



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

**TUESDAY 25 October 2022**

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 **Boardroom, Thomson Geer, 7/19 Gouger Street, Adelaide**, on Tuesday 25 October 2022, commencing at 8:00am.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke 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 Tuesday 25 October 2022  
commencing at 8:00am, in the Boardroom, Thomson Geer,  
7/19 Gouger Street, Adelaide

1. PRESENT
2. ACKNOWLEDGEMENT OF COUNTRY
3. APOLOGIES
4. CONFLICTS OF INTEREST
5. CONFIRMATION OF THE MINUTES:
  - 5.1 MEETING HELD 13 September 2022
6. MATTERS ARISING FROM THE MINUTES
7. QUESTIONS WITHOUT NOTICE
8. REPORTS
  - 8.1 FINANCIAL STATEMENTS: BUDGET REVIEW ONE .....pg.10
  - 8.2 TREASURY MANAGEMENT PERFORMANCE REPORT.....pg.17
  - 8.3 OVERVIEW OF FINANCIAL DUTIES .....pg.19
  - 8.4 RISK MANAGEMENT FRAMEWORK.....pg.21
  - 8.5 POLICY REVIEW SCHEDULE .....pg.23
  - 8.6 COMPLAINT HANDLING POLICY REVIEW .....pg.25
  - 8.7 UNREASONABLE COMPLAINANT CONDUCT POLICY REVIEW .....pg.33
  - 8.8 2023 PROPOSED MEETING SCHEDULE.....pg.46
9. CONFIDENTIAL REPORTS
  - 9.1 PROPOSED CONTRACT EXTENSION.....pg.47
  - 9.1 CONTRACT ASSESSMENT (late paper)

**10. OTHER BUSINESS**

**11. NEXT MEETING OF THE AUDIT COMMITTEE**

The next Audit and Risk Management Committee Meeting is to be held on:  
Tuesday 14 February 2023, commencing 8:00am, in the Boardroom, Thomson Geer, 7/19  
Gouger Street, Adelaide

**12. CLOSURE OF MEETING**



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

held on Tuesday 13 September 2022 in the Boardroom, Thomson Geer,  
7/19 Gouger Street, Adelaide

Meeting opened at 8.00am

**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. PRESENT**

Mrs E Hinchey	Independent Member/Chair
Mr F Bell	Independent Board Chair
Ms S Di Blasio	Independent Member

**IN ATTENDANCE**

Mr R Gregory	General Manager
Mr D Maywald	Manager, Business Services
Ms P Foy	Executive Administration Officer
Mr J Jovicevic	Dean Newbery & Partners
Mr David Papa	Bentleys (External Auditors)
Ms Kasia Prus	Bentleys (External Auditors)

**3. APOLOGIES**

Cr L Green	Adelaide Hills Council
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**4. CONFLICTS OF INTEREST**

Nil.

**5. CONFIRMATION OF THE MINUTES – 5 August 2022**

Moved Ms Di Blasio that the Minutes of the previous meeting held on Friday 5 August 2022 be received and noted.

Seconded Mr Bell

**Carried**

Moved Mr Bell that the Confidential Minutes of the previous meeting held on Friday 5 August 2022 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 AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

#### **RECOMMENDATION 1**

Moved Ms Di Blasio that the Committee:

1. Recommends that the draft FY2022 audited Financial Statements as presented in Attachment A and Management Representation Letter as presented in Attachment C are presented to the East Waste Board; subject to the amended draft FY2022 audited Financial Statements being circulated to the Audit & Risk Committee. The amendments include updates to Note 1 and Note 13.
2. Notes the draft Independent Audit Findings Report as presented in Attachment B.
3. Would like to review risk to key personnel, the terms of engagement of Mr Jovicevic and who is responsible for producing the financial reports.

Seconded Mr Bell

**Carried**

*Mr Gregory, Mr Maywald, Mr Jovicevic and Ms Foy left the meeting at 8.10am*

*Mr Gregory, Mr Maywald, Mr Jovicevic and Ms Foy returned to the meeting at 8.20am*

*Mr Papa and Ms Prus left the meeting at 8.20am*

### **8.2 REGULATION 10 FINANCIAL REPORT**

#### **RECOMMENDATION**

Moved Ms Di Blasio that the Committee recommends that the Regulation 10 Financial Report as presented in Attachment A is endorsed for presentation to the East Waste Board.

