



**EASTERN WASTE MANAGEMENT AUTHORITY
AUDIT & RISK MANAGEMENT COMMITTEE MEETING**

WEDNESDAY 16 JUNE 2021

Notice is hereby given that a meeting of the Audit and Risk Management Committee of the Eastern Waste Management Authority will be held at **the Chairman's Board Room, Thomson Geer, 7/19 Gouger Street, Adelaide** on Wednesday 16 June 2021 commencing at 8:30am.

A handwritten signature in blue ink, appearing to read 'Rob Gregory', with a long horizontal flourish extending to the right.

**ROB GREGORY
GENERAL MANAGER**

Acknowledgement of Country

We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.



EASTERN WASTE MANAGEMENT AUTHORITY

AGENDA AUDIT AND RISK MANAGEMENT COMMITTEE

Meeting to be held on Wednesday 16 June 2021
commencing at 8:30am, at the Chairman's Board Room, Thomson Geer, 7/19 Gouger St, Adelaide

1. PRESENT
2. ACKNOWLEDGEMENT OF COUNTRY
3. APOLOGIES
4. CONFLICTS OF INTEREST
5. CONFIRMATION OF THE MINUTES:
 - 5.1 MEETING HELD 21 APRIL 2021
6. MATTERS ARISING FROM THE MINUTES
7. QUESTIONS WITHOUT NOTICE
8. REPORTS
 - 8.1 FINANCIAL REPORT – YEAR TO DATE (MAY 2021)pg.4
 - 8.2 DRAFT 2021/22 ANNUAL BUSINESS PLAN & BUDGET.....pg.5
 - 8.3 INTERIM AUDIT REPORTpg.29
 - 8.4 POLICY REVIEW SCHEDULEpg.37
 - 8.5 WORKPLACE RELATIONSHIP DISCLOSURE POLICYpg.39
 - 8.6 EQUAL OPPORTUNITY POLICY.....pg.45
9. CONFIDENTIAL REPORTS
Nil
10. OTHER BUSINESS
 - 10.1 LOCATION FOR 2021 AUDIT & RISK MANAGEMENT COMMITTEE MEETINGS
11. NEXT MEETING OF THE AUDIT COMMITTEE
The next Audit and Risk Management Committee Meeting is to be held on:
Wednesday 22 September, 2021, commencing 8:30am, at TBA
12. CLOSURE OF MEETING

EastWaste

MINUTES OF THE MEETING OF THE AUDIT & RISK MANAGEMENT COMMITTEE OF THE EASTERN WASTE MANAGEMENT AUTHORITY

held on Wednesday 21 April 2021 at Tirkanthi Kuu Board Room, Payinthe,
128 Prospect Road, Prospect.

Meeting opened at 8:30am.

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRESENT

Mr F Bell	Independent Chairperson
Cr L Green	Adelaide Hills Council
Mr V Cammell	City of Prospect
Ms E Hinchey	Independent Member
Ms S Di Blasio	Independent Member

IN ATTENDANCE

Mr R Gregory	General Manager
Ms K Vandermoer	Finance & Executive Administration Officer
Mr J Jovicevic	Dean Newbery & Partners

3. APOLOGIES

Mr S Bradley	City of Prospect
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4. CONFLICTS OF INTEREST

Nil

5. CONFIRMATION OF THE MINUTES – 17 FEBRUARY 2021

Moved Ms Hinchey that:

1. The Minutes of the previous meeting held on Wednesday 17 February 2021 be received and noted.
2. The Confidential Minutes of the previous meeting held on Wednesday 17 February 2021 be received and noted.

Seconded Ms Di Blasio

Carried

6. MATTERS ARISING FROM THE MINUTES

Nil

7. QUESTIONS WITHOUT NOTICE

Nil

8. REPORTS

8.1 FINANCIAL REPORT: MARCH QUARTER + BUDGET REVIEW THREE FY2021

RECOMMENDATION

Moved Cr Green that the Committee Notes and accepts the net surplus of \$324,000 associated with the 2020/21 Budget Review Three and recommends for presentation to the Board for endorsement.

Seconded Ms Hinchey

Carried

8.2 REVIEW OF BUDGET FRAMEWORK POLICY

RECOMMENDATION

Moved Ms Di Blasio that The Committee notes and accepts the revised Budget Framework Policy as presented in Attachment A, with amendments, and recommends for presentation to the East Waste Board.

Seconded Cr Green

Carried

8.3 REBATE AND DISTRIBUTION POLICY

RECOMMENDATION

Moved Ms Hinchey that the Committee notes and accepts the Rebate & Distribution Policy as presented in Attachment A, with amendments, and recommends for presentation to the East Waste Board.

Seconded Cr Green

Carried

8.4 REVIEW OF TREASURY MANAGEMENT POLICY

RECOMMENDATION

Moved Ms Hinchey that the Committee notes and accepts the revised Treasury Management Policy as presented in Attachment A and recommends for presentation to the East Waste Board.

Seconded Ms Di Blasio

Carried

8.5 NATIONAL COMPETITION POLICY STATEMENT

RECOMMENDATION

Moved Mr Cammell That the Committee notes and accepts the Draft National Competition Policy Statement as presented in Attachment A and recommends for presentation to the East Waste Board.

Seconded Ms Di Blasio

Carried

9. CONFIDENTIAL REPORTS

Nil

10. OTHER BUSINESS

Nil

11. NEXT MEETING OF THE AUDIT AND RISK MANAGEMENT COMMITTEE

The next Audit and Risk Management Committee Meeting is scheduled to be held on:

June 16 2021, commencing 8:30am, at Tirkanthi Kuu Board Room Payinthe, 128 Prospect Road, Prospect SA 5082.

12. CLOSURE OF MEETING

There being no other business the meeting closed at 9:35am.

PRESIDING MEMBER

DATE

8.1: FINANCIAL REPORT – YEAR TO DATE (May 2021)

REPORT AUTHOR: General Manager
ATTACHMENTS: Nil

Purpose of the Report

To provide the Audit and Risk Management Committee with an overview of the Budget versus Actual performance in key areas of East Waste’s operations for the period ending 31 May 2021.

Background

At the meeting held 25 June 2020, the East Waste Board resolved (in part):

2020/21 ANNUAL BUSINESS PLAN & BUDGET

*Moved Mr Bradley that the Board endorses the 2020/21 Annual Business Plan and revised Budget as presented in Attachment A, noting that an increase to the Education budget is to be considered through the quarterly budget review process.
Seconded Cr Carbone **Carried***

Report

There are no adverse matters to note. East Waste continues to project to meet its budget targets set in the Budget Review 3 process. Table 1 below provides a high-level analysis of the performance against adopted budget for material budget income and expense items as at 31 May 2021. Table 1 includes a YTD budget estimate to assist with demonstrating the estimated remaining income and/or expenses to be recorded for FY21. This is to account for the variable billing cycles of services provided across East Waste’s operations.

Table 1: Budget Income and Expense Analysis as at 31 May 2021

Income	YTD Actual FY21	FY2021 Full Year Adopted Budget	Estimate Budget YTD May 2021	Variance to YTD Budget Estimate (\$)	Variance to YTD Budget Estimate (%)
Administration Income	234,900	234,900	234,900	-	0%
Common Fleet Costing	12,358,582	12,372,000	12,372,000	- 13,418	0%
Bin Income	802,094	950,000	870,833	- 68,740	-8%
Processing Fees	3,845,600	5,048,000	4,627,333	- 781,733	-17%
Expenses	YTD Actual FY21	FY2021 Full Year Adopted Budget	Estimate Budget YTD May 2021	Variance to YTD Budget Estimate (\$)	Variance to YTD Budget Estimate (%)
Employee & Agency Costs	5,401,641	6,129,500	5,618,708	- 217,067	-4%
Fuel	1,086,531	1,200,000	1,100,000	- 13,469	-1%
Bin Services Expenses	843,703	950,000	870,833	- 27,131	-3%
Processing Expenses	4,070,144	5,048,000	4,627,333	- 557,190	-12%
Maintenance Costs	1,366,972	1,529,000	1,401,583	- 34,611	-2%

RECOMMENDATION

The Committee recommend that this Report is received and noted.

8.2: DRAFT 2021/22 ANNUAL BUSINESS PLAN & BUDGET

REPORT AUTHOR: General Manager
ATTACHMENTS: A: Draft 2021/22 Annual Plan & Budget
B: Member Council Consent

Purpose of the Report

To provide the Audit & Risk Management Committee with a copy of Member Council feedback on the draft *East Waste Annual Plan 2021/22* and draft budget.

Background

Section 51 of the *Eastern Waste Management Authority Charter* (Charter) requires the Authority to have an Annual Plan which supports and informs its Budget. At the meeting held 17 February 2021, the East Waste Board resolved (in part):

8.2 DRAFT 2021/22 ANNUAL PLAN & BUDGET

Moved Mr Bradley that the Board:

1. *Endorse the East Waste 2021/22 Annual Plan, as presented in Attachment A;*
2. *Endorse the associated draft budget and proposed Member Council Fees;*

Seconded Mayor Holmes-Ross

Carried

The Annual Plan and Budget (proposed fees – Section 53 of the Charter) was subsequently distributed to Member Councils for their review prior to the mandated 31 May timeframe (Section 52.3 of the Charter).

Report

The draft 2021/22 Annual Plan, inclusive of Financial Statements is presented in full in Attachment A (refer Attachment A). No amendments have been made to the Annual Plan or budget as a result of the Member Council review process.

Consideration was given to an increased fuel adjustment, given the movement experienced in the past five months, however upon review Administration have elected to leave as is and if required draw on the return on revenue buffer.

Consent of draft Annual Plan 2021/22

As per Clause 52.3 of the Charter, Member Councils only consent to the Annual Plan, not the budget, albeit a number comment on the budgetary component. All Member Councils have consented to the Annual Plan (refer Attachment B for a copy of Member Council letters), with only the City of Norwood, Payneham & St Peters querying a charge for a dedicated narrow streets service.

With unanimous approval provided and key expense areas remaining relatively stable since the endorsement of the draft budget, no change to the draft Annual Plan or budget are considered necessary.

RECOMMENDATION

The Committee recommends an unamended draft 2021/22 Annual Business Plan and Budget, as presented in Attachment A, is presented to the Board for endorsement.

EastWaste



2021/22 Annual Plan

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VISION

The Destination

To be the leading waste logistics company in Australia through the delivery of innovative collection and resource management services.

MISSION

The Vehicle

Delivering leading-edge solutions and services for a cleaner and sustainable future.

Introduction

East Waste is the trading name of Eastern Waste Management Authority, which was established in 1928. The Authority is a regional subsidiary of the Adelaide Hills Council, City of Burnside, Campbelltown City Council, City of Norwood, Payneham & St Peters, City of Mitcham, City of Prospect and Town of Walkerville.

Through the servicing of kerbside waste, recycling and organics bins and street and reserve litter bins, East Waste undertakes approximately 9 million bin lifts and 30,000 hard waste collections each year for the Member Councils. East Waste however is far more than a waste logistics Company and has been a driving force in the waste education space in recent years.

East Waste is governed by a Charter (the Charter) pursuant to *Section 43* of the *Local Government Act 1999* and administered by a Board, which includes a director appointed by each Council and an Independent Chair. Clause 51 of the Charter requires the Authority each year to have an Annual Plan which supports and informs the budget. Specifically, it is to include an outline of East Waste's objectives, the activities intended to be pursued, and the measurement tools defined to assess performance. It must also assess and summarise the financial requirements of East Waste and set out the proposals to recover overheads and costs from the Member Councils.

The *2021/22 Annual Plan* is the first Annual Plan developed under the *East Waste 2030 Strategic Plan* which was endorsed by the Board in September 2020. The *East Waste 2030 Strategic Plan* sets out a series of bold and ambitious targets (Key Performance Indicators) which we aspire to met through five Key Objectives and a series of Strategies. The Strategic Plan is summarised on the following page.

For full context this Plan should be read in conjunction with East Waste's broader strategic planning framework including the *Strategic Plan 2030*, Long-Term Financial Plan, and Risk Management Planning Framework.

As a regional subsidiary East Waste recognises that success from this Annual Plan is not possible without the continued support, integration and active working partnership of all our Member Councils and key Strategic Partners. As noted on page eight, East Waste is committed to developing and continuing partnerships which ultimately drive value back to the communities we serve.

East Waste Draft Strategic Plan Vision, Objectives & Strategies

VISION

To be the leading waste logistics company in Australia through the delivery of innovative collection and resource management services to our Member Councils & their Communities.

