Competitive neutrality is one of the principles of National Competition Policy which is being applied throughout Australia at all levels of Government, including Local Government. Competitive neutrality is based on the concept of a "level playing field" for competitors in a market, be they public or private sector competitors. Government business organisations, whether they be Commonwealth, State or Local Government, should operate without net competitive advantages over businesses as a result of their public ownership.

Where Tenterfield Shire Council competes in the market place with other private businesses in the Tenterfield Shire area, Council will do so on the basis that it does not utilise its public position to gain an unfair advantage over private businesses who may be in competition with the Council.

## **2. Policy Objectives**

In April 1995, the Council of Australian Governments (COAG) ratified the National Competition Policy. One of the major components of the National Competition Policy are the principles contained in the *Competition Principles Agreement*. This Agreement is aimed at encouraging efficient public sector (government) service provision by exposing public business functions to competition, where appropriate. The Agreement provides a policy framework that facilitates the creation of competitive markets for public sector goods and services, where appropriate.

*The Competition Principles Agreement* requires the creation of an effective regime to deal with complaints that Council business activities are not competing in the market against private businesses on a "level playing field" and are operating with competitive advantage.

## **3. Policy Statement**

This policy constitutes a formal mechanism established by Tenterfield Shire Council for the handling and management of competitive neutrality complaints. By establishing clear guidelines and procedures for the handling and management of competitive neutrality complaints, the Council will be in a stronger position to ensure:

- non regulatory service functions operate under similar competitive pressures to those experienced by the private sector, and
- services provided are relevant, cost effective and operationally efficient.

This policy has a threefold purpose.

- Firstly, it may be used by members of the public and the owners of businesses competing in the same market as Tenterfield Shire Council to submit complaints to the Council alleging that the Council is operating with net competitive advantages as a result of the Council's ownership of a business activity or service.
- Secondly, it will provide a formal mechanism for the investigation, determination and advice of the outcome of a complainant alleging that non-regulatory service functions discharged or business activities operated by the Council are operating with competitive advantage over other private businesses.
- Thirdly, it will serve to ensure that Council staff continuously monitor non-regulatory services provided by the Council operate under the principles of Competitive Neutrality.

## **4. Scope**

## What Is A Competitive Neutrality Complaint?

A complaint regarding competitive neutrality **IS**:

- A complaint that Tenterfield Shire Council has not met its requirements under the National Competition Policy Statement of *Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality* and includes concern that the Council has not established an effective Competitive Neutrality Complaints Management System.
- A complaint that Tenterfield Shire Council has not abided by the spirit of competitive neutrality in the conduct of Council business activities.

A competitive neutrality complaint is **NOT**:

- A complaint regarding the level of service provided by a business activity such as inadequate water quality, a mobile garbage bin not collected or the condition of a road or footpath.
- A complaint regarding the cost of the service, unless it is that Tenterfield Shire Council has not costed the service to take competitive neutrality into account.
- A complaint regarding the trade practices laws and their application to the Tenterfield Shire Council.

## Council Business Activities Subject To Competitive Neutrality

### *Category 1 Business Activities*

Tenterfield Shire Council does not operate any Category 1 Business Activities (i.e. business activities that exceed the \$2M annual sales turnover threshold).

### *Category 2 Business Activities*

The following Tenterfield Shire Council owned and operated activities have been categorised as *Category 2 Businesses* and are subject to competitive neutrality. Each business activity has an annual gross operating income under \$2M per year.

Tenterfield Water Supply

Tenterfield Sewerage Service

Council applies the following attributes in respect of Category 2 Business Activities:

- Identify any subsidy to the business activity as part of the calculation of costs.
- Apply full cost attribution where practicable.
- Determine the extent to which the business will be separated from other associated mainstream activities.
- Operate within the same regulatory framework as private businesses.

## How To Lodge A Competitive Neutrality Complaint



A competitive neutrality complaint should be made in writing using a standard form available for that specific purpose from the Tenterfield Shire Council Administrative Office, 247 Rouse Street, Tenterfield.

Complaints may also be made over the counter and by telephone. Council's Public Officer will provide advice and assistance with the preparation and submission of competitive neutrality complaints.

### ***Time Limits***

Competitive neutrality complaints will be acknowledged within 7 days and responded to by Tenterfield Shire Council within 30 days of the date of submission of the complaint.

If the competitive neutrality complaints requires detailed investigation, the complainant will be informed of progress at regular intervals.

### ***Remedies***

Competitive neutrality complaints which establish that Tenterfield Shire Council:

- (i) has not met its requirements under the National Competition Policy Statement or *Pricing and Costing for Council Businesses - a Guide to Competitive Neutrality*;

**OR**

- (ii) has not abided by the spirit of competitive neutrality in the conduct of Council business activities,

will result in changes to the Council's business practice to ensure future and continued compliance with the principle of competitive neutrality.

### ***Alternatives***

Any complainant dissatisfied with Tenterfield Shire Council's determination of a competitive neutrality complaint may refer the complaint to either the:

- NSW Office of Local Government; or
- NSW Ombudsman; or
- NSW Independent Commission Against Corruption (ICAC); or
- Australian Competition and Consumer Commission (ACCC).

Alternatively, the competitive neutrality complaint may be referred direct to one of these agencies and Tenterfield Shire Council bypassed.

### **Who Will Be Dealing With The Competitive Neutrality Complaint**

The Tenterfield Shire Council Public Officer will diligently, fairly and honestly investigate all competitive neutrality complaints within 30 days of the competitive

neutrality complaint being received. Where the complaint is justified, such report will contain recommendations for changes to the Council's business activities practice to ensure future and continued compliance with the principle of competitive neutrality.

### **Confidentiality**

All competitive neutrality complaints received will be determined by the Council in the strictest confidence.

### **Further Information**

Further information or advice may be obtained by contacting the Tenterfield Shire Council Public Officer between 9 am and 4:30 pm on telephone (02) 6736 6000. All enquiries or requests for further information will be maintained in the strictest confidence.

## **5. Accountability, Roles & Responsibility**

### **Chief Executive Officer, Executive and Management Teams**

The Chief Corporate Officer (Public Officer) is responsible for the oversight and implementation of this policy.

### **Individual Managers**

All **Managers** must observe during service delivery activities that the requirements of this policy are met.

ADDRESS:

.....  
.....  
.....

DATE:

.....

Chief Executive Officer  
Tenterfield Shire Council  
PO Box 214  
**TENTERFIELD NSW 2372**

Dear Sir/Madam

I hereby submit a complaint that Tenterfield Shire Council is operating a business activity and not observing the principle of competitive neutrality contrary to the National Competition Policy Principles Agreement.

Council Business Activity:

..... (Identify Business Activity)

Nature of Competitive Neutrality Non Compliance:

.....  
.....  
.....  
.....

..... (*State Nature of Complaint*)

Would you investigate my complaint and advise me of what action Council will take to implement the principle of competitive neutrality in the operation of the abovementioned Council business activity.

Yours faithfully

*Signed* .....

## 6. Version Control & Change History

Version	Date	Modified by	Details
V1.0	27/04/00	Council	Adoption of Original Policy (Res No. 334/00)
V2.0	16/12/04	Council	Review/Amended (Res No. 656/04)
V3.0	19/12/12	Council	Review/Amended (Res No. 524/12)
V4.0	24/06/15	Council	Review/Amended (Res No. 189/15)
V5.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V6.0	24/02/21	Council	Review/Amended (Res No. XXX/21)