Seconded Mr Bell

**Carried**

### **8.3 FY23 ANNUAL PLAN (revised) ENDORSEMENT**

#### **RECOMMENDATION**

Moved Mr Bell that the Committee recommends that the draft 2022/23 Annual Business Plan (revised) and Budget, as presented in Attachment A, is presented to the Board for endorsement.

Seconded Ms Di Blasio

**Carried**

## **8.4 ANNUAL REPORT**

### **RECOMMENDATION**

Moved Ms Di Blasio that the Committee recommends that the 2021 / 2022 Annual Report is endorsed for presentation to the East Waste Board.

Seconded Mrs Hinchey

**Carried**

## **8.5 AUDITOR GENERAL'S REPORT – MANAGEMENT OF KERBSIDE WASTE SERVICES**

### **RECOMMENDATION**

Moved Mr Bell that the Committee notes and receives the Auditor General's Report – Management of Kerbside Waste Services.

Seconded Ms Di Blasio

**Carried**

*Mr Jovicevic left the meeting at 8.33am*

## **9. CONFIDENTIAL REPORTS**

### **9.1 CONTRACT UPDATE**

#### **RECOMMENDATION 1**

Moved Mr Bell that pursuant to Section 90(2) and (3) of the Local Government Act 1999 the East Waste Audit & Risk Committee orders that the public, with the exception of the East Waste staff present, be excluded from the meeting on the basis that the Committee will receive, discuss and consider:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the East Waste Committee is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded Ms Di Blasio

**Carried**

#### **RECOMMENDATION 3**

Moved Mr Bell that under Section 91(7) and (9) of the Local Government Act 1999 the East Waste Audit & Risk Committee orders that the attachment and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed by the East Waste Board.

Seconded Ms Di Blasio

**Carried**

**10. OTHER BUSINESS**

**10.1 INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER VACANCY**

Mr Gregory provided a verbal update.

**10.2 RECYCLING CONTRACT**

Mr Gregory provided a verbal update.

**11. NEXT MEETING OF THE AUDIT AND RISK MANAGEMENT COMMITTEE**

The next Audit and Risk Management Committee Meeting is to be held on: 25 October 2022, commencing 8:00am, in the Boardroom, Thomson Geer, 7/19 Gouger Street, Adelaide.

**12. CLOSURE OF MEETING**

There being no other business the meeting closed at 9.05am

**PRESIDING MEMBER**

\_\_\_\_\_

**DATE**

\_\_\_\_\_



## 8.1: FINANCIAL STATEMENTS – BUDGET REVIEW ONE

**REPORT AUTHOR:** General Manager

**ATTACHMENTS:** A: Summary Budget Movement – Budget Review 1  
B: Budgeted Statement of Comprehensive Income FY2022  
C: Budgeted Balance Sheet FY2022  
D: Budgeted Statement of Cash Flow FY2022  
E: Budgeted Statement of Changes in Equity FY2022  
F: Budgeted Uniform Presentation of Finances Statement FY2022

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### **Purpose of the Report**

To provide the Committee with an opportunity to review the first review of the budgeted statutory Financial Statements (Budget Review One) for the financial year ending 30 June 2023 as prescribed by the Regulations.

### **Background**

At the meeting held 24 June 2021, the East Waste Board resolved (in part):

#### **8.1 DRAFT FY2023 ANNUAL PLAN & BUDGET (REVISED)**

*Moved Cr Stock that the Board:*

1. *Endorses the revised 2022/23 Annual Business Plan and Budget, inclusive of all projects and expenditure, as presented in Attachment A, effective from 1 August 2022.*

*Seconded Cr Ashby*

*Carried*

### **Report**

The first quarter budget result is favourable and this is to be expected with fuel prices remaining lower than initially budgeted. Despite the favourable first quarter result for fuel, it remains volatile and as such no amendment to the fuel expense line is recommended at this point in time. A small increase in the end of year net surplus is expected due to a small decrease in interest expenses, as a result of loan deferral associated with the collection vehicle replacement. The summary Budget Movement Table (refer Attachment A) provides a high-level budget summary as of 30 September 2022.

### **RECOMMENDATION**

The Committee notes and accepts the forecasted end of year FY2023 result associated with the 2022/23 Budget Review One and recommends to the Board for endorsement.