OBJECTIVES

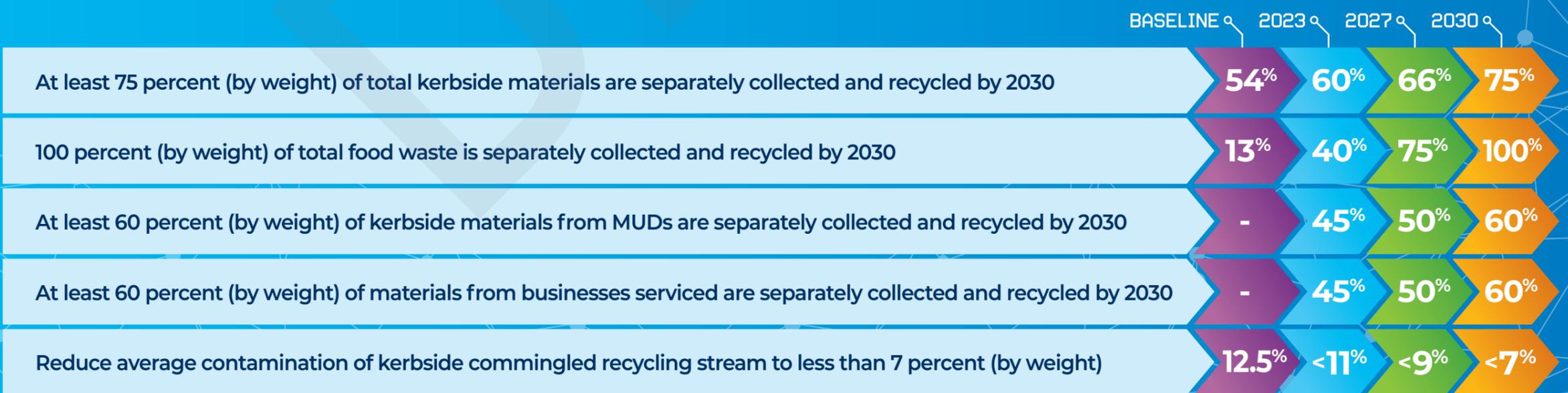
- 
1. Deliver cost-effective and efficient services facilities
- 
2. Maximise source separation and recycling
- 
3. Provide leading and innovative behaviour change and education
- 
4. Help develop a local circular economy
- 
5. Provide leadership

STRATEGIES

- | | | | | |
|--|---|--|--|--|
| <ul style="list-style-type: none"> 1.1 Attract additional services and/or new councils where further economies of-scale can be achieved 1.2 Offer a single contract for the management of the residual waste to all member councils 1.3 Partner with other councils and organisations to achieve greater synergies and economies of scale in service delivery 1.4 Investigate and implement collection technologies and innovation 1.5 Provide a consistently high standard of Customer Service | <ul style="list-style-type: none"> 2.1 Provide more service choice and flexibility to residents on kerbside services to support them to increase their recycling levels 2.2 Provide a tailored 3-stream service to Multi-Unit Dwellings (MUDs) to support waste reduction and increased recycling 2.3 Pilot a tailored service delivery model across a business precinct(s) to support waste reduction and increased recycling | <ul style="list-style-type: none"> 3.1 Engage in research and projects delivering evidence-based data which increases behaviour change decision making 3.2 Develop an integrated and tailored long-term community behaviour change and education program 3.3 Identify and trial behaviour change programs aimed at reducing contamination 3.4 Encourage and support councils to introduce an incentive(s) to households to reduce their landfill volumes 3.5 Engage schools in behaviour change & waste education | <ul style="list-style-type: none"> 4.1 Support local reprocessing and procurement of recycled content products 4.2 Encourage and support councils to procure and use recycled content products 4.3 Support councils to implement sharing economy and reuse initiatives 4.4 Investigate options to process and extract the highest value from collected resources | <ul style="list-style-type: none"> 5.1 Implement best practice safety standards 5.2 Advocate on behalf of our Member Councils 5.3 Invest in our people 5.4 Quality and transparent Corporate (Governance & Financial) Activities |
|--|---|--|--|--|

KPIs

We will measure our success in reaching our objectives through the following KPIs...



2021/22 Objectives & Activities

At a high level, progression towards the Vision and 2030 Key Performance Indicators will be the key Objective and sit behind all the activities that East Waste undertake.

While the following is not a prescriptive list the key projects East Waste intend to undertake over the 2021/22 year are detailed below. While these will be the key focus, East Waste will remain a fluent and adaptable Organisation that is able to pivot and respond as required to maximise funding, partnerships, opportunities and projects that will fast-track the pursuit of our KPIs.

NO.	ACTIVITY/PROJECT	OVERVIEW	STRATEGY	MAIN KPI TARGET
DELIVER COST EFFECTIVE AND EFFICIENT SERVICES AND FACILITIES				
1	Continue & Expand Core services	East Waste optimisation will come from providing a full suite of services to Member Councils. Where this doesn't occur, East Waste will work with the respective Councils in a bid to secure these services.	1.1	Vision Target
2	Investigate opportunities outside of existing Member Councils.	East Waste will actively pursue service provision to non-member Councils where value to existing Members can be realised.	1.3	Vision Target
3	Upgrade to Waste Trak II	East Waste utilises a high-quality software system known as Waste Track to manage all elements of collections. An upgraded package is available which will streamline several workflows and improve data reporting, among several other operational benefits. To utilise the system the collection vehicles, require an upgrade of 'in cab' hardware. This will be undertaken in conjunction with the Fleet Replacement Program.	1.4	Vision Target
MAXIMISE SOURCE SEPARATION & RECYCLING				
4	Investigate a broadscale 'Choice & Flexibility model.'	Some small positive steps have been taken across metropolitan Adelaide in recent times to investigate alternate collection options. This program will draw together the latest research and findings to develop an "off-the-shelf" framework which will drive reduced material to landfill, particularly food waste.	2.1	At least 75% of kerbside material separately collected & recycled 100% of food waste separately collected and recycled.

PROVIDE LEADING AND INNOVATIVE BEHAVIOUR CHANGE AND EDUCATION

5	Undertake Audits of businesses and Multi Unit Dwellings to provide baseline data	Business waste serviced by our Member Councils and Multi Unit Dwellings contribute to the total tonnes collected, yet little is known about the make- up of the waste. The audit will identify this and provide baseline diversion targets for the Strategic Plan	2.1	60% by weight of kerbside waste is separately collected and recycled 60% of of materials from businesses serviced are separately collected and recycled
6	Undertake the biennial East Waste kerbside bin audit.	Undertake an East Waste-wide audit, to understand up-to-date disposal behaviours and progress towards targets	2.1	At least 75% of kerbside material separately collected & recycled 100% of food waste separately collected and recycled. Reduce average contamination of kerbside commingled recycling to less than 7%.
7	Delivery of the “Why Waste It?” behaviour change program and associated social media.	Utilising the results of the reviews and audits undertaken over the past 12 months, refine and deliver the ongoing successful “Why Waste It?” program.	3.2	Continue to develop long term integrated education and behaviour change programs.

HELP DRIVE A LOCAL CIRCULAR ECONOMY

8	Identify opportunities amongst Member Councils for the uptake of crushed glass.	A feature by our current recycling provider is the possibility of separating glass fines from the Material Recovery Facility waste stream, for reuse rather than the current practice of landfilling. Should this materialise, East Waste will work with the required parties to provide and encourage Member Councils to utilise this material in asset renewal programs.	4.2	Encourage & support Councils to procure and use recycled content products.
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9	Hard waste Reuse trial	<p>East Waste currently diverts over 95% of all material collected through our hard waste service away from landfill by sending the material to ResourceCo (Wingfield) who transform it into Process Engineered Fuel (PEF).</p> <p>A strategic principle of East Waste is to ensure where possible that collected material is retained/processed at its highest value. Referring to the waste hierarchy, Reuse sits higher than Waste to Energy and as such East Waste will investigate solutions and implement trials where possible for increasing the life (reuse) of the many items currently presented for hard waste collection.</p>	4.4	Investigate options to process and extract the highest value from collected resources
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PROVIDE LEADERSHIP

10	Fleet Replacement	In line with the Long Term Financial Plan, undertake the replacement of five (5) collection vehicles.	5.4	Quality & transparent Corporate Activities.
11	IT and Cyber Security Enhancement	<p>The reports of Cyber Security attacks across all levels of government and private enterprise over the past 12 months has heightened the awareness of the local government sector and its response to it. Identified as a possible risk, East Waste has commenced actions and tasks to strengthen its protection against a potential cyber security attack. In response, East Waste is moving to hosting its IT requirements on an external server, which provides for enhanced protection of our systems and data. In support of this, staff will all be undertaking cyber security training and East Waste's recently upgraded records management system also provides greater security and protection of all East Waste data.</p>	5.1	Risk mitigation is integrated into all activities.

“

We will continue to work closely with our member Councils, Government Agencies and like-minded organisations to ultimately drive value back to the communities we serve.

I encourage you to engage in conversation with us if you see opportunity for partnership. ”

Fraser Bell
East Waste Chair 2020

Budget Management

East Waste operates almost entirely on a Common Fleet Costing methodology, whereby Member Councils are charged directly against the time it takes to undertake their services. This is achieved through the utilisation of a specialised, highly accurate and powerful cloud-based, real-time GPS based system, supported by detailed reporting capabilities. As a result of this minor variations in the common fleet percentages (and therefore apportioning of Common Fleet costs) occur from year to year in response to efficiencies and increased collection costs (e.g. increase in developments, Fire Ban days and events). Specific costs (and rebates where applicable) such as waste disposal and resource processing are directly on-charged, to Member Councils.

The budget to deliver this Annual Plan, along with all East Waste's Services and legislative requirements is detailed in the following proposed 2020/21 Financial Papers (refer Attachment 1 – 5).

EAST WASTE**PROJECTED STATEMENT OF COMPREHENSIVE INCOME (BUDGET)**
for the Financial Year Ending 30 June 2022

FY2020		FY2021	FY2022
Audited Actuals		BR3	Proposed Budget
\$'000		\$'000	\$'000
	INCOME		
16,756	User Charges	17,655	18,241
21	Investment income	2	2
-	Grants, subsidies and contributions	-	-
677	Other	975	1,171
17,454	TOTAL INCOME	18,632	19,414
	EXPENSES		
5,851	Employee Costs	6,130	6,309
9,120	Materials, contracts & other expenses	10,088	10,686
2,069	Depreciation, amortisation & impairment	2,009	2,122
281	Finance costs	275	281
17,321	TOTAL EXPENSES	18,502	19,398
133	OPERATING SURPLUS / (DEFICIT)	130	16
60	Asset disposals & fair value adjustments	125	115
193	NET SURPLUS / (DEFICIT)	255	131
-	Other Comprehensive Income	-	-
193	TOTAL COMPREHENSIVE INCOME	255	131

EAST WASTE**PROJECTED BALANCE SHEET (BUDGET)**

for the Financial Year Ending 30 June 2022

FY2020		FY2021	FY2022
Audited Actuals		BR3	Proposed Budget
\$'000		\$'000	\$'000
	ASSETS		
	CURRENT ASSETS		
2,322	Cash & Cash Equivalents	2,195	2,193
1,019	Trade & Other Receivables	1,019	1,019
-	Other Financial Assets	-	-
3,341	TOTAL CURRENT ASSETS	3,214	3,212
	NON-CURRENT ASSETS		
7,652	Infrastructure, Property, Plant & Equipment	8,317	8,576
7,652	TOTAL NON-CURRENT ASSETS	8,317	8,576
10,993	TOTAL ASSETS	11,531	11,787
	LIABILITIES		
	CURRENT LIABILITIES		
1,205	Trade & Other Payables	1,224	1,224
1,929	Borrowings	2,287	2,176
597	Provisions	642	642
3,731	TOTAL CURRENT LIABILITIES	4,153	4,042
	NON-CURRENT LIABILITIES		
6,221	Borrowings	6,037	6,273
77	Provisions	122	122
6,298	TOTAL NON-CURRENT LIABILITIES	6,159	6,395
10,029	TOTAL LIABILITIES	10,312	10,437
964	NET ASSETS	1,219	1,350
	EQUITY		
964	Accumulated Surplus	1,219	1,350
964	TOTAL EQUITY	1,219	1,350

EAST WASTE**PROJECTED STATEMENT OF CASH FLOWS (BUDGET)**

for the Financial Year Ending 30 June 2022

FY2020		FY2021	FY2022
Audited Actuals		BR3	Proposed Budget
\$'000		\$'000	\$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
RECEIPTS			
17,136	Operating Receipts	18,630	19,412
16	Investment Receipts	2	2
PAYMENTS			
(5,795)	Employee costs	(6,040)	(6,309)
(8,677)	Materials, contracts & other expenses	(10,088)	(10,686)
(291)	Interest Payments	(275)	(281)
2,389	NET CASH PROVIDED BY (OR USED IN) OPERATING ACTIVITIES	2,229	2,138
CASH FLOWS FROM INVESTING ACTIVITIES			
RECEIPTS			
81	Sale of Replaced Assets	145	115
PAYMENTS			
(2,297)	Expenditure on Renewal/Replaced Assets	(2,675)	(2,381)
-	Expenditure of New/Upgraded Assets	-	-
(2,216)	NET CASH PROVIDED BY (OR USED IN) INVESTING ACTIVITIES	(2,530)	(2,266)
CASH FLOWS FROM FINANCING ACTIVITIES			
RECEIPTS			
65	Capital Contributed by Member Councils	-	-
2,171	Proceeds from Borrowings	2,284	2,200
PAYMENTS			
(1,834)	Repayment of Borrowings	(1,845)	(1,810)
(220)	Repayment of Lease Liability	(265)	(265)
-	Distribution - Member Councils	-	-
182	NET CASH PROVIDED BY (OR USED IN) FINANCING ACTIVITIES	174	125
355	NET INCREASE (DECREASE) IN CASH HELD	(127)	(2)
1,967	CASH & CASH EQUIVALENTS AT BEGINNING OF PERIOD	2,322	2,195
2,322	CASH & CASH EQUIVALENTS AT END OF PERIOD	2,195	2,193

