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4. COMMUNITY LIAISON

Policy 4.1

LITHGOW CITY COUNCIL¶

Community Representatives - Appointment To Committees Or
Working Groups

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4. COMMUNITY LIAISON

4.1 COMMUNITY REPRESENTATIVES - APPOINTMENT TO COMMITTEES OR WORKING GROUPS

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OBJECTIVE:

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To provide a framework where Council may seek the support of, and involve members of the community in:

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- ~~The conduct of Committees in accordance with the provisions of Section 355 of the Local Government Act, 1993, as amended.~~
- ~~In the deliberations of Sunset Committees/Working Groups where such support and involvement is considered desirable by the Council.~~
- ~~To appoint the most suitable applicant(s) to be respective Committee or Working Group~~

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POLICY:

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- When Council resolves that community participation is required to assist the Council in the conduct of "Section 355 Committees" or nominated Working Groups of the Council:

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- ~~Terms of reference for the committee will be established~~
- ~~Expressions of interest from the community representatives to participate on such Committee or Working Groups will be called for based upon the guidelines for the committee membership established in the terms of reference.~~
- ~~The appointment of community representatives will be made by Council.~~

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- The appointments will have regard to the provisions of the Local Government Act, 1993 specifically:

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- Section 10 - Who is entitled to attend meetings;
- Section 11 - Public access to correspondence and records; and
- Section 12 - What information is publicly available.

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- ~~All committee members are bound by the Council's Model Code of Conduct and Work Health Safety policies and procedures.~~

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- ~~Copies of any community representative personal information will be made available for Councillors only as a separate confidential enclosure.~~

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Min No:	Q6-349 V1 P08-136 V2	Version No:	2	Review Date:	Nov 09
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4. COMMUNITY LIAISON

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Policy 4.5

Financial Assistance to Community Groups and Organisations –
Interest Free Loans

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4. COMMUNITY LIAISON

4.5 FINANCIAL ASSISTANCE TO COMMUNITY GROUPS AND ORGANISATIONS - INTEREST FREE LOANS

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OBJECTIVE:

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- (i) To contribute money or otherwise grant financial assistance by way of interest free loans to community groups and organisations for the purpose of exercising the Council functions of providing community sporting and recreational projects, services and facilities.
- (ii) To set a combined limit of \$400,000 for all interest free loans to community groups.

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POLICY:

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Council will consider providing financial assistance by way of interest free loans to community groups and organisations within the Lithgow City Council area for the purpose of exercising Council functions of providing community sporting and recreational projects, services and facilities under the following guidelines:

1. The community project or facility which is the subject of the application for financial assistance is approved by Council and is located on Council owned community land.
2. There be no limit per individual loan.
3. The period for repayment of interest free loans will be within a term generally not exceeding 5 years.
4. Priority will be given to applications for financial assistance from community groups and organisations which:
 - (i) Provide community, recreational and sporting projects, services or facilities that are available uniformly to all persons or to a significant number of persons within the Council's area; and
 - (ii) Include the contribution of funds by the community group or organisation, either in cash or in-kind.
5. Council will undertake a due diligence and probity check, in conjunction with Council's Auditors if required, to establish the ability of the applicant to service loan principal repayments.
6. Applications by community groups and organisations for interest free loans from Council must provide a full description of the project, service or facility for which the interest free loan is sought and include with application the following:
 - An audited Annual Income and Expenditure Statement and Balance Sheet for the past 5 years
 - A copy of the community group or organisation's constitution.
 - A copy of the minute passed at a meeting of the community group or organisation seeking the interest free loan from Council.

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7. Should Council agree to act as a loan guarantor for any loan, terms and conditions relating to the security of such actions must be specified in an agreement between Council and the relevant party that is executed under Council's seal.
8. All information as required in the policy is provided by the applicant.
9. All submissions for interest-free loans are considered in the following financial year's DRAFT Management Plan along with all other new expenditure items. This will allow the Council to consider any applications in a transparent and accountable fiscal environment.
10. Council has included the loan in its [Operation Plan and Delivery Program](#).
11. Prior to any new application being approved. The Council receives a report on its current financial position, including investments.