# ITEM 8.1 - ATTACHMENT A

## EAST WASTE

### Summary Budget Movement Worksheet

for the Financial Year Ending 30 June 2023

	Actual YTD - 30 September 2022	Adopted Budget	Actual YTD / Adopted Budget	Proposed BR1	Proposed Budget Movement	Comments
Administration Fee	70,267	255,174	28%	255,174	-	
Common Fleet Costing	3,749,433	15,607,203	24%	15,607,203	-	
Processing Income	1,350,528	6,092,723	22%	6,197,723	105,000	Additional waste disposal services directly on-charged to City of Unley.
Bin Services & Maintenance	377,989	1,058,600	36%	1,058,600	-	
Profit / (Loss) from Disposal	-	200,000	0%	200,000	-	
Grant Income	-	75,000	0%	75,000	-	
Other Income	1,409	23,218	6%	23,218	-	
<b>Total</b>	<b>5,549,626</b>	<b>23,311,917</b>		<b>23,416,917</b>	<b>105,000</b>	
Processing Expenses	1,364,354	6,092,723	22%	6,197,723	105,000	
Bin Service & Maintenance Expenses	380,048	1,058,600	36%	1,058,600	-	
Employee Costs	1,559,920	7,164,271	22%	7,164,271	-	
Fleet Maintenance	401,731	1,722,051	23%	1,722,051	-	
Depreciation	497,098	2,346,000	21%	2,346,000	-	
Interest	34,167	406,000	8%	371,000	(35,000)	Reduction in interest expense as a result of deferment in loan draw-down and confirmation of interest rates.
Fuel	564,287	2,852,172	20%	2,852,172	-	Expenditure lower than budgeted.
Other Expenses	536,541	1,515,574	35%	1,515,574	-	
<b>Total</b>	<b>5,338,148</b>	<b>23,157,391</b>		<b>23,227,391</b>	<b>70,000</b>	
<b>Net Surplus</b>	<b>211,478</b>	<b>154,526</b>		<b>189,526</b>	<b>35,000</b>	
<b>Non Operating Activities</b>	<b>Actual YTD - 30 September 2022</b>	<b>Adopted Budget</b>	<b>Actual YTD / Adopted Budget</b>	<b>Proposed BR1</b>	<b>Proposed Budget Movement</b>	
<b>Income</b>						
Proceeds from Sale of Assets	-	200,000	0%	200,000	-	
Proceeds from Borrowings	-	4,525,000	0%	4,525,000	-	
<b>Total</b>	<b>-</b>	<b>4,725,000</b>		<b>4,725,000</b>	<b>-</b>	
<b>Expenses</b>						
Fleet Replacement Costs	-	4,525,000	0%	4,525,000	-	
Motor Vehicle Replacement	-	55,000	0%	55,000	-	
Office Furniture & Minor Tools	-	50,000	0%	50,000	-	
Operations Office Upgrade	30,550	40,000	76%	40,000	-	
Plant Replacement	5,272	25,000	21%	25,000	-	
Mechanic's Van Replacement	-	70,000	0%	70,000	-	
Forklift Purchase	-	55,000	0%	55,000	-	
Repayment of Borrowings - LGFA	426,049	1,896,000	22%	1,896,000	-	
Repayment of Borrowings - Leases	64,173	263,000	24%	263,000	-	
<b>Total</b>	<b>526,044</b>	<b>6,979,000</b>		<b>6,979,000</b>	<b>-</b>	
<b>Net Non-Operating Result</b>	<b>(526,044)</b>	<b>(2,254,000)</b>		<b>(2,254,000)</b>	<b>-</b>	

## ITEM 8.1 - ATTACHMENT B

### EAST WASTE

Projected Statement of Comprehensive Income (Budgeted)

for the Financial Year Ending 30 June 2023

FY2022 Audited Actuals \$'000		FY2023 Adopted Budget \$'000	FY2023 BR1 \$'000	FY2023 Movement BR1 V Adopted Budget \$'000
	<b>Income</b>			
16,579	User Charges	21,955	22,060	105
10	Investment income	13	13	-
81	Grants, subsidies and contributions	75	75	-
932	Other	1,069	1,069	-
<b>17,602</b>	<b>Total</b>	<b>23,112</b>	<b>23,217</b>	<b>105</b>
	<b>Expenses</b>			
6,386	Employee Costs	7,164	7,164	-
9,303	Materials, contracts & other expenses	13,241	13,346	105
2,043	Depreciation, amortisation & impairment	2,346	2,346	-
246	Finance costs	406	371	(35)
<b>17,978</b>	<b>Total</b>	<b>23,157</b>	<b>23,227</b>	<b>70</b>
<b>(376)</b>	<b>Operating Surplus / (Deficit)</b>	<b>(45)</b>	<b>(10)</b>	<b>35</b>
7	Asset disposals & fair value adjustments	200	200	-
<b>(369)</b>	<b>Net Surplus / (Deficit)</b>	<b>155</b>	<b>190</b>	<b>35</b>
-	Other Comprehensive Income	-	-	-
<b>(369)</b>	<b>Total Comprehensive Income</b>	<b>155</b>	<b>190</b>	<b>35</b>