EAST WASTE**PROJECTED STATEMENT OF CHANGES IN EQUITY (BUDGET)**
for the Financial Year Ending 30 June 2022

FY2020		FY2021	FY2022
Audited Actuals		BR3	Proposed Budget
\$		\$'000	\$'000
706	BALANCE AT END OF PREVIOUS REPORTING PERIOD	964	1,219
193	Net Surplus / (Deficit) for Year	255	131
65	Contributed Equity	-	-
-	Distribution to Councils	-	-
964	BALANCE AT END OF REPORTING PERIOD	1,219	1,350

DRAFT

EAST WASTE

PROJECTED UNIFORM PRESENTATION OF FINANCES STATEMENT (BUDGET)
for the Financial Year Ending 30 June 2022

FY2020		FY2021	FY2022
Audited Actuals		BR3	Proposed Budget
\$'000		\$'000	\$'000
17,454	Income	18,632	19,414
(17,321)	Expenses	(18,502)	(19,398)
133	Operating Surplus / (Deficit)	130	16
Net Outlays on Existing Assets			
(2,297)	Capital Expenditure on Renewal and Replacement of Existing Assets	(2,675)	(2,381)
2,069	Depreciation, Amortisation and Impairment	2,009	2,122
81	Proceeds from Sale of Replaced Assets	145	115
(147)		(521)	(144)
Net Outlays on New and Upgraded Assets			
-	Capital Expenditure on New and Upgraded Assets	-	-
-	Amounts Specifically for New and Upgraded Assets	-	-
-	Proceeds from Sale of Surplus Assets	-	-
-		-	-
(14)	Net Lending / (Borrowing) for Financial Year	(391)	(127)

From: Lachlan Miller <lmiller@ahc.sa.gov.au>
Sent: Wednesday, 9 June 2021 4:46 PM
To: Rob Gregory <RobG@eastwaste.com>
Cc: Lachlan Miller <lmiller@ahc.sa.gov.au>
Subject: FYI: AHC consent toe East Waste Draft Annual Plan 2021-22

Good afternoon Rob

At its 25 May 2021 meeting, the Adelaide Hills Council considered the Draft Annual Plan 2021-22 and resolved as follows:

12.6 East Waste 2021-22 Annual Business Plan

**Moved Cr Pauline Gill
S/- Cr Leith Mudge**

96/21

Council resolves:

- 1. That the report be received and noted**
- 2. To provide consent to the Eastern Waste Management Authority *Draft Annual Plan 2021-22.***

Carried Unanimously

Regards

Lachlan Miller
Executive Manager Governance & Performance
Adelaide Hills Council

p 08 8408 0516
e lmiller@ahc.sa.gov.au
w ahc.sa.gov.au

Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244

From: [Martin Cooper](#)
To: [Rob Gregory](#)
Cc: [Kelly Vandermoer](#); [Barry Cant](#); [Karishma Reynolds](#)
Subject: RE: City of Burnside Regional Subsidiary Internal Audit
Date: Tuesday, 8 June 2021 1:50:11 PM
Attachments: [image001.gif](#)
[image002.jpg](#)

Hi Rob,

All well thank you and apologies for not advising sooner, the East Waste budget was approved as is. There were no changes to the initial draft.

- Net Surplus of \$131k
- Net increase in costs \$92k. However, it should be noted that we needed to make a larger adjustment in costs for next year (\$235k).

	2020/21 Fees	Draft Annual Plan 2021/22	Increase
Total Waste Costs	\$3,112,177	\$3,204,635	\$92,458

Cheers
Martin

Martin Cooper | Director Corporate and Development
City of Burnside | 401 Greenhill Road Tasmore SA 5065
P: 08 8366 4202 | M: 0417812342
mcooper@burnside.sa.gov.au
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B1



Enq: Lyn Barton

Ph: 8366 9234

9 April 2021



Mr Rob Gregory
General Manager
East Waste
PO Box 26
MANSFIELD PARK SA 5012

Dear Mr Gregory

Draft 2021/2022 Annual Plan and Budget

I wish to advise that at its meeting held on Tuesday 6 April 2021 Council endorsed East Waste's Draft Annual Plan and Budget for the Year ending 30 June 2022. Furthermore, Council will recognise its equity share in East Waste's budgeted loss in its draft 2021/2022 Annual Business Plan and Budget.

If you have any queries please contact Council's Manager Finance, Mr Simon Zbierski on 8366 9289.

Yours sincerely

Lyn Barton
Acting General Manager Corporate & Community Services

From: Jose Baker <jbaker@mitchamcouncil.sa.gov.au>

Sent: Thursday, May 27, 2021 10:02 AM

To: Rob Gregory <RobG@eastwaste.com>

Cc: Michaela Tamlin <MTamlin@mitchamcouncil.sa.gov.au>; Kerry March <kmarch@mitchamcouncil.sa.gov.au>; Matt Toole <mtoole@mitchamcouncil.sa.gov.au>; Stephen Saffin <ssaffin@mitchamcouncil.sa.gov.au>

Subject: City of Mitcham - East Waste Resolution - 25 May 2021 - CONFIDENTIAL

Good Morning Rob,

Please be advised the below was consented on Tuesday, 25 May 2021 in relation to the East Waste draft annual plan and budget.



THE FOLLOWING ITEMS WERE DEALT WITH IN CONFIDENCE - COUNCIL - TUESDAY, 25 MAY 2021.

10. CONFIDENTIAL REPORTS

10.1 EAST WASTE 2021/2022 DRAFT ANNUAL PLAN AND BUDGET
Report Author/Manager: Matt Toole & Michaela Tamlin / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 25 May 2021)
(Location: Council Wide)
(Consultant Used: \$Nil)

DECISION 2 – SUBSTANTIVE DECISION

MOVED Mayor Holmes-Rosj

That Council consents to the East Waste 2021/2022 Draft Annual Plan and acknowledges the 2021/2022 East Waste Draft Budget.

SECONDED Cr Cheney **CARRIED UNANIMOUSLY**

Please let me know if you require any further.

Cheers

Jose



Josephine Baker | Executive Assistant | Office of the General Manager Development Services and Community Safety | Mr Craig Harrison | City of Mitcham

131 Belair Road | TORRENS PARK SA 5062 | P: 08 8372 8123 F: 08 8372 8101 | W:

www.mitchamcouncil.sa.gov.au



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File Number: qA69173 (A152600)
Enquiries To: Sharon Perkins
Direct Telephone: 8366 4533



City of
Norwood
Payneham
& St Peters

27 April 2021

Mr Rob Gregory
General Manager
East Waste
PO Box 26
Mansfield Park SA 5012

Dear Rob

2021 -2022 Draft Annual Plan

Thank you for your letter dated 4 March 2021, in which you have requested the Council's consideration of the East Waste Draft Annual Plan and accompanying Budget for the 2021-2022.

I wish to advise that the Council considered the East Waste Draft 2021-2022 Annual Plan at its meeting held on 14 April 2021.

Following the consideration Draft 2021-2022 Annual Plan, the Council resolved to advise East Waste that pursuant to Clause 52.3 of the East Waste Charter the Council has considered and approves the 2021-2022 Draft Annual Plan.

In considering the Draft Annual Plan, the Council noted the introduction of a new collection fee for Narrow Streets as part of the 2021-2022 Budget and have requested further information. In particular, it is requested that East Waste provide details in relation to the genesis of the Narrow Streets fee and the basis upon which the fee has been calculated.

Should you require any further information, please do not hesitate to contact me of 8366 4533 or email isperkins@npsp.sa.gov.au.

Yours sincerely

Sharon Perkins
GENERAL MANAGER, CORPORATE SERVICES

175 The Parade
Norwood SA 5067

PO Box 204
Kent Town SA 5071

Telephone
8366 4555

Facsimile
8332 6338

Email
townhall@npsp.sa.gov.au

Website
www.npsp.sa.gov.au



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ITEM 8.2 - ATTACHMENT B6

From: Rob Dabrowski <rob.dabrowski@prospect.sa.gov.au>

Sent: Tuesday, 6 April 2021 5:07 PM

To: Rob Gregory <RobG@eastwaste.com>; Nigel McBride <nigel.mcbride@prospect.sa.gov.au>

Cc: Vincent Cammeil <vincent.cammell@prospect.sa.gov.au>; Jasmyn Page

<jasmyn.page@prospect.sa.gov.au>

Subject: RE: Draft East Waste 2021/22 Annual Plan & Fees

Dear Rob

Further to the below I am pleased to advise that at the meeting of Council held 23 March 2021, following consideration of this Item Council resolved as follows:

That Council:

(1) Having considered Item 10.2 East Waste Draft Annual Plan and Budget 2021/2022 receives and notes the report.

(2) Endorse the East Waste Annual Business Plan 2021/2022, noting the accompanying draft budget (as presented in Attachments 1-16).

Carried Unanimously 44/2021

Trust this enables finalisation at your end. Thank you for the detail provided and the opportunity to comment.

Kind regards
Rob

Rob Dabrowski

Manager | Governance, HR and Elected Member Support

T 08 8269 5355

Payinthe - 128 Prospect Road, Prospect, SA 5082 | PO Box 171, Prospect SA 5082

rob.dabrowski@prospect.sa.gov.au

TOWN OF



WALKERVILLE

The Corporation of the Town of Walkerville

ABN 49 190 949 882

66 Walkerville Terrace, Gilberton SA 5081

PO Box 55, Walkerville SA 5081

File Number: 5.64.1.1

Please Quote Ref: EM202174056

Contact Officer: Monique Palmer, Group Manager Corporate Services

Telephone: (08) 8342 7100

Facsimile: (08) 8269 7820

Email: walkerville@walkerville.sa.gov.au

www.walkerville.sa.gov.au

20 May 2021

Mr. Rob Gregory
General Manager
East Waste

Via Email: RobG@eastwaste.com

Dear Mr. Rob Gregory,

Re: East Waste 2021/2022 Annual Plan & Fees

Monday 17 May 2021, Council considered East Waste 2021/2022 Annual Plan & Fees. Council subsequently resolved as follows:

CNC369/20-21

That Council approves the 2021/22 East Waste Draft Budget and Annual Business Plan.

I invite you to contact Monique Palmer, Group Manager Corporate Services on 8342 7134 should you have any questions.

Yours sincerely

Monique Palmer
Group Manager Corporate Services

8.3: EXTERNAL AUDITOR INTERIM REPORT

REPORT AUTHOR: General Manager

ATTACHMENTS: A: External Auditor Draft Interim Management Report

Purpose of the Report

To provide the Audit and Risk Management Committee (the Committee) with the results of the Interim Audit conducted by external auditors Bentley's.

Background

Nil

Report

East Waste's appointed External Auditor, Bentley's, undertook the interim Audit in late April and early May 2021. The draft Interim Management Report is provided in at Attachment A (refer Attachment A).

No matters of note have been identified through the interim audit and two potential risks for full review at the end of year audit noted. With respect to the previously raised points, Administration offers the following.

High Level of Annual Leave Accrued - *There were 7 employees who had accrued over 230 hours of annual leave (6 weeks) as at 30 June 2020. The largest individual balance recorded was 296 hours.*

With relatively relaxed COVID-19 restrictions in 2021 a concerted effort has been made to draw down annual leave balances. As of 31 May 2021, there were 4 staff who had over 230 hours of annual leave accrued, including one who is only 4 hours over this amount.