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4. COMMUNITY LIAISON

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Request for Financial Assistance by Waiving of Fees for Council
Facilities

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4. COMMUNITY LIAISON

4.6 REQUEST FOR FINANCIAL ASSISTANCE BY WAIVING OF FEES FOR COUNCIL FACILITIES

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OBJECTIVE:

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To provide a means by which community groups conducting events and activities within the Lithgow City Council area may seek Council assistance, through the waiving of fees for Council facilities, outside of the normal time frame for the management of Council's Annual Financial Assistance Program.

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ELIGIBILITY:

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Eligibility will be limited to small community based organisations operating for the direct benefit of the local community. Eligibility will not extend to major fund raising bodies, with a parent body located outside the Council area.

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POLICY:

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1. That Council allocate an amount in each financial year budget (from the Financial Assistance allocation) for the General Manager to waive fees for the use of Council owned facilities
2. Waiving of fees will not apply to requests from individuals;
3. Waiving of fees will not apply to educational institutions, except in the following circumstances:
 - ___ Regional Representative Sport – where a team comprising players representing Western Regional Academy of Sport hires a sporting field to play sport against another region, such as Riverina, Far West, Sydney, North Coast or Newcastle, OR where a local school hires a sporting field to play against another school in a State Competition at quarter final level or higher; and
 - ___ Where a school actively contributes to the maintenance of a Council owned recreational facility.
4. Waiving of fees will apply to fees charged by Council for the following:
 - ___ Council owned facilities, such as venues, playing fields and park areas, swimming pools. **NOTE: COUNCIL CANNOT GUARANTEE EXCLUSIVE USE OF PARKS AND SWIMMING POOLS**
 - ___ Fees for the hanging of street banners
 - ___ Photocopying for groups which are not Section 355 Committees
 - ___ Other fees at the discretion of the General Manager
5. Council may provide financial assistance towards the cost of hiring the Civic Ballroom and/or Tony Luchetti Showground for major events that demonstrate an economic and social benefit to Lithgow. Financial Assistance up to a maximum of \$2,500 per event may be provided and will only be provided once to each applicant. Organisations already receiving financial assistance for major events at these venues will not be eligible for additional assistance. Applications

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must be submitted in writing at least 3 months prior to the event for consideration by a meeting of Council.

6. All requests for the waiving of fees should be lodged in writing at least one month prior to the date of the event taking place.
7. Groups and organisations may apply more than once per financial year for fees to be waived, however a maximum of \$500.00 shall be applied to requests from individual organisations in each financial year
8. Community Groups which submit requests for fees to be waived will still be eligible to apply for funding under Council's Annual Financial Assistance Program, for other aspects of the same project for which fees may have already been waived.
9. The General Manager of Lithgow City Council will have the delegated authority to approve the waiving of fees, as requests are received.
10. Approvals given by the General Manager for waiving of Council fees will be reported to Council twice annually, as part of the Annual Financial Assistance Program.
11. Unexpended funds in the amount reserved annually for the waiving of fees, at the end of each year, may be carried forward as an internally restricted asset to the following year for the same purpose.

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4. COMMUNITY LIAISON

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Policy 4.9

Lithgow City Council [Artwork](#) Collection

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4. COMMUNITY LIAISON

4.9 LITHGOW CITY COUNCIL ARTWORK COLLECTION

OBJECTIVE:

To develop, maintain and display a permanent artwork collection which primarily reflects the development of art and artists in the Lithgow Local Government Area.

POLICY:

To achieve the stated objective, the following will apply:

- The Collection will include oil paintings, water colours, acrylic paintings, edition prints, drawings, mixed media, ceramics, sculpture, installation art, sound art, film art, digital art and other forms of art as they develop.
- Works from the Collection will be supplemented from time to time with touring exhibitions and loans from other sources.
- Where appropriate, works from the Collection will be exhibited in locations outside Council.