# ITEM 8.1 - ATTACHMENT C

<b>EAST WASTE</b>				
Projected Statement of Cashflows (Budgeted)				
for the Financial Year Ending 30 June 2023				
<b>FY2022</b>		<b>FY2023</b>	<b>FY2023</b>	<b>FY2023</b>
<b>Audited</b>		<b>Adopted</b>	<b>BR1</b>	<b>movement</b>
<b>Actuals</b>		<b>Budget</b>		<b>BR1 V</b>
<b>\$'000</b>		<b>\$'000</b>	<b>\$'000</b>	<b>Adopted</b>
				<b>Budget</b>
				<b>\$'000</b>
	<b>Cash Flows from Operating Activities</b>			
	<b>Receipts</b>			
17,400	Operating Receipts	23,024	23,129	105
9	Investment Receipts	13	13	-
	<b>Payments</b>			
(6,245)	Employee costs	(7,071)	(7,071)	-
(9,613)	Materials, contracts & other expenses	(13,241)	(13,346)	105
(258)	Interest Payments	(406)	(371)	(35)
<b>1,293</b>	<b>Net Cash Flows from Operating Activities</b>	<b>2,319</b>	<b>2,354</b>	<b>175</b>
	<b>Cash Flows from Investing Activities</b>			
	<b>Receipts</b>			
86	Sale of Replaced Assets	200	200	-
	<b>Payments</b>			
(2,305)	Expenditure on Renewal/Replaced Assets	(2,223)	(2,223)	-
(244)	Expenditure of New/Upgraded Assets	(2,597)	(2,597)	-
<b>(2,463)</b>	<b>Net Cash Flows from Investing Activities</b>	<b>(4,620)</b>	<b>(4,620)</b>	<b>-</b>
	<b>Cash Flow from Financing Activities</b>			
	<b>Receipts</b>			
2,031	Proceeds from Borrowings	4,525	4,525	-
	<b>Payments</b>			
(237)	Repayment of Lease Liabilities	(263)	(263)	-
(1,791)	Repayment of Borrowings	(1,896)	(1,896)	-
<b>3</b>	<b>Net Cash Flow from Financing Activities</b>	<b>2,366</b>	<b>2,366</b>	<b>-</b>
<b>(1,167)</b>	<b>Net Increase (Decrease) in cash held</b>	<b>65</b>	<b>100</b>	<b>35</b>
<b>3,168</b>	<b>Cash &amp; cash equivalents at beginning of period</b>	<b>1,991</b>	<b>2,001</b>	<b>10</b>
<b>2,001</b>	<b>Cash &amp; cash equivalents at end of period</b>	<b>2,056</b>	<b>2,101</b>	<b>45</b>

# ITEM 8.1 - ATTACHMENT D

<b>EAST WASTE</b>				
Projected Balance Sheet (Budgeted)				
for the Financial Year Ending 30 June 2023				
<b>FY2022</b>		<b>FY2023</b>	<b>FY2023</b>	<b>FY2023</b>
<b>Audited Actuals</b>		<b>Adopted Budget</b>	<b>BR1</b>	<b>Movement BR1 V Adopted Budget</b>
<b>\$'000</b>		<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
	<b>Assets</b>			
	<b>Current</b>			
2,001	Cash & Cash Equivalents	2,056	2,101	45
935	Trade & Other Receivables	661	935	274
50	Inventory	-	50	50
<b>2,986</b>	<b>Total</b>	<b>2,717</b>	<b>3,086</b>	<b>369</b>
	<b>Non-Current</b>			
8,542	Infrastructure, Property, Plant & Equipment	11,022	11,016	(6)
<b>8,542</b>	<b>Total</b>	<b>11,022</b>	<b>11,016</b>	<b>(6)</b>
<b>11,528</b>	<b>Total Assets</b>	<b>13,739</b>	<b>14,102</b>	<b>363</b>
	<b>Liabilities</b>			
	<b>Current</b>			
1,436	Trade & Other Payables	1,145	1,361	216
1,940	Borrowings	2,355	2,355	-
778	Provisions	787	825	38
<b>4,154</b>	<b>Total</b>	<b>4,287</b>	<b>4,541</b>	<b>254</b>
	<b>Non-Current</b>			
6,410	Borrowings	8,351	8,361	10
114	Provisions	137	160	23
<b>6,524</b>	<b>Total</b>	<b>8,488</b>	<b>8,521</b>	<b>33</b>
<b>10,678</b>	<b>Total Liabilities</b>	<b>12,775</b>	<b>13,062</b>	<b>287</b>
<b>850</b>	<b>Net Assets</b>	<b>964</b>	<b>1,040</b>	<b>76</b>
	<b>Equity</b>			
850	Accumulated Surplus	964	1,040	76
<b>850</b>	<b>Total Equity</b>	<b>964</b>	<b>1,040</b>	<b>76</b>