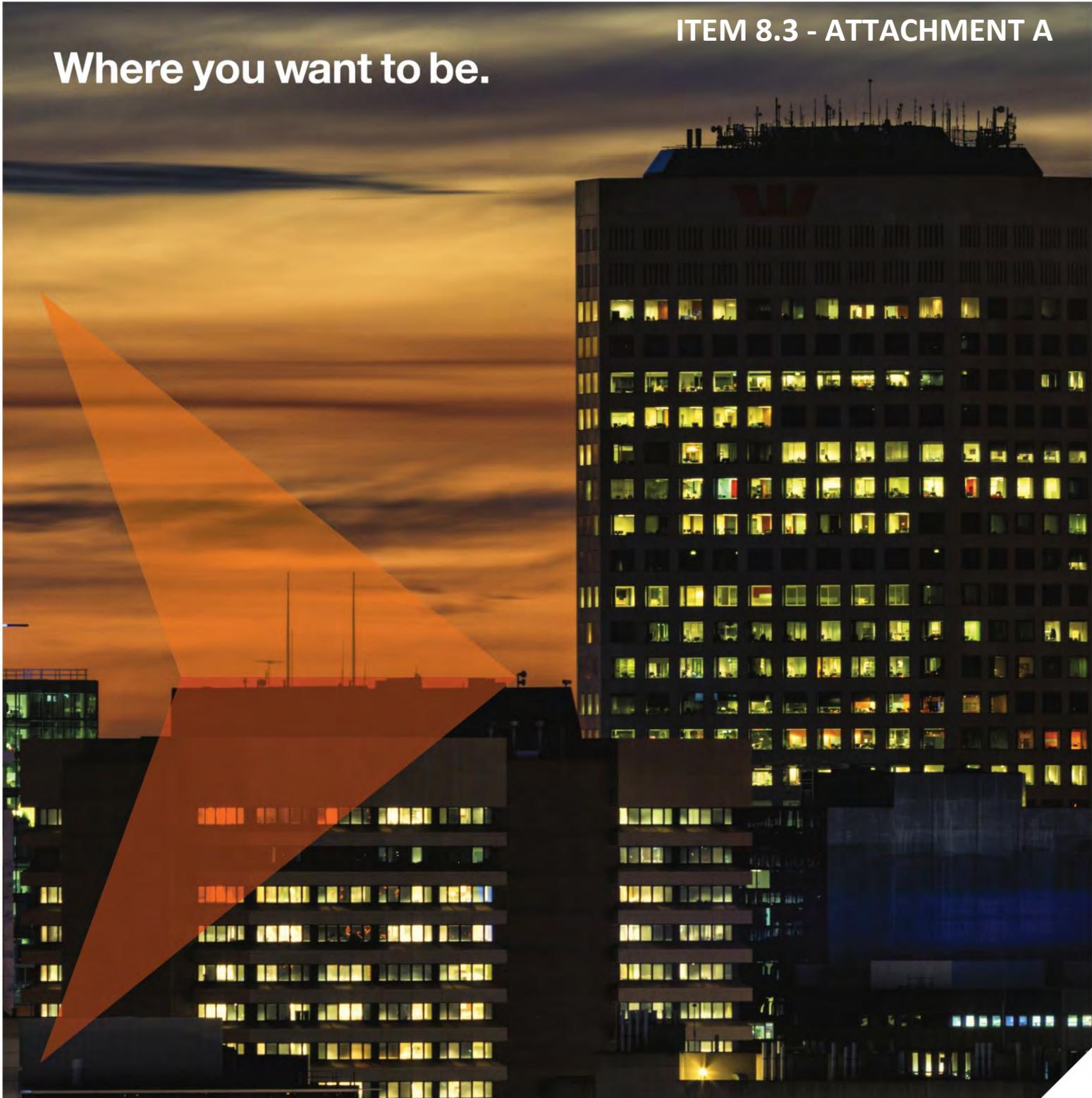
Long service leave (LSL) provision calculation - *We noted two employees' LSL entitlement calculations were incorrectly calculated on fulltime hours. The incorrect calculation resulted in an overstatement of LSL provision by \$42k.*

This Administrative error related to two casual staff and resulted in a favourable result to East Waste. The calculation was corrected prior to the issuing of the final Audit report in 2020.

Recommendation

That the Committee note and receive the Report.

Where you want to be.



East Waste Management Authority

Report of Audit Findings

June 2021

David Papa, Partner
Level 5, 63 Pirie St, Adelaide SA 5000
Telephone +61 8 8372 7900
dpapa@adel.bentleys.com.au | bentleys.com.au

 Advisors

 Accountants

 Auditors

Executive summary

We are providing our Interim report on the audit of East Waste Management Authority for the year ending 30/06/2021.

Dear Mr Bell

We have conducted our interim audit of East Waste Management Authority for the year ending 30/06/2021 and report to management and those charged with governance the following matters for information purposes and for consideration of implementation or corrective action:

At the conclusion of our testing, using the information obtained we determined if there were any material matters or concerns that would impact the decision-making ability of the users of the financial report.

The following matters are reported to management:

	Internal controls	Financial Statements
Critical	-	-
Significant	-	-
Not Material	-	-
Area for Improvement	-	-

Note: an empty comment means nothing to report

We intend to issue an unmodified audit opinion over the financial report of East Waste Management Authority.

We would like to take this opportunity to thank management and staff for the assistance provided to us during the course of our interim audit.

Sincerely,



David Papa

Partner

+61 8 8372 7900

dpapa@adel.bentleys.com.au

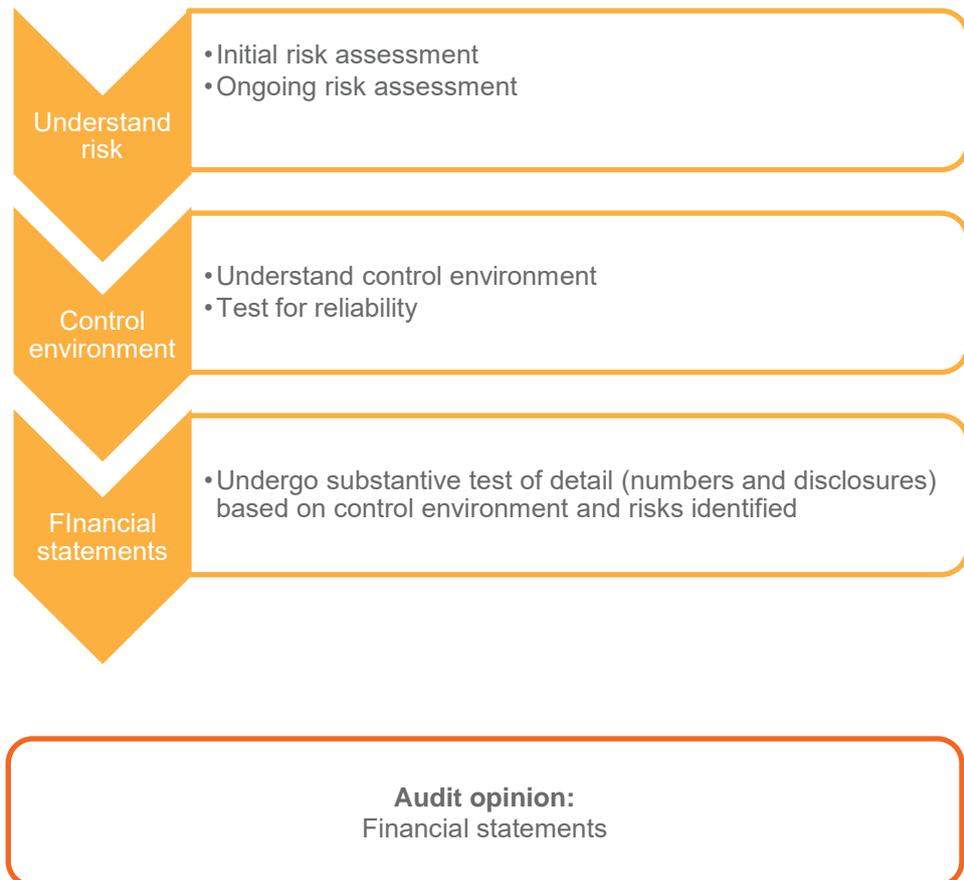


Audit approach

Helping businesses achieve their goals and aspirations.

Bentleys SA's audit approach is based on organisational and financial risk. We develop an understanding of risks for your organisation that relate to the financial statements based on our understanding of your people, your organisation and your sector. This understanding helps us build an audit program that is tailored to you each year and enables us to form an opinion on your financial statements through a target "risk based" approach. The benefits of this approach are:

- Audit efficiency
- Increased organisational assurance
- A review of your control environment
- Timely and effective audits



Identified audit risks

We have identified financial statement risks relating to this year's audit.

As your auditor, our requirement to identify risk commences at the planning phase of our audit and continues throughout the audit process until complete and the audit report is signed. Below we have detailed identified risks relating to the financial statements.

Risks identified at planning

Area

Fixed asset additions

Risk

There has been a material purchase of Assets this year (approx \$2.3m).

Audit Approach

We will perform audit procedures to ensure that capital expenditures made are in accordance with the procurement policy and are appropriately recorded in the books.

Outcome

Pending

Risks identified through the audit

Area

Change in key management personnel

Risk

The change in key management personnel may have a significant impact on the internal control environment.

Audit Approach

We will obtain an understanding of key changes to processes and controls and perform audit procedures to evaluate the design and determine whether the controls have been implemented and are operating effectively.

Outcome

Pending



Status of prior points raised

Below we list the matters identified throughout our audit, details of those matters and whether or not we believe the issue requires attention, or the matter is satisfactory, after consideration of qualitative and quantitative aspects of that business area.

Area

High level of annual leave accrued

Prior year observation

There were 7 employees who had accrued over 230 hours of annual leave (6 weeks) as at 30 June 2020. The largest individual balance recorded was 296 hours.

Status

We will review at year-end audit.

Outcome

Pending

Area

Long service leave (LSL) provision calculation

Prior year observation

We noted two employees' LSL entitlement calculations were incorrectly calculated on fulltime hours. The incorrect calculation resulted in an overstatement of LSL provision by \$42k.

Status

We will re-assess calculation at year-end audit.

Outcome

Pending



Matters for those charged with governance

Fraud

Whilst fraud is not the primary consideration when conducting an external audit, we have not identified any fraud as a result of our audit.

We believe it is important for management to continually consider and assess the control environment of the entity to identify areas where fraud can occur and ensure that those opportunities are removed and or monitored to reduce the risk and impact of fraud.

Legal compliance

Through our audit procedures we have not become aware of any non-compliance with applicable laws and regulations.

Financial reporting and accounting policies

We believe the accounting policies elected for the Council are reasonable and their application provides sufficient information for use of the decision makers.

Going concern

As part of our assessment we considered the appropriateness of the going concern assumption concluded by the Council and management. Our procedures indicate that this assumption is fair and that the going concern convention is appropriate.

Cooperation with management

The management team has been helpful and cooperative throughout the conduct of this year's interim audit.



Where you want to be

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Telephone +61 8 8372 7900
advice@adel.bentleys.com.au | bentleys.com.au



8.4: POLICY REVIEW SCHEDULE

REPORT AUTHOR: General Manager
ATTACHMENTS: A: Policy Review Schedule

Purpose of the Report

To provide the Audit and Risk Management Committee (the Committee) with a list of East Waste Policies and schedule for their review.

Background

Nil

Report

In recent months it has been identified that several policies have exceeded their required review date. In order to mitigate this occurring, a list of policies with their scheduled review has been developed (refer Attachment A). Policies or Terms of Reference highlighted red indicate the policy is overdue for review and will be scheduled for review as a priority.

The schedule will remain a live document with any new Policies added to the list as adopted. An action of the new Manager, Business Services, within six months of commencement, will be to undertake a scan of Member Council Policies and where required develop East Waste relevant documents in order to minimise any current gaps.

Recommendation

That the Committee notes and receive the Report and the Policy Review Schedule, as presented in Attachment A.

ITEM 8.4 - ATTACHMENT A

EASTERN WASTE MANAGEMENT AUTHORITY		
POLICY REGISTER		
POLICY	ADOPTED	REVIEW DATE
Corporate & Financial		
Budget Framework Policy	Apr-21	Apr-23
Rebate & Distribution Policy	Apr-21	Apr-23
Treasury Management Policy	Apr-21	Apr-23
National Competition Policy Statement	Apr-21	Apr-24
Financial Sub-Delegations	Jun-20	Jun-22
Procurement Policy	Jun-20	Jun-22
Sale & Disposal of Assets Policy	Jun-20	Jun-22
Risk Management Policy	Sep-20	Nov-22
Risk Management Framework	Sep-20	Nov-22
Prudential Management Policy	Sep-20	Nov-22
Complaint Handling Policy	Sep-20	Nov-22
Unreasonable Complainant Conduct Policy	Nov-20	Nov-22
WHS Policies		
Contractor Management Policy	Nov-20	Nov-23
East Waste Bullying & Harrassment Policy	Mar-18	Mar-21
Hazard Management Policy	Nov-20	Nov-23
Hazardous Work Policy	Nov-20	Nov-23
WHS Administation Policy	Jul-18	Jul-21
WHS Consultation & Communication Policy	Jul-18	Jul-21
WHS Emergency Management Policy	Jul-18	Jul-21
Work Health Safety & Return to Work Policy V5	Mar-21	Mar-24
Terms of Reference		
Audit & Risk Management Committee Terms of Reference	Sep-19	Sep-21
General Manager Performance Review Committee Terms of Reference	Feb-18	Feb-21

8.5: WORKPLACE RELATIONSHIPS DISCLOSURE POLICY

REPORT AUTHOR: General Manager

ATTACHMENTS: A: Workplace Relationships Disclosure Policy

Purpose of the Report

To seek the Audit and Risk Management Committees input into the development of a new Policy: *Workplace Relationships Disclosure Policy*.

Background

As a relatively small Organisation, East Waste is potentially exposed to nepotism, favouritism (or the opposite) and inappropriate conduct, through workplace relationships. As such it is appropriate to have a Workplace Relationships Disclosure Policy.

Report

Upfront it is important to note the Policy is not designed to prevent staff having romantic or sexual relationships with other employees. The attached Workplace Relationships Disclosure Policy (refer Attachment A) sets out guidelines for staff to follow in the event they commence a romantic or sexual relationship with another employee. Specific and more stringent requirements are detailed for Supervisors who commence a relationship with a subordinate, to mitigate any conflicts of interest.

The Committee's input into the Policy is sought, prior to presentation and adoption by the Board.

Recommendation

The Committee recommends the East Waste Workplace Relationships Disclosure Policy, as presented in Attachment A, is presented to the East Waste Board.