Acquisitions

- Acquisitions will be made to the collection through purchase, gift or long term loan in excess of 5 years. Loans of less than 5 years will not be accessioned into the collection.
- Council will develop Collection acquisition priorities which identify artists, mediums and themes and which will be subject to regular review.
- Priority will be given to works by Lithgow LGA artists or which depict the Lithgow Local Government Area.
- Works by artists from outside the Lithgow LGA will be acquired where they demonstrate high artistic merit.
- Collection works will only be acquired where they are:
 - Of good quality
 - In good condition
 - Appropriate to the Collection

- Funds voted by Council for art acquisition may, where appropriate, be placed in an "Acquisition Reserve Account", to permit the accumulation of funds for major purchases.

Management of Collection

- A detailed catalogue of each item within the Collection will be maintained by the Cultural Development Officer.
- The movement of Collection holdings within Council will take into account issues of security, civic importance and accessibility to the public.

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Loans and Permanent Donations

1. Requests for the loan of works from the Collection for external exhibitions are subject to approval by the General Manager.
2. Bodies requesting the loan of works from the Collection will need to demonstrate that they have appropriate security and insurance.
3. Council will inspect all loaned Collection items annually to ensure compliance with the policy. Borrowers not satisfying the policy forfeit the opportunity to hold such works.
4. Requests for the permanent donation of works from the Collection for external exhibitions are subject to a resolution of Council.

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which reflects the historic development of Painting with specific emphasis on
Australian Art Works.

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subject to Council approval by the Cultural Development Officer (Or General
Manager).

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Art

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2. Works for the Painting Art Collections shall only be acquired where they are:

- Of good quality
- In good condition
- Appropriate to the Collection

3. The collection shall be developed in the following manner:

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Non-Australian Lithgow Local Government Area art works or Lithgow Local
Government Area artists Paintings only to be acquired by gift or long term
loan.

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Artworks by Lithgow Local Government Area artists or depicting the Lithgow Local
Government Area to be acquired by purchase, gifts and long term loan

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4. Council shall adopt an acquisitive program in respect of the ArtPainting Collection which will be subject to regular review and which will place emphasis on the following:-

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- Works by contemporary artists or groups which have made significant contribution to the development of Australian Art.
- Works by Contemporary artists or groups which extend the existing contemporary painting collection.

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Artworks by Lithgow Local Government Area artists or depicting the Lithgow Local Government Area
Works by significant regional artists.

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Maintained by Department:	Community and Culture	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	4.9	Effective Date:	4 Nov 08

Min No:	06-349 V1 P08-136 V2	Version No:	23	Review Date:	Nov 2009 June 2013
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4. COMMUNITY LIAISON

Policy 4.13

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4. COMMUNITY LIAISON

4.13 CUSTOMER SERVICE POLICY

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OBJECTIVES:

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- To provide guidance for staff and councillors in dealing with customers
- To ensure that Council resources are used efficiently and effectively when dealing with customers
- To ensure that all customers are treated fairly and reasonably
- To provide a mechanism for dealing with difficult customers having regard to staff wellbeing and safety

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POLICY:

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SERVICE COMMITMENT

1. Council staff and councillors shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service.
2. Staff and councillors shall:
 - a) Customers can ensure that they will be treated equally whether by gender, marital status, family status, sexual orientation, religious belief, age, disability and race
 - b) Customers can expect service at a clean, accessible public area that ensures privacy, while complying with occupational and safety standards
 - c) Customers with disabilities and special needs will be specifically catered for
 - d) Council will take a proactive approach in providing information that is clear, timely and accurate
 - e) Complaints will be dealt with in a prompt, timely and private manner
 - f) Council will provide a structured approach to meaningful consultation as a result of the evaluation process
 - g) Council will provide a choice of service delivery for Customer Service enquiries including payment methods, location of contact points, opening hours and technology to ensure maximum access, choice and quality of service
 - h) Provide quality service informing customers of their right to access and use an interpreter at all times
3. Council Staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days of receipt. An acknowledgement letter may be sent.
4. Telephone calls to Council's switchboard shall be answered as quickly and efficiently as possible.
5. Council staff shall answer incoming calls by clearly stating their name, department and/or position. Unanswered calls shall divert to another member of staff or to voice mail.
6. Staff making outgoing calls shall identify themselves by name and department and/or position, and shall clearly outline the purpose of the call.
7. Reception area and customer service centre staff shall greet customers as quickly as possible and in a professional and helpful manner.