ITEM 8.5 - ATTACHMENT A

WORKPLACE RELATIONSHIPS DISCLOSURE POLICY	
--	---

Type	Behaviour
Category	Human Resources
First Issued/Adopted	TBA 2021
Minutes Reference	
Review Period	36 months
Last Reviewed	N/A
Next reviewed	June 2024
Applicable Legislation	<ul style="list-style-type: none"> • <i>Local Government Act 1999</i> • <i>Fair Work Act 1994 (SA)</i>
Related Documents	<ul style="list-style-type: none"> • East Waste Charter • East Waste Strategic Plan 2030 • Employment Contracts / EBA
Consultation Undertaken	
Responsible Officer	Manager, Business Services

SIGNED:

General Manager

Date: ___/___/___

.....

Chairperson

Date: ___/___/___

Purpose

The Workplace Relationships Disclosure Policy provides guidelines our employees should follow when they are romantically or sexually involved with a colleague. We also set standards for acceptable behaviour when flirting with colleagues. We do not want to place undue restrictions on employees dating each other, or spending time together outside of work as everyone should be free to choose their partners. But, we want to make sure that relationships won't cause awkwardness, inappropriate behaviour or conflicts of interest in the workplace.

Scope

This policy applies to all our employees, Board and Committee Members, regardless of gender, sexual orientation or other protected characteristics.

In the context of this policy, "employee dating" includes consensual romantic relationships and sexual relations. We explicitly prohibit non-consensual relationships.

Policy elements

Before you date a colleague

Before you decide to date a colleague, please consider any problems or conflicts of interest that may arise. For example, if you're working with a colleague on an important project, a relationship between the two of you (or a possible breakup) could affect your work. Make sure you've thought about all parameters before making a decision.

Acceptable behaviour

While we don't object to employee relationships, our workplace is still a professional setting. We expect our employees to treat each other with respect and avoid hindering other people's work. If you want to express your romantic interest in a colleague, don't do anything that may embarrass or expose them and always respect their time and choices. [*You're allowed to ask a colleague on a date only once. If they say 'no' or give an ambiguous answer, don't ask again.*]

If a colleague is persistent in flirting with you and becomes annoying or disturbs your work, ask them to stop and inform your Supervisor. Please report them to the General Manager (or the Chairperson where the behaviour is from the General Manager) if they make unwanted sexual advances. Sexual harassment is prohibited, including seemingly harmless actions and will not be tolerated. For example, an employee who keeps flirting when their colleague who doesn't respond favourably is breaking the Equal Opportunities Policy. In this case, they will face disciplinary

action. For more details on what constitutes sexual harassment and how to report it, please refer to our Equal Opportunities Policy.

When you begin dating a colleague

East Waste won't get involved in your private lives and will always be discreet. You don't need to tell us if you go on a few dates with a colleague or become involved for less than a month as long as there's no disruption in the workplace, your own work or a conflict of interest. But if your relationship lasts longer than a month please inform the General Manager. We want to be aware of these relationships so we can better handle gossip or conflicts of interest. Amendments to existing working arrangements may be made.

Also, make sure to:

- Keep your personal issues and discussions out of the workplace;
- Be productive and focused as always. If you find that your work is affected by dating a colleague, seek counselling from your Manager, or our Employee Assistance Program.

Acceptable behaviour

We expect you to always behave appropriately and follow our Behaviour Standards Policy. This means you and your partner shouldn't behave in a way that:

- Hinders our operations;
- Embarrasses your colleagues; or
- Distracts your colleagues from their duties.

Examples of acceptable behaviour are:

- Passing by your partner's office to talk to them for a short time;
- Discussing your joint vacation plans during breaks; or
- Coming to and leaving from work together.

Examples of unacceptable behaviour are:

- Arguing in the workplace;
- Kissing or touching inappropriately in front of colleagues or clients;
- Exchanging an excessive number of instant messages or calls during working hours; or

- Boasting about or discussing your relationship in your colleagues' presence.

Employees who exhibit unacceptable behaviour will face progressive discipline.

After you stop dating a colleague

If your relationship ends, maintain professionalism and ensure you won't disrupt our workplace. You must not badmouth your former partner, sabotage their work or reveal any intimate details. All these break our Behaviour Standards Policy about respect in the workplace and you will face disciplinary action. If your former partner behaves this way, report them to the GM and we will investigate as soon as possible.

If you're facing emotional or psychological issues, *ask about our Employee Assistance Program*.

Dating Supervisors

Dating Supervisors, or direct subordinates presents a raft of additional matters that must be managed to mitigate favouritism and conflicts of issue. In any Organisation this presents challenges and particularly in a small Organisation like East Waste. While Supervisors (including Board and Committee Members) dating subordinates or engaging in casual sexual relationships is not prohibited, it is strongly discouraged and must be brought to the immediate attention of the General Manager (or Chair if it involves the General Manager). Should the relationship extend beyond two months, no alternate reporting pathway can be facilitated and a genuine conflict of interest is present, the Supervisor may be requested to resign or standdown from their position (where possible). Subordinate employees in the relationship will not face demotion, victimization or loss of benefits.

When one of the former partners becomes a Supervisor

If an employee gets promoted or transferred from another department, they may find themselves managing a colleague they used to date or were involved with. In this case, either of the two should advise the General Manager (or Chair where the position involves the General Manager), with responsibility resting with the Supervisor.

When managing a former partner, you must be extra careful with how you behave towards them. You are not allowed to favour or retaliate against them. You should do everything possible to prove that you are treating every team member in a fair and professional way. Document every information or incident necessary for performance reviews and ask for your manager's advice if you need to discipline or reward your former partner.

Couples who are married or in a domestic partnership

The following guidelines address employees who are already married, have a domestic partner or other long-term relationship.

If you're the hiring manager for your team, you're not allowed to consider your spouse or partner for hiring. Doing so might raise questions of favouritism in the hiring process. You are allowed to refer your partner to other teams or departments where you don't have any managerial authority.

Our company's commitment about romantic relationships in the workplace

Just like we expect employees to comply with our policy, we have responsibilities that we're committed to fulfil. We will:

- Enforce this policy equally to all employees including senior management; and
- Treat everyone equally when taking disciplinary action without discriminating against protected characteristics; and
- Prohibit victimization, violence and retaliation of any kind; and
- Examine each case separately and consider all aspects and perspectives before making decisions.

All of us must follow our Equal Opportunities Policy and Behaviour Standards Policy at all times.

END.

8.6: EQUAL OPPORTUNITY POLICY

REPORT AUTHOR: General Manager
ATTACHMENTS: A: Equal Opportunity Policy
B: East Waste Behaviour Standards Policy

Purpose of the Report

To seek the Audit and Risk Management Committees input into the development of a new Policy: *Equal Opportunities Policy*.

Background

East Waste has a Behaviour Standards Policy (refer Attachment B), albeit overdue for review, which broadly covers the required behaviours expected of all staff. Upon review it was recommended that a dedicated Sexual Harassment Policy be developed. Administration were of the view that a slightly broader Policy to cover all elements of Equal Opportunity would be more appropriate and better serve the Organisation.

Report

The attached Equal Opportunity Policy (refer Attachment A) is broadly set out into four parts:

- Part 1 - Equal Opportunity - Discrimination
- Part 2 - Equal Opportunity - Sexual Harassment
- Part 3 - Guidelines for Responsible Officers
- Part 4 - Dealing with Complaints

The document provides clear direction on acceptable and unacceptable behaviour and the process for addressing claims. The Committee's input into the Policy is sought, prior to presentation and adoption by the Board.

Recommendation

The Committee recommends the East Waste Equal Opportunity Policy, as presented in Attachment A is presented to the East Waste Board.

ITEM 8.6 - ATTACHMENT A

EQUAL OPPORTUNITIES POLICY



Type	Behaviour
Category	Human Resources
First Issued/Adopted	June 2021
Minutes Reference	
Review Period	36 months
Last Reviewed	N/A
Next reviewed	June 2024
Applicable Legislation	<ul style="list-style-type: none"> • <i>Local Government Act 1999</i> • <i>Fair Work Act 1994 (SA)</i>
Related Documents	<ul style="list-style-type: none"> • East Waste Charter • East Waste Strategic Plan 2030 • Employment Contracts / EBA
Consultation Undertaken	
Responsible Officer	Manager, Business Services

SIGNED:

General Manager

Date: ___/___/___

.....

Chairperson

Date: ___/___/___

Purpose

East Waste recognises that Equal Opportunity policies and procedures will ensure a workplace free of discrimination that is more productive, increases job satisfaction, and provides better services to the community.

The intent of this policy is to ensure understanding and compliance with Equal Opportunity legislation in relation to matters affecting the employment of employees by:-

- *developing an equal opportunity culture;*
- *outlining a process for resolving complaints of discrimination;*
- *defining what behaviours constitute sexual harassment in the workplace;*
- *outlining a process for employees to take in dealing with grievances related to equal opportunity issues and sexual harassment; and*
- *outlining a process for responsible officers to follow when investigating and resolving complaints.*

Scope

This policy applies to all our employees, Board and Committee Members, regardless of gender, sexual orientation or other protected characteristics.

Policy Statement

For full context this Policy is to be read in conjunction with the East Waste Behaviour Standards Policy.

East Waste is committed to the principles of equal opportunity and recognises that discrimination in employment practices or incidents of sexual harassment are illegal, unwelcome and inappropriate.

East Waste will raise awareness of appropriate equal employment opportunity practices to ensure that all employees are treated in an environment of fairness and equity.

The principle of merit will be the only basis for making decisions that affect the human resource management of employees, recruitment practices and the selection of individuals for promotion.

Preventative strategies and procedures are provided within the policy for Managers, Supervisors and employees to deal with matters related to any form of discrimination or sexual harassment.

GENERAL DISCUSSION

South Australian and Commonwealth laws specify that discrimination is unlawful on many grounds, including age, sex; sexuality; marital status; pregnancy; race; intellectual or physical impairment and spiritual beliefs. Additionally, a Council's (and by default, local Government subsidiary) responsibilities extend to meeting the provisions of the *Disability Discrimination Act, 1992*.

To ensure East Waste operates in an environment of good human resource management practices that include the development, implementation and review of policies relating to all aspects of the employment of Council employees, the General Manager, who is responsible for these matters, should:

- ensure that equal opportunity initiatives are consistent with strategic and business plans, disability and discrimination action plans, and Council policies;
- consult with employees through its Consultative Committee, Unions and other relevant parties regarding equal opportunity issues;
- appoint an Equal Opportunity Officer;
- ensure the application of merit alone, is the criteria used in selecting individuals for employment and promotion (ie experience, skills, qualifications, knowledge and personal attributes, as they relate to the duties to be undertaken);
- ensure no discrimination exists in the application of any human resource management practices;
- identify employees with special needs and establish measures to ensure they operate in a safe and appropriate work environment;
- provide employees and Elected Members with appropriate training so that they are aware of and understand their rights and responsibilities in regard to EO legislation, and Council's policies and procedures; and
- services to the community are in accordance with the principles of fairness and equity.

The discussion related to this area has been grouped into four parts:-

- Part 1 - Equal Opportunity - Discrimination
- Part 2 - Equal Opportunity - Sexual Harassment
- Part 3 - Guidelines for Responsible Officers
- Part 4 - Dealing With Complaints

PART 1: EQUAL OPPORTUNITY – DISCRIMINATION

This section outlines and raises policy, and procedural issues, dealing with incidents relating to discriminatory practices in the workplace. The discussion outlines matters to be taken into account when resolving enquiries or complaints from employees, where they perceive that a discriminatory action has taken place.

Aim

The aim of an EO procedure is to ensure that the principle of EO is achieved within East Waste and that a system is in place to assist in the reporting and resolution of complaints of discrimination.

To assist employees in raising grievances, employees should be able to select either an informal or formal set of procedures to follow. The procedures should ensure that grievances are dealt with promptly and properly.

To provide an environment where employees have confidence to raise concerns and complaints related to equal opportunity, strong commitment of Management and the Board is needed. Employees raising concerns or complaints should be taken seriously and have their complaint resolved in a fair and prompt manner.

Confidentiality

In the instance of a discrimination complaint being raised, it is the responsibility of all those concerned in resolving the matter, to maintain the necessary high level of confidentiality and any policy or procedure should clearly stress this.

Resolving Complaints

Where an employee has made a complaint and requested assistance to resolve the matter, as mentioned above, employees should be able to elect to follow either an **Informal Complaint Resolution** or **Formal Complaint Resolution** process. The following is an example:-

Informal Complaint Resolution

Where an employee considers that they have been discriminated against by a decision made in the workplace, they should discuss the matter in the first instance with their Manager/Supervisor.

The Manager/Supervisor must ensure that the employee is given a fair and reasonable opportunity to present their case and this information should then be given reasonable consideration.

If the Manager/Supervisor needs to ascertain further information, in light of what the aggrieved party has conveyed to them, they should undertake to do so as soon as possible. They should arrange to meet with the aggrieved person as soon as they have additional information.

At this point, should the Manager/Supervisor believe the complaint can be resolved to the satisfaction of the complainant, they should endeavour to do so, and agree on an outcome acceptable to all parties.

It is expected that most complaints will be able to be resolved in this informal manner.

If the complainant is not satisfied with the proposed resolution and the Manager/Supervisor does not believe they will be able to resolve the complaint to the satisfaction of the complainant, the complainant should be referred to the formal procedures in these guidelines.

If submitted to the Departmental Manager, the General Manager needs to be advised and kept informed of progress towards resolution of the complaint.

Formal Complaint Resolution

If a complaint cannot be satisfactorily resolved through the informal process outlined above, or if a complainant wishes to initiate the complaint resolution process formally, they should submit a written request for the complaint to be investigated to the appointed Equal Opportunity Officer.

The EO Officer (appointed by the General Manager) will undertake the formal investigation. In the event the complaint is made against the EO Officer, the General Manager should undertake the investigation (or engage external support).

Such investigations will again endeavour to achieve a speedy resolution to the complaint and the aggrieved employee will be kept informed of the investigation's progress.

Investigation

Any investigation that involves interviewing employees will need to be done discreetly, confidentially and with appropriate formality.

Any employee interviewed, should be advised of the purpose of the interview beforehand and given the opportunity to have a representation or other nominated person present. The purpose of an interview should be to establish the substance of the complaint and achieve a resolution.

Record Keeping

Once a complaint has been resolved, all documentation should be forwarded to Councils EO Officer. Records should be kept confidential and secure in accordance with necessary time frames that coincide with the employee's entitlement to lodge a complaint with the Equal Opportunity Commission.

The EO Officer should also examine the facts of each complaint, to determine whether the matter raised has organisational implications, eg further education, training, workplace culture, etc.

Resolutions

Resolutions to some complaints of discrimination may have implications for a number of decision-making processes; or for practices across the operations of a Department or the Council as a whole.

Employees at all times have the right to seek advice on a possible case of discrimination, or be represented in presenting their case on their behalf, and seeking resolution.

Similarly, employees have the right to seek advice from, or lodge a complaint with, the Equal Opportunity Commission. Time limits for the lodgement of complaints apply.

PART 2: EQUAL OPPORTUNITY – SEXUAL HARASSMENT

Sexual Harassment

Sexual Harassment is impossible to define exhaustively, but includes a range of conduct of a sexual nature that is unsolicited and unwelcome, that may offend, humiliate or intimidate.

Compliments, good natured humour and friendships, that are shared or developed at work DO NOT constitute sexual harassment IF they are based on mutual respect and consent. When

a person appears to “go along with it” it does not mean that the behaviour did not offend, humiliate or intimidate. It may mean that the person is too embarrassed or feels powerless to prevent or object to the behaviour. This may be more pronounced in employer/employee relationships where there may be formal inequalities of status.

Whether an action constitutes sexual harassment depends on the feelings of the person to whom it is directed or who is affected by it. What one person may find amusing, another may find embarrassing and distasteful.

The intent of the harasser is irrelevant. If the behaviour is unwelcome, then it constitutes sexual harassment.

Examples of behaviour that may constitute sexual harassment in the workplace are:

- *sexual jokes, comments or innuendo, whether directed at an individual or made in their presence;*
- *offensive written, or email messages and telephone calls of a sexual nature;*
- *the display of sexually explicit pictures such as calendars, PC screensavers, or posters;*
- *deliberate physical contact, such as pinching, patting or brushing against another person’s body;*
- *persistent questioning or unwelcome attention about a person’s private life;*
- *staring, leering or gesturing in a sexual way;*
- *sexually provocative, insulting or demeaning remarks about a person’s sexual preference, morality or physical appearance;*
- *innuendo’s, requests or demands for sexual favours;*

South Australian and Commonwealth legislation protects everyone, regardless of whether they are employees, elected members of Council, private contract workers or volunteers.

Victimisation

Victimisation relates to any duress applied by one person to another, as a result of their involvement in a complaint of sexual harassment and is also illegal.

Defamation

Complaints of sexual harassment brought to the attention of the person complained against, can sometimes lead to that person seeking redress for alleged defamation.

Defamation is an action that injures another person’s reputation without good reason or justification. Defamation can be either by libel or slander. “Libel” is defamation in writing, communicated to a third party, while “slander” is a verbal defamatory statement made in public.

To avoid defamation actions, those involved in the complaint resolution process must act in good faith and maintain strict confidentiality.

Complaints made to the Equal Opportunity Commission, in good faith, are expressly protected against defamation action.

Sexual Harassment Prevention

Everyone has a right to work with others in a safe and lawful environment. Apart from the fact that sexual harassment is unlawful, it is also very distressing for the person being harassed and has the potential to place Council at risk.

Sexual harassment and victimisation can also be a form of discrimination.

Sexual harassment is to be prevented because:

- *It adversely affects the person being harassed. The person may feel anything from annoyance to severe distress;*
- *Work relationships and performance usually deteriorate, along with the confidence, self-esteem and health of the person being harassed;*
- *Employee morale is lowered if someone has reported sexual harassment and no action has been taken to address it;*
- *If harassment is occurring at least two people are not working effectively.*
- *All forms of harassment are unnecessary, unwelcome and unprofessional.*

Often, someone who is adversely affected by sexual harassment or offensive humour is the one least able to prevent it. Pretending to ignore it or hoping it will not happen again does not usually stop the harassment. In such circumstances the negative affect on the work area may result in increased absenteeism, reduced work efficiency and loss of employees.

The cost to the individual and the Council in terms of trauma, disruption, and financial impact can be significant.

Management of Sexual Harassment

The management of all sexual harassment issues and complaints needs to ensure that due care and respect in an environment that provides fairness and appropriate outcomes will occur.

The following practices and principles should be observed in the management of sexual harassment matters:

- Education and training programs aimed at raising the awareness of employees and Elected Members, regarding sexual harassment issues and preventative measures may be an ongoing training initiative.
- All complaints should be taken seriously and dealt with fairly, under the principle of natural justice. All parties should be given the opportunity to seek advice, be represented and present their case.
- To give protection to all parties involved in a complaint of sexual harassment, complaints should be dealt with confidentially. Access to information regarding allegations and

investigations of sexual harassment should be restricted to those, who as part of their duties, need to know.

- All complaints should be dealt with promptly to minimise anxiety and distress.
- Dependent upon the particular circumstances, complaints should be addressed, where appropriate, in a way that provides for conciliation and education. In some cases, employees experiencing problems may simply be looking for support to deal with the problem without making a complaint
- Disciplinary measures may be an option depending upon the severity of the matter. However this is an aspect to be determined by management once investigation of a complaint is finalised.
- Complainants should be kept informed of the progress of investigation into their complaint.
- Consistent with policy and associated procedures and guidelines, complainants should be able to determine their preferred method of resolving a complaint and should not be pressured into taking action they do not wish to take.

Sexual Harassment Procedure

The following is a sample procedure for effective management of sexual harassment. If an employee believes they have been sexually harassed they can take one of two options. In some cases, an employee who feels they are having difficulties around issues of sexual harassment may wish to simply seek support from the EO Officer. In this case, EO Officers will provide assistance and guidance to help an employee formulate strategies they are comfortable with to remedy the situation. In other cases, employees may wish to take either informal or formal action in which case the EO Officer will provide support and assistance.

Taking Action

The major thrust of this procedure is to ensure that unwelcome behaviour in the workplace is prevented and that effective working relationships between all parties are maintained.

Dependent upon the severity of the case, disciplinary measures always remain an option in dealing with an offender. However, this is an aspect to be determined by management when the investigation of a complaint is finalised.

If an employee considers that they have been sexually harassed and they wish to take action, one of the following steps can be undertaken:

- *seek advice and attempt to stop the unwelcome incidents recurring*
- *to assist in stopping the unwelcome incidents, seek help from another person ie undertake informal intervention*
- *seek help from a responsible Officer and follow the formal grievance procedural steps provided in this procedure, ie follow formal intervention*

There are also a number of people and Departments who should be available to assist:

- *a Manager or Supervisor*
- *an Equal Opportunity Officer*

- the Equal Opportunity Commission
- the Police (in cases of serious sexual assault)

All reasonable steps must be taken throughout the resolution process to ensure that confidentiality for all persons involved in any sexual harassment matter is of the utmost importance and is maintained at all times. This applies equally to those who may be approached for assistance and/or sought for advice in resolving a matter.

It is also important that any incident of alleged sexual harassment is documented, i.e. the exact behaviour, time, date, place, witnesses, etc.

Self Help - Steps That Can Be Taken By An Employee

An employee is able to seek advice regarding sexual harassment without necessarily making a formal complaint. Advice and support is available from our EO Officer.

Often early intervention will cause the offending behaviour to cease immediately. Sometimes employees are not aware that they have offended and will voluntarily stop the offending behaviour once they have been advised of the effect of their actions.

An employee may approach the person who has caused the offence, in a number of ways as outlined below:

- 1) speak to them directly.
- 2) write to them.
- 3) ask someone else to speak to them or assist in writing a letter to them.

Note:- When speaking to the person who has caused the offence, it is useful to consider the following points.

- Clearly state in a factual way the behaviour that is objected to. Try to avoid emotive language. Be as specific as possible so that the other person knows exactly what it is that is objected to.
- Inform the offender of the personal affects of their behaviour.
- Inform the offender to immediately cease behaving in this manner. It can also be asked of the offender to rectify the situation (eg. removal of offensive posters) or a request of an apology can be sought.
- The intended action of the complainant if the behaviour does not cease (eg. this may be formally writing to them, or that a formal complaint will be lodged if the behaviour does not stop).

Informal Intervention

If the self-help option does not stop the harassment or is not a suitable option for a complainant, it may be appropriate to ask someone to intervene on their behalf.

A request for formal intervention can be made to the EO Officer who is able to take effective action, or perhaps an appropriate Manager/Supervisor.

Formal Intervention

In making a formal complaint, an employee is entitled to:

- *have their complaint taken seriously and be acted upon fairly and impartially;*
- *have their complaint kept;*
- *have their complaint dealt with as quickly as possible.*

In resolving the complaint the following shall also apply:

- *all parties to the complaint shall have the opportunity to put their case separately.*
- *all parties to the complaint shall have the assurance of a fair investigation and conciliation process.*
- *all parties to the complaint shall have the right to representation*
- *all parties to the complaint will be advised of the outcome of the investigation.*

Managers and Supervisors

Managers and Supervisors are responsible for ensuring that the work environment is safe and this includes being free from sexual harassment. They are also responsible for investigating and resolving complaints, and to provide assistance to employees in dealing with sexual harassment matters, although this will often be with the assistance of the delegate EO Officer.

Equal Opportunity Officer

The EO Officer who has formal responsibility for Equal Opportunity matters including being able to advise and assist in relation to dealing with any sexual harassment issues, will usually have received EO training and will have an extensive knowledge of the procedure.

External Sources

An employee who does not wish to discuss the matter with Manager/Supervisor or EO Officer may seek advice or assistance from:

- an appropriate Union; or
- the Equal Opportunity Commission;
- the Police (in cases of serious sexual assault)

Complaints of Victimisation

As discussed earlier victimisation relates to any duress applied by one person to another as a result of involvement in a complaint of sexual harassment.

If an employee believes they have been subjected to victimisation, the principles and procedures discussed earlier in these guidelines are equally applicable and should be followed in dealing with any instances of victimisation.

PART 3: RESPONSIBLE OFFICERS

All employees and Elected Members have a responsibility to comply with EO legislation, principles and practices.

Specific responsibilities lie with Directors, Managers and Supervisors to prevent discrimination, identify and eliminate discriminatory practices, and actively promote an environment of EO within their workforce.

Council policy, procedures and guidelines provide a complainant with the opportunity to have their complaint resolved through referring the matter to either the Equal Opportunity Officer or a responsible Officer usually defined in a policy.

Responsible Officers

There should be three categories of responsible Officers, who can handle the resolution of a complaint. This enables the flexibility of having a complaint investigated and resolved within the formal organisational reporting structure, or to utilise an independent person such as the Equal Opportunity Officer to undertake that role.

General Manager

The General Manager has overall responsibility for ensuring the implementation of any policy and in this case includes the legal responsibility to take reasonable steps to ensure that sexual harassment does not occur and also holds the responsibility for effectively dealing with issues and complaints relating to sexual harassment.

Managers and Supervisors

The responsibility for ensuring sexual harassment does not occur, is largely achieved through the effective human resource management of such issues, by Managers and Supervisors.

In resolving complaints, Managers and Supervisors have a duty of care, to:

- ensure their familiarity and understanding of policies.
- set the standard for professional conduct in the workplace.
- be sensitive to any unacceptable behaviour taking place and make it clear that sexual harassment will not be tolerated.
- take appropriate action to stop the behaviour if it is apparent that sexual harassment is occurring in the workplace, even if a complaint has not been made.
- ensure that all complaints of sexual harassment are treated seriously, confidentially and are acted upon promptly.
- take appropriate action in regard to any instances of victimisation, and follow with lodging a complaint of sexual harassment if deemed necessary.

- support any initiatives of Council aimed at reducing the incidence of sexual harassment in the workplace.
- refer employees for counselling where necessary.
- handle the investigation process if an employee has elected to refer their complaint to them, and to advise the EO Officer of the complaint and its resolution

Equal Opportunity Officer

It is useful to have a formal statement of the role of responsible Officers as part of the overall policy and procedures of the Council. The following is an example:-

The (title of position) has been delegated with the role of Equal Opportunity Officer for the purposes of complaint investigation and resolution.