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8. Staff required to visit a customer external to Council facilities shall attempt to contact the customer first and make an appointment. At the beginning of a council visit, staff shall clearly identify themselves and the purpose of the visit.
9. Staff shall comply with Council's Code of Conduct in their dealings with customers and in particular conduct their exchanges with regard to the key principles in the Code of integrity, objectivity, accountability, openness and respect. Decisions and advice should be premised on relevant legislation and Council's administrative procedures.

CUSTOMERS WHO CANNOT BE SATISFIED

1. Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.
2. If in the opinion of the General Manager a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council the following actions may be taken:
 - a) the General Manager may write to the customer restating Council's position on the matter if necessary and advising that if the customer continues to contact Council regarding the matter Council may:
 - i) not accept any further phone calls from the customer
 - ii) not grant any further interviews
 - iii) require all further communication to be put in writing
 - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - the customer provides significant new information relating to their complaint or concern; or
 - the customer raises new issues which in the General Manager's opinion, warrant fresh action.
 - b) the customer shall be given an opportunity to make representations about Council's proposed course of action and customers may be provided with copies of relevant policies which may assist in determining future actions. These policies may include the Council's Code of Conduct, Complaints – Disclosures of Identity – General Information Public Access Act (GIPA Act 2009), Complaints and Procedures Policy or Protected Disclosures Policy as relevant.
 - d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points i) - iv) above will now apply.

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¶
 <#>Council staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days. An acknowledgement letter may be sent where investigations are such that more than 14 days is required to enact a response.¶

¶
 <#>Telephone calls to Council's switchboard shall be answered as quickly and efficiently as possible.¶

¶
 <#>Council staff shall answer incoming calls by clearly stating their name and position or branch/division. Unanswered calls shall divert to another member of staff or to voice mail.¶

¶
 <#>Staff making outgoing calls shall identify themselves by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.¶

¶
 <#>Reception area and customer service centre staff shall greet customers as quickly as possible and in a professional and helpful manner.¶

¶
 <#>Staff required to visit a customer external to Council facilities shall attempt to contact the customer first and make an appointment. At the beginning of a council visit, staff shall clearly identify themselves and the purpose of the visit.¶

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<#>Staff shall comply with Council's Code of Conduct in their dealings with customers and in particular conduct their exchanges with regard to the key principles in the Code of integrity, objectivity, accountability, openness ... [1]

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CUSTOMERS WHO MAKE UNREASONABLE DEMANDS

1. Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
2. If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the agency the following actions may be taken:
 - a) the General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:
 - j) ~~not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues.~~
 - ji) ~~only respond to a certain number of requests in a given period.~~
 - b) ~~the customer shall be given an opportunity to make representations about Council's proposed course of action and will be referred to Council's Code of Conduct for options available to them by way of formal complaint about particular staff or via submissions they might make to the NSW Ombudsman, Department of Local Government or ICAC.~~
 - c) ~~if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) - ii) above will now apply.~~

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CUSTOMERS WHO CONSTANTLY RAISE THE SAME ISSUE WITH DIFFERENT STAFF

1. If in the opinion of the General Manager a customer is constantly raising the same issues with different staff the following actions may be taken:
 - a) The General Manager may notify the customer that:
 - j) ~~only a nominated staff member will deal with them in future~~
 - ji) ~~they must make an appointment with that person if they wish to discuss their matter; or~~
 - jii) ~~all future contact with Council must be in writing.~~
 - b) ~~The customer shall be given an opportunity to make representations about Council's proposed course of action~~

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CUSTOMERS WHO ARE RUDE, ABUSIVE OR AGGRESSIVE

1. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, sarcastic remarks directed personally to officers, threatening or offensive behaviour, physical violence against property or physical violence against a person.
2. If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
 - a) Warn the caller that if the behaviour continues the conversation or interview will be terminated.
 - b) Terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.
 - c) Call upon a supervisor, security staff or Police as appropriate if there is a perceived threat.
3. Where a conversation or interview is terminated in accordance with clause 3, the staff member must notify the General Manager or the relevant Group Manager of the details as soon as possible.
4. If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

VEXATIOUS COMPLAINTS

1. If in the opinion of the General Manager a person continues to make representation by way of correspondence, telephone, e-mail or personal representation, that has no basis in fact and/or is considered to be undertaken in with frivolous or mischievous motives then the General Manager may declare such person to be a vexatious complainant. The General Manager may then take the same action as outlined in 'Customers who make unreasonable demands' clause 2.