The Equal Opportunity Officer has the responsibility to :

- 1) implement and monitor the operation of these guidelines.*
- 2) arrange appropriate training and awareness-raising for, Elected Members, Managers, Supervisors and employees on sexual harassment matters.*
- 3) provide appropriate and necessary advice, support and assistance to any employee involved in a sexual harassment matter.*
- 4) maintain confidential records on sexual harassment complaints.*
- 5) conciliate, mediate and/or investigate sexual harassment complaints or issues.*
- 6) advise the General Manager of sexual harassment complaints, the progress of investigations or attempts at resolution, and their outcome.*
- 7) take whatever other action is deemed necessary to provide for a sexual harassment free work place.*
- 8) consult with Council's Consultative Committee on policy and/or procedural matters of organisational significance.*

PART 4: DEALING WITH COMPLAINTS

There are broadly, three levels of complaint. These are identified as Self-Help; Informal Intervention; and Formal Intervention. The following procedures are for responsible Officers to use and are based upon the same categories:-

Stage 1 - Self Help

Stage 2 - Informal Intervention

Stage 3 - Formal Intervention

Procedures by virtue of the area need to be quite comprehensive therefore the underlying philosophy as well as the steps to be taken should be discussed as much as possible. The following is an example:-

Stage 1 Complaint

The procedure at this stage is essentially the informal self-help option, where a complainant may wish to deal with the person complained against by themselves, but in doing so, seeks information, advice or support from a responsible Officer, the Equal Opportunity Officer, their Union or the Equal Opportunity Commission.

The responsible Officer should clarify with the employee that they understand Council's policy on Sexual Harassment and is aware of the Guidelines for Employees.

The complainant may then take one or more of the following actions:

- 1) approach the offender directly, explain the complaint and ask them to stop the behaviour.*
- 2) write to the offender, with or without the assistance of another person, explaining the complaint, and ask for the behaviour to stop.*
- 3) seek the support of another person to accompany them in approaching the offender directly, as in (1).*
- 4) ask another person to approach the offender informally, have them explain the complaint, and ask for the behaviour to stop.*

Even though this is basically a self-help option, it would usually be appropriate for the person whose advice has been sought to follow up with the complainant, to clarify that the problem has been resolved.

If the complaint has not been resolved the complainant should be encouraged to pursue resolution through a Stage 2 or Stage 3 complaint. However, to see a complaint formalised this encouragement should not become coercion or duress. The complainant should always independently make the choice whether to proceed or not.

Stage 2 Complaint - Informal Intervention

The procedure at this stage provides for a complainant to request a responsible Officer to intervene on their behalf. The complainant may wish to use a support person during this procedure.

During this stage the purpose is to resolve the issues through education and conciliation. It is not designed to establish guilt or take disciplinary measures.

The expected outcome should be that of resolution and the complainant is confident that no further incidents will occur.

The responsible Officer will take evidence impartially and must not prejudge the matter. They will need to take the following action:

- 1. Discuss the complaint with the complainant. The details should be clarified to the extent that the responsible Officer is in a position to know the incidents of behaviour that are causing distress to the complainant, and exactly what action the complainant wants the Officer to take. Any notes or documentation must be kept strictly confidential and in a secure place.*
- 2. The responsible Officer will need to have the complainant's agreement to proceed with the grievance resolution process.*
- 3. The responsible Officer will arrange a meeting with the person complained against to inform them of the allegations regarding their behaviour. They will be informed of their rights and responsibilities under the Sexual Harassment Policy and provided with the opportunity to give their account of the incidents.*
- 4. Without prejudice, the responsible Officer will advise the person complained against of Council's expectations in relation to the alleged behaviour, including Council's policy on victimisation.*
- 5. It may be appropriate, with the consent of both parties, for the responsible Officer to bring the complainant and the person complained against together. This may assist in clarification of the alleged behaviour, perceptions of each party, and reinforce expectations of Council. The responsible Officer will in this situation, attempt to reach an agreement between the parties on the conditions for a resolution of the complaint.*
- 6. The responsible Officer will attempt to reach an agreement between the parties on the conditions for a resolution of the complaint, agreement on expectations between the parties involved and a commitment to the matter's resolution.*
- 7. Officers responsible are to report all Stage 2 complaints to the Equal Opportunity Officer, including the outcome of attempts to resolve the complaint.*

Stage 3 Complaint - Formal Intervention

Stage 3 complaints procedures will be used when either, the previous stages have been used, but have not resulted in a resolution or where an employee wishes to proceed directly to this Stage. There may be some instances when using stages 1 and 2 are not appropriate and a complaint is initiated at this level.

The complainant may wish to use a support person during this procedure. In addressing a complaint at this level, the following procedures will apply:

- 1. The evidence should be reported accurately and in the complainant's own words. It will also be necessary to record how the behaviour is affecting the complainant, and what they expect of the person complained about. Details should be checked with the complainant to ensure absolute accuracy of the cited incident. All notes and documentation must be kept strictly confidential and in a secure place.*
- 2. The responsible Officer will obtain the complainant's agreement to proceed with the grievance resolution process.*

3. *The complainant will be asked if there are other persons who may have either witnessed or experienced the behaviour and who may assist with the investigation or provide supporting evidence*
4. *The person complained against will be interviewed separately, in private, and be informed of the allegations regarding their behaviour. They will be informed of their rights and responsibilities under the Sexual Harassment Policy. The person complained against will also be provided with the right to respond to the allegations. At all times they will be treated with impartiality throughout the investigation process.*
5. *Without prejudice, the responsible Officer will advise the person complained against of Council's expectations in relation to the alleged behaviour, including Council's policy on victimisation.*
6. *The person complained against is to be advised that they have a right to have representation from another person, or seek confidential advice from the Equal Opportunity Commission.*
7. *Dependent upon the facts established, the responsible Officer in consultation with the Equal Opportunity Officer may attempt to resolve the complaint. This could also include the possibility of reconciling the parties, with their consent, to attend a meeting with the responsible Officer. This may assist in clarification of the alleged behaviour, perceptions of each party, and reinforce expectations of Council. The responsible Officer will in this situation, attempt to reach an agreement between the parties on the conditions for a resolution of the complaint.*
8. *If the complainant is not satisfied with outcomes from the above, they may request that their complaint be taken further. The responsible Officer will advise the complainant that they may refer the matter to the Consultative Committee if the complainant is dissatisfied or believes that the complaint is still unresolved.*

Identity of Complainant

Sometimes, complainants are unwilling to initiate action that may identify them, for fear of victimisation. The responsible Officer will refer such instances to the Equal Opportunity Officer, who will endeavour to determine a course of action that meets Council's obligations and does not reveal the identify of the complainant.

If it is impossible to proceed without the identify of the complainant being revealed, the complainant shall be advised and given the choice of proceeding with the complaint or allowing the matter to rest.

Relocation of Employees

Where an incidence of sexual harassment has occurred and while the investigation is occurring, it may be difficult for the affected employees to continue to work in the same work area. Relocation of one of the parties may be appropriate.

This should be discussed initially with the complainant, who is not to be disadvantaged. Should the complainant wish to remain in their work area, the matter should be discussed with the Equal Opportunity Officer.

The person complained against needs to be consulted and advised that while the complaint is under investigation they will be temporarily relocated. It must be stressed to the person complained against that such an action is Council Policy, but in no way implies that a complaint has been substantiated.

Similarly, if a serious complaint of sexual harassment is made, but the complainant and person complained against are from separate work areas and only have occasional contact, it may be possible to make arrangements so that contact is avoided until the complaint is resolved and the matter finalised.

Any decisions regarding permanent or long term relocation of employees should not be made until after a thorough investigation of the complaint, and the need, if any, to invoke disciplinary measures, and the necessity of such action has been ascertained.

Any decisions in regard to relocation of employees need to be made in the context that inappropriate behaviour is to be remedied, rather than punished, and that working relationships should be maintained wherever possible.

Complaint Substantiated

If the complaint is substantiated, Council will take disciplinary action appropriate to the seriousness of the offence. This may vary from counselling of the offender (an apology by the harasser to the complainant may also be appropriate), issuing a verbal warning which is detailed as part of the written record, issuing a formal written reprimand, or other action that is consistent with Council's policy on dealing with misconduct.

The responsible Officer will recommend appropriate disciplinary procedures to the General Manager, with reference made to Council's Policy on Conduct, Counselling and Discipline.

Where a responsible Officer is handling the complaint resolution process, advice and assistance on disciplinary measures should be sought from an appropriately Authorised Officer.

Complaint not substantiated

If, following investigation, a complaint cannot be proven, the complainant will be advised that unless other information becomes available, no further action will be taken. Details of the investigation, however, should be recorded and maintained on a confidential file. The EO Officer, in accordance with the time limits prescribed in the Complaints of Sexual Harassment Legislation, will hold this file.

If the investigation of a complaint finds that the complaint was made mischievously or maliciously, disciplinary action may be taken against the complainant.

Record Keeping

Any records made and kept should be confidential and in a secure place.

A Stage 1, a complaint would not usually require any record keeping if, the complainant and the person they sought advice from are satisfied that the complaint has been resolved at this level.

The responsible Officer who has been requested to intervene by the complainant should document a Stage 2 complaint with brief, but factual notes. Upon resolution of the complaint, these notes should be forwarded to the Equal Opportunity Officer, who will ensure their secure and confidential storage. These will be held for a maximum period of one year, where after they will be destroyed, unless a further complaint regarding the person complained against is made within that time.

A Stage 3 complaint will require investigation and may include interviewing a number of people. Extensive record making may result. If a Stage 3 complaint is substantiated, and a formal written reprimand issued or other formal disciplinary action has been taken, details will be recorded and placed in a sealed envelope on the offender's personal file, for the required statutory period, which has been ascertained.

The offender will be provided with the opportunity to add his or her own comments as part of that record.

At the end of the period of record retention, the records will be removed from the file, and destroyed, provided there have been no further incidents.

If a complaint investigated by Council has not been raised by the Commission within three months of the expiration of the statutory time limit for the lodging of a complaint, Council shall destroy its records relating to that complaint. The parties to the complaint will be advised.

Union Representation

Nothing in these guidelines shall preclude or inhibit a Union Member seeking assistance from their Union. In seeking to resolve any complaints of sexual harassment, Unions are encouraged to support their members to seek resolution through the procedures in these guidelines.

Victimisation

Victimisation is defined as any duress placed on a person, as a result of their involvement in a complaint of sexual harassment. This could be the complainant, witnesses, Union representatives, or investigating officers.

Victimisation is illegal and any complaints of victimisation should be dealt with in the same way as complaints of sexual harassment.

Complaints of Defamation

Defamation is a statement, written (libel) or verbal (slander) that injures another person's reputation without good reason or justification, and is made to a third party.

Such a statement may give rise to the aggrieved person taking legal action against the person who made the statement.

A complaint of sexual harassment made in good faith in accordance with these guidelines will protect the complainant from such an action.

Complaints made to the Equal Opportunity Commission in good faith are expressly protected against defamation action.

Complaint Resolution through Equal Opportunity Commission

Nothing in these guidelines prevents an individual lodging a complaint with the Commission under State or Federal Legislation at any stage of the procedures in these guidelines.

Under State law, a complaint must be lodged with the Commission within six (6) months of the incident having occurred.

Under Federal law, (The Sex Discrimination Act, 1984), a complaint must be lodged with the Human Rights and Equal Opportunity Commission within twelve (12) months of the incident having occurred.

When a complaint is lodged, the Commissioner is required to investigate and seek to conciliate a resolution. If this is unsuccessful, the complaint may be referred to a Tribunal hearing.

DELEGATIONS

It is useful to outline the various levels of delegations attributed to Managers and Supervisors at the end of each policy. Examples are shown below.

Policy	Delegation	Condition
HR Policy - Equal Opportunity	GM - Complaint resolution	Overall responsibility for EO Policy, including appropriate resolution strategies
HR Policy - Equal Opportunity	Director, Corporate Services- Complaint resolution	Investigate, mediate and resolve complaints
HR Policy - Equal Opportunity	Directors, Managers and Supervisors- Complaint resolution	Investigate, mediate and assist with complaint resolution.
HR Policy - Equal Opportunity	Consultative Committee - Complaint Resolution	To act as a last reference point for internal resolution of complaints. To recommend appropriate disciplinary action.

BACKGROUND

The Eastern Waste Management Authority (herein referred to as East Waste) sets out the standards of behaviour which all staff and contractors, who are employed or engaged by the East Waste, are required to demonstrate in the performance of their duties and functions.

In addition to this Policy, East Waste staff and contractors are also bound by the following:

- the applicable Position Description for their role;
- the terms of any contract of employment or engagement;
- the applicable Award or Enterprise Agreement; and
- any other relevant East Waste Policies and Procedures.

SIGNED:



General Manager

Date: 11 / 05 / 18


Manager, Corporate Services

Date: 11 / 05 / 18**DISCUSSION**

East Waste staff and contractors, must use their best endeavours, at all times, to ensure that they have current knowledge of the documents referred to above and any legal requirements and best practices relevant to their position.

East Waste will provide ongoing training and guidance to staff and contractors, regarding the expected behavioural standards which are set out in, and required by this Policy and other relevant East Waste Policies and Procedures.

Failure to comply with this Policy, expectations set out in Position Descriptions, or individual employment contracts, may result in investigation being undertaken and disciplinary processes by East Waste.