GENERAL

1. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.
2. Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council, ICAC, the Division of Local Government and the NSW Ombudsman for their information.

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Standards of Service

Council staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days. An acknowledgement letter may be sent where investigations are such that more than 14 days is required to enact a response.

Telephone calls to Council's switchboard shall be answered as quickly and efficiently as possible.

Council staff shall answer incoming calls by clearly stating their name and position or branch/division. Unanswered calls shall divert to another member of staff or to voice mail.

Staff making outgoing calls shall identify themselves by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.

Reception area and customer service centre staff shall greet customers as quickly as possible and in a professional and helpful manner.

Staff required to visit a customer external to Council facilities shall attempt to contact the customer first and make an appointment. At the beginning of a council visit, staff shall clearly identify themselves and the purpose of the visit.

Staff shall comply with Council's Code of Conduct in their dealings with customers and in particular conduct their exchanges with regard to the key principles in the Code of integrity, objectivity, accountability, openness and respect. Decisions and advice should be premised on relevant legislation and council's administrative procedures.

Maintained by Department:	Community and Culture	Approved by:	Council	Exhibition: 21 Dec06	
Reference:	Dataworks: Policy Register	Council Policy No:	4.13	Effective Date:	4 Nov 08
Min No:	07-52 V1 P08-136 V2	Version No:	2	Review Date:	Nov 2009
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4. COMMUNITY LIAISON

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Lithgow Library Learning Centre Child Protection Policy

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4. COMMUNITY LIAISON

4.14 LITHGOW LIBRARY LEARNING CENTRE CHILD PROTECTION POLICY

OBJECTIVE:

To illustrate to users of the Lithgow Library Learning Centre the conditions of use regarding access to Library resources and supervision of access to information within the Library facilities.

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ACCESS TO RESOURCES

The Library collections are available to all Library users without restriction. It is not the responsibility of the Library or its staff to exercise a supervisory or restrictive role in determining which Library resources young people may use or access. The Library encourages parents/carers to set their own family rules. It is the responsibility of parents/carers to monitor young peoples' selection and use of Library resources.

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The Library has no censorship role in its choice of the Library resources from any collection.

The Library protects the public's right to know and does not monitor or control the content of materials offered through the Internet. Library staff are available to assist clients in the use of the Internet, and to recommend websites on particular subjects. Parents/carers are responsible for their child's use of the Internet, in line with the Library's Internet policy.

UNATTENDED CHILDREN

Unsupervised children can be at risk in any public place, including public libraries. Library staff do not supervise children in the Library, so there is a risk that unattended children may leave the Library at any time, hurt themselves, or be approached by strangers. Libraries are busy public places, open to all, and staff cannot judge which members of the public present a possible danger to children. In addition, libraries do not have the facilities to attend to children who are sick, injured or hungry.

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Young children left alone in a library can become distressed, bored or disruptive. Library users, including young people who disturb other Library users may be removed from the Library under the Library Act 1939. If the person's condition, conduct, dress or manner is likely to give offence to any person in the Library they may be asked to leave (Library Regulation). Any child left unattended in a public library may be classed as a child or young person at risk of harm under the Child and Young Person (Care and Protection) Act, 1998 s23 and subsequently may be reported as such to the Department of Community Services under s24 or s27 of the Act.

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Parents who leave a child unattended in a public library are exposing their child to potential harm and may themselves be committing an offence under the Children and Young Person (Care and Protection) Act 1998, s 228.

UNATTENDED CHILDREN AFTER HOURS

Shift staff will ring police if children are left unattended at closing time.

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Consultation with Indigenous People

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4. COMMUNITY LIAISON

4.15 CONSULTATION WITH ABORIGINAL PEOPLE

OBJECTIVES:

To establish a policy for Council's consultation process in relation to matters that affect the Indigenous communities and groups, Indigenous heritage values and places of Indigenous significance.

To have documented policies and procedures for managing strategic planning and development assessment processes and other community engagement processes in relation to Indigenous cultural heritage values.

To improve the protection and management of identified Indigenous sites and cultural values within Lithgow LGA so that the relationship between the Indigenous people and those values is maintained.

To improve the recording of Indigenous cultural heritage values within Lithgow LGA.

To engage Indigenous people in relation to Council planning processes that have an impact on Indigenous cultural heritage values.

To ensure communication and coordination between the Indigenous community, Council and others involved in matters that affect the Indigenous community and Indigenous cultural values.

To improve awareness within Council of the Indigenous community and their cultural heritage and to improve awareness within the Indigenous community of Council processes and the planning process in general.

High standards of Indigenous cultural heritage assessment are established within Council.

2. Background

Lithgow City Council recognises that the Indigenous people and communities have a special connection with the land in ways that are often not fully appreciated nor fully understood by the wider community.

Lithgow City Council will use consultative and participatory processes that are appropriate and relevant to Indigenous people in order that the views of Indigenous people are heard in relation to matters that may have an impact on their culture and heritage.

Lithgow City Council recognises the contribution that Indigenous people may make and of the damage that may be caused to Indigenous culture and heritage from planning decisions and resultant actions.

3. Use of the Policy

This policy will be used in relation to Council planning and decision-making around matters that have the potential to impact on Indigenous people as defined by Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) which is the primary legislation

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regulating the protection of Indigenous heritage.

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This policy will apply to relevant strategic land use planning, development applications being determined by Council and the development of Plans of Management for relevant Community and Crown Lands (of which Council has care and management).

The policy will also be applied in relation to Council's corporate planning processes including the development of Community/Social and Cultural Plans, and decision-making where Council considers that the matter may have significance or relevance to the Indigenous community.

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4. Legislation

The Department of Environment and Heritage Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 states the following:

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"The National Parks and Wildlife Act 1974 (NPW Act), administered by DECCW, is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. One of the objectives of the NPW Act is: 'the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and features of significance to Aboriginal people ...' (s. 2A(1)(b))

Part 6 of the Act provides specific protection for Aboriginal objects and places by making it an offence if impacts are not authorised. If impacts on Aboriginal objects and places are anticipated, an Aboriginal Heritage Impact Permit (AHIP) should be obtained. AHIPs can be issued under ss. 87 and 90 of the NPW Act.

An Aboriginal object is any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of New South Wales, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains). Aboriginal remains means: '... the body or the remains of the body of a deceased Aboriginal, but does not include:

- (a) a body or the remains of a body buried in a cemetery in which non-Aboriginals are also buried, or
- (b) a body or the remains of a body dealt with or to be dealt with in accordance with a law of the State relating to medical treatment or the examination, for forensic or other purposes, of the bodies of deceased persons'.

An Aboriginal place is a place declared so by the Minister administering the NPW Act because the place is, or was, of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.

The NPW Act does not provide protection for spiritual areas or natural resource areas that have no physical evidence of Aboriginal occupation or use, unless they have been declared an Aboriginal place." Department of Environment, and Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

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5. Consultation Process

In undertaking consultation in accordance with this policy, Council will refer to The Department of Environment, and Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 which states the following:

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"These Requirements are underpinned by the following guiding principles:

In recognising the rights and interests of Aboriginal people in their cultural heritage, all parties concerned with identifying, conserving and managing cultural heritage should acknowledge, accept and act on the principles that Aboriginal people:

- f are the primary source of information about the value of their heritage and how this is best protected and conserved
- f must have an active role in any Aboriginal cultural heritage planning process
- f must have early input into the assessment of the cultural significance of their heritage and its management so they can continue to fulfill their obligations towards their heritage
- f must control the way in which cultural knowledge and other information relating specifically to their heritage is used, as this may be an integral aspect of its heritage value.