	BEHAVIOUR STANDARDS POLICY	Version No: 1.0
		Issued: 11.05.2018
		Next Review: 11.05.2020

KEY PRINCIPLES

This Policy is based on the following key principles:

1. East Waste staff and contractors, have a commitment to serve the best interests of all Member Councils and customers in which they provide services to;
2. East Waste staff and contractors will at all times carry out their duties and functions conscientiously, with due care and diligence and to the best of their ability;
3. East Waste staff and contractors, will at all times act honestly in every aspect of their work and be open and transparent when making decisions and providing advice to East Waste;
4. East Waste staff and contractors, will at all times carry out their duties and functions and treat others with professionalism, courtesy and respect;
5. East Waste staff and contractors will at all times carry out their duties and functions in a manner which promotes public confidence and trust in the integrity and professionalism of East Waste; and
6. East Waste staff and contractors, will at all times respect and uphold the law and resolutions made by East Waste.

POLICY

Conduct required of East Waste staff and contractors

All East Waste staff and contractors must comply with the following behaviour standards at all times, in carrying out their duties and functions:

General standards

- act honestly at all times in the performance of official duties, as required by Section 109(1) of the *Local Government Act 1999*;
- act with reasonable care and diligence at all times in the performance of official duties, as required by Section 109(2) of the *Local Government Act 1999*;
- act within the parameters of their position and authority at all times;
- undertake their duties and functions in a professional manner at all times;
- act in a reasonable, just, respectful and non-discriminatory way at all times when dealing with all people;
- comply with any applicable codes of practice, legislation and regulations (as amended from time to time), decisions of East Waste, reasonable lawful direction given in connection with the performance of their duties and functions and relevant East Waste Policies and Procedures;

BEHAVIOUR STANDARDS POLICY V1.0 Issued on 11/05/2018 Review Date 11/05/2020	Electronic version on SkyTrust is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 2 of 10
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Use of East Waste resources

- use East Waste facilities, resources and equipment in a safe, efficient and proper manner, and in accordance with all applicable laws, codes and regulations at all times;
- only use East Waste facilities, resources and equipment for East Waste-related and approved purposes (and not for private purposes, unless legally or properly authorised to do so) at all times;

Information

- deal with information which is received in their capacity as an East Waste staff member or contractor, in a responsible manner and in accordance with the East Waste’s privacy and confidentiality requirements, and otherwise in accordance with the law;
- not release or divulge information that the East Waste Board or General Manager has ordered be kept confidential, or that the East Waste staff member or contractor, should reasonably know is information that is confidential, including information that is considered by the Board or the General Manager in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012* and where disclosure is otherwise required or authorised by law;
- not make improper use of information, including confidential information, acquired by virtue of their position;
- endeavour to provide accurate information (and not provide false or misleading information) to East Waste and to the public at all times;

Use of position

- not abuse or make use of their authority or position in order to gain a benefit or advantage for, or avoid a detriment to, themselves or another person;

Presentation

- ensure personal presentation (dress and appearance) is appropriate for the duties and functions required to be undertaken in their respective role;
- wear any corporate and/or personal safety equipment as required by reasonable lawful direction or as otherwise required by law;

Health and Safety

- take reasonable care that their acts and omissions do not adversely affect the health and safety of other persons, as required by the Work Health and Safety Act 2012;

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Public Comment

- Not make public comment on behalf of East Waste unless specifically authorised to do so; and
- not engage in any public criticism or make disparaging or denigrating comments (including on social media) about East Waste, its staff and/or any decisions which are made by the East Waste Board;

whether in relation to their duties, other East Waste staff, contractors, Member Council Management, or any East Waste matter.

** Note – East Waste’s Independent Chairperson and General Manager are the only persons who are authorised to make public statements on behalf of East Waste. However, in certain circumstances, the Independent Chairperson or General Manager may authorise another staff member to make a media statement.*

Unacceptable Behaviour

East Waste staff and contractors must not engage in *Unacceptable Behaviour* at any time in carrying out their duties and functions.

Unacceptable Behaviour includes, but is not limited to:

- nepotism (i.e. abuse of position or authority to further personal interests or interests of friends or relatives);
- unreasonable, unfair or unlawful influence (i.e. abuse of position or authority to cause injury or detriment to another person);
- unapproved external work or holding an unapproved external role that creates a conflict of interest with the East Waste role/engagement;
- breaching confidentiality; and
- fraud, waste or misuse of East Waste’s facilities, equipment and resources.

General Guidelines for Appropriate Conduct and Decision Making

East Waste staff and contractors must follow the guidelines which are set out below, when taking action or making a decision in the course of carrying out their duties and functions (and must maintain reasonable documentation as a corporate record evidencing this):

1. Is the act or decision lawful?

What are the applicable codes of practice, legislation and regulations, policies and procedures, lawful directions given, and East Waste Board resolutions (if any) concerning the act or decision?

If unknown, what further training, research, advice or direction is required?

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2. Is the act or decision consistent?

Is the act or decision consistent with previous acts or decisions made by East Waste staff/contractors, East Waste Policies and Procedures, and objectives under East Waste’s 10 Year Business Plan?

3. What is the anticipated outcome?

What is the known or reasonably anticipated outcome or effect on other East Waste staff and contractors, the East Waste Board or Member Council’s (as applicable)?

This could include, but is not limited to, a financial, political, social, reputational, emotional or physical effect.

4. Does the known or anticipated outcome lead to any real or perceived breach or non-compliance?

Consider potential breach of or non-compliance with of any contract in place, codes of practice, relevant legislation and regulation, Policies and Procedure, East Waste Board resolutions or lawful directions given.

5. Can the act or decision be justified?

Consider legal compliance, the principal roles and functions of East Waste (East Waste Charter, Local Government Act 1999), public interest and reputation of East Waste.

General Guidelines in relation to Conflicts of Interest

An East Waste staff member or contractor, has an *‘interest’* in a matter before the East Waste Board if they, or a person closely associated with them (as defined by Section 120(6)), of the Local Government Act 1999, would:

- receive, or have a reasonable expectation of receiving, a benefit (whether direct or indirect, pecuniary or non-pecuniary); or
- suffer, or have a reasonable expectation of suffering, a detriment (whether direct or indirect, pecuniary or non-pecuniary);

if they were to act in a particular manner in relation to the matter (including, for instance, if they were to make a particular decision).

Where an East Waste staff member or contractor has an *‘interest’* in a matter before the Board, and they are required or authorised to act in relation to that matter in the course of their official duties, they must (in accordance with Section 120(2) of the *Local Government Act 1999*):

- disclose the interest to the General Manager; and
- not act in relation to the matter, unless the General Manager otherwise determines.

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Where an East Waste staff member or contractor, is entitled to act in relation to the matter (by determination of the General Manager) and is providing advice or making recommendations to the East Waste Board or an East Waste committee on that matter, they must also disclose their interest to the Board or committee (as relevant), in accordance with Section 120(4) of the *Local Government Act 1999*.

The above is not intended to cover all requirements relating to conflict of interest under the *Local Government Act 1999* and East Waste staff members and contractors, should familiarise themselves with the Act and Section 120 of the Act, in particular.

Register of Interests

East Waste staff must adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with Sections 113, 114 and 115 of the *Local Government Act 1999* if they have been declared by the East Waste Board to be subject to those provisions.

Gifts and Benefits

East Waste employees requires reporting of gifts or benefits which are received (including hospitality). The threshold of the declaration of gifts and benefits at East Waste has been set at \$0. This means that all and any gifts and benefits, irrespective of the value, must be declared to the General Manager.

A Register of Gifts and Benefits must also be maintained by the General Manager.

General Guidelines

East Waste staff and contractors must not:

- seek gifts or benefits of any kind;
- seek out or accept any gift or benefit that is (or could reasonably be taken to be) intended or likely to:
 - create a sense of obligation on the part of the staff member or contractor to another person; or
 - influence the staff member or contractor in the performance or discharge of their functions or duties; or
- seek out or accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with East Waste.

East Waste staff and contractors, must declare and surrender all gifts and benefits of **any value** which they may be offered or receive (including those gifts and benefits which they decline) to the General Manager. Gifts and benefits of any value may not be kept by the recipient unless authorised by the General Manager.

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Bribes and Improper Inducements

East Waste staff and contractors must not:

- accept or solicit a bribe or other improper inducement that would or might reasonably be perceived to influence the performance of their East Waste duties and functions;
- accept or solicit a benefit from any person or organisation where there is a real or perceived risk of compromise or conflict of interest in the performance of their East Waste duties and functions.

'Benefit', 'bribe' and 'other improper inducement' include, but shall not be limited to, the offer or provision of:

- free or reduced entertainment costs (i.e. paid tickets), meals or drinks;
- free or reduced travel costs and/or accommodation; or
- free or reduced cost of goods or services of any kind, including vouchers and payment plans.

None of the above prevents East Waste staff and contractors from accepting reasonable hospitality provided in the context of performing their duties or functions in conjunction with:

- East Waste functions or events;
- East Waste work-related events such as training, education sessions, workshops and conferences;
- social functions organised by groups such as community organisations (subject to approval from the General Manager); and
- attendance at local social, cultural or sporting events (subject to approval from the General Manager).

Criminal Matters

General

East Waste staff and contractors, are required to notify their respective Manager, of any criminal charges or convictions made or pending against them (including driving offences and loss of drivers' licence, but excluding expiable offences) at any time during the course of their employment or engagement by East Waste. This information will be treated as confidential.

Where criminal proceedings are taken against staff, unrelated to their employment with East Waste, and which result in a conviction, this may be considered a breach of this Policy, in addition to a breach of any contract of employment, and disciplinary action (including termination of employment) may be taken by East Waste.

All new Staff and contractors are required to undertake a National Police Check (including criminal history assessment), at the cost to East Waste, prior to commencing employment with East Waste.

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Independent Commissioner Against Corruption Act 2012

Acting in their capacity as a Public Officer, an East Waste staff member or contractor, must not engage in conduct (whether within or outside the State) that constitutes '*corruption in public administration*' as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

- an offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - bribery or corruption of public officers;
 - threats or reprisals against public officers;
 - abuse of public office;
 - demanding or requiring benefit on basis of public office; and
 - offences relating to appointment to public office;
- an offence against the *Public Sector (Honesty and Accountability) Act 1995*, or the *Public Corporations Act 1993*, or an attempt to commit such an offence;
- an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence;
- any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer, and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
- any of the following in relation to an offence referred to in a preceding paragraph:
 - aiding, abetting, counselling or procuring the commission of the offence;
 - inducing, whether by threats or promises or otherwise, the commission of the offence;
 - being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; and
 - conspiring with others to effect the commission of the offence.

The above is not a comprehensive list of all possible conduct that may contravene the *Independent Commissioner Against Corruption Act 2012*.

Allegations of conduct breaching the above matters will be investigated in accordance with the legislation governing that conduct and are included in this Policy for the sake of completeness. Alleged breaches of these matters should be reported to the Office for Public Integrity in the first instance.

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PROCEDURE

Complaint and Investigation

Non-compliance with this Policy

Any person can report alleged non-compliance by East Waste staff or contractors with this Policy. The report can take the form of a formal complaint regarding standard of behaviour, a workplace grievance or an external complaint by a citizen.

Following receipt of a formal report, East Waste will conduct an internal investigation and determine the appropriate action to be taken in accordance with its disciplinary processes. This may include suspension, dismissal, or other action available at law.

Any complaint or report must be given to East Waste's General Manager, or other delegated person.

Complaints about the General Manager alleging non-compliance with this Policy, must be brought to the attention of East Waste's Independent Chairperson (except in circumstances where it would be inappropriate to do so – for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

Any complaint or report about an East Waste staff member will be investigated and any action which may be taken will be in accordance with East Waste's disciplinary processes, as set out in the relevant Policies and Procedures.

DOCUMENTATION AND EVIDENCE

It is the responsibility of the General Manager to properly maintain confidential records when managing unsatisfactory behaviour of East Waste staff and contractors. Such records may include:

- summaries or transcripts of meetings, discussions or plans relating to unsatisfactory performance or behaviour, which may be signed by all parties present;
- correspondence relevant to the unsatisfactory performance or behaviour (including emails);
- documentation, representations or other relevant information provided by East Waste staff member or contractor subject to the process; and
- any other evidence substantiating allegations of unsatisfactory performance or behaviour which may be lawfully obtained.

East Waste is not required to provide the staff member or contractor subject to the process with every document or piece of evidence maintained by East Waste. However, East Waste must provide sufficient evidence to the relevant staff member or contractor, to enable them to understand the allegations of which they are accused and to prepare and articulate a response to the allegations.

Evidence demonstrating unsatisfactory performance or behaviour is to be shared with the relevant East Waste staff member or contractor, in a timely manner, in order to give them reasonable opportunity to respond.

RELATED DOCUMENTS

- Independent Commissioner Against Corruption Act 2012
- *Ombudsman Act 1972*
- Work Health and Safety Act 2012
- Local Government Act 1999
- *Public Corporations Act 1993,*
- *Criminal Law Consolidation Act 1935*
- *Public Sector (Honesty and Accountability) Act 1995*
- *Lobbyists Act 2015*
- East Waste Code of Conduct

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	MAY 2018	New Document