For the purposes of these requirements:

- Effective consultation requires a commitment by all parties to work in the spirit of cooperation, mutual understanding and respect.
- The richness, ancient and ongoing significance of Aboriginal culture and heritage to Aboriginal people and the broader community should be appreciated, valued, protected and conserved for the benefit of current and future generations.
- Consultation with Aboriginal people is important and needs to be sustained throughout the heritage assessment process to ensure cultural perspectives, views and concerns are taken into full account."

Department of Environment, Climate Change and Water NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

It is Council's intention that proponents (including where Council is the proponent) of development strategies, studies, re-zoning or development proposals that impact on Indigenous people, will consult early in the process, prior to the proposal or study etc being developed or lodged with Council.

Council will also notify relevant Indigenous groups in accordance with this policy once Council receives a development proposal where that proposal has the potential to impact on Indigenous people.

Council will require written correspondence from the relevant Indigenous organisations as evidence of the consultation process or where no such correspondence has been received, evidence of the consultation process that was attempted.

6. When Council will Use the Policy

6.1 Strategic Planning

Consultation will occur in accordance with this policy whenever:

- Council undertakes, initiates or reviews land use and development strategies and/or studies with the intent to identify areas for future development.

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- A draft Local Environment Plan (LEP) proposal is lodged with or generated by Council under Part 3 of the Environmental Planning and Assessment (EP&A) Act 1979.

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and where that study, plan, review or proposal has the potential to impact on Indigenous people as defined by Part 6 of the National Parks and Wildlife Act 1974 (NPW Act).

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6.2 Plans of Management

Consultation will occur in accordance with this policy whenever Council develops Plans of Management for Community and Crown Lands (of which Council has care and management) where that proposal has the potential to impact on Indigenous people as defined by Part 6 of the National Parks and Wildlife Act 1974 (NPW Act).

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6.3 Development Assessment

Consultation will occur in accordance with this policy whenever a Development Application is lodged with or generated by Council under Part 4 of the Environmental Planning and Assessment EP&A Act 1979 for Designated Development as defined in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 where that proposal has the potential to impact on Indigenous people as defined by Part 6 of the National Parks and Wildlife Act 1974 (NPW Act). Council also reserves the right to consult in accordance with this policy for other types of development if it is of the opinion that the proposal is of a type or location that may give rise to the operation of Part 6 of the National Parks and Wildlife Act.

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7. Identifying Organisations and People that Council will Consult With

In accordance with DECCW Consultation Requirements, the Indigenous people who can provide the information required to inform an assessment of cultural significance, are those Indigenous people who are the traditional owners or custodians of the land. Council and other proponents using this policy must compile a list of Indigenous people who may have an interest in the area being assessed and who hold knowledge relevant to determining the cultural significance of Indigenous objects and/or places.

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The list must be compiled by writing to:

- Department of Environment ~~and Heritage~~ Environment Protection and Regulation Group.
- Bathurst Local Aboriginal Land Council
- National Native Title Tribunal
- Native Title Services Corporation
- The relevant Catchment Management Authorities for details of any Aboriginal Reference Groups
- Gundungurra Tribal Council Aboriginal Corporation
- Gundungurra Aboriginal Heritage Association
- Mingaan Aboriginal Corporation
- Native Title Services Corporation
- Wiradjuri Council of Elders

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Council and other proponents must then write to the people identified as having an interest in the area as well as any other individual or organisation that registers its interest with Council to notify them of the details of the proposed project.

Proponents will also place an advertisement in the Lithgow Mercury advising of the proposed project.

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8. Skills

Consultation with Indigenous people requires an understanding of Indigenous history and culture as well as certain skills, principles and ethics. Council will provide training to staff undertaking consultation in understanding and working with Indigenous communities.

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9. Reimbursement of Costs

Council may consider requests from Indigenous people for the reimbursement of reasonable costs incurred in relation to Council consultation processes undertaken in accordance with this policy including travel, overnight accommodation and out of pocket expenses. The terms of any reimbursement will be negotiated prior to the costs being incurred.

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Attachments:					

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