# ITEM 8.1 - ATTACHMENT E

## EAST WASTE

Projected Statement of Changes in Equity (Budgeted)  
for the Financial Year Ending 30 June 2023

<b>FY2022</b>		<b>FY2023</b>	<b>FY2023</b>	<b>FY2023</b>
<b>Audited Actuals</b>		<b>Adopted Budget</b>	<b>BR1</b>	<b>Movement BR1 V Adopted Budget</b>
<b>\$</b>		<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
1,219	<b>Balance at Start of Periof - 1 July</b>	809	850	41
(369)	Net Surplus / (Deficit) for Year	155	190	35
-	Contributed Equity	-	-	-
-	Distribution to Councils	-	-	-
<b>850</b>	<b>Balance at End of Period - 30 June</b>	<b>964</b>	<b>1,040</b>	<b>76</b>

# ITEM 8.1 - ATTACHMENT F

## EAST WASTE

Projected Uniform Presentation of Finances (Budgeted)  
for the Financial Year Ending 30 June 2023

FY2022		FY2023	FY2023
Audited Actuals		Adopted Budget	BR1
\$'000		\$'000	\$'000
17,602	Income	23,112	18,848
(17,978)	Expenses	(23,157)	(18,982)
<b>(376)</b>	<b>Operating Surplus / (Deficit)</b>	<b>(45)</b>	<b>(134)</b>
<b>Net Outlays on Existing Assets</b>			
(2,305)	Capital Expenditure on Renewal and Replacement of Existing Assets	(2,223)	(2,516)
2,043	Depreciation, Amortisation and Impairment	2,346	2,082
86	Proceeds from Sale of Replaced Assets	200	115
<b>(176)</b>		<b>323</b>	<b>(319)</b>
<b>Net Outlays on New and Upgraded Assets</b>			
(244)	Capital Expenditure on New and Upgraded Assets	(2,597)	-
-	Amounts Specifically for New and Upgraded Assets	-	-
-	Proceeds from Sale of Surplus Assets	-	-
<b>(244)</b>		<b>(2,597)</b>	<b>-</b>
<b>(796)</b>	<b>Net Lending / (Borrowing) for Financial Year</b>	<b>(2,319)</b>	<b>(453)</b>

## 8.2: TREASURY MANAGEMENT PERFORMANCE REPORT

**REPORT AUTHOR:** General Manager  
Finance & Executive Administration Officer

**ATTACHMENTS:** A: Annual Performance Report

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### Purpose of the Report

To provide the Audit and Risk Management Committee (the Committee) with a performance report as required by Clause 4.7 of East Waste's *Treasury Management Policy*.

### Report

This Report (refer Attachment A) is provided in accordance with Clause 4.7 of East Waste's *Treasury Management Policy*:

#### **4.7 Reporting**

*On or before 30 November each year, the East Waste Board shall receive, via the Audit and Risk Management Committee, a specific report regarding treasury management performance relative to the criteria specified in this policy. This report will highlight:*

- The amount of each East Waste borrowing and investment, its interest rate, maturity date and any changes in holdings since the previous report; and*
- If applicable, the proportion of fixed interest rate and variable interest rate borrowings at the end of the reporting period.*

The amounts listed in Attachment A (refer Attachment A) show both the original amount borrowed, and the amount owing as at the report date (20 October 2022). Loan Agreement 18 has been approved, however will not be activated until February 2023 just prior to the arrival of the Unley replacement vehicles. It has been included for transparency and completeness of all loans.

Not surprisingly, interest rates have increased, however they remain competitive within the market. Budget Review 1 (refer Report 8.1) includes updated financial figures to account for the rates provided. An assessment as to whether better rates could be achieved against commercial banks was undertaken in 2020, which resulted in a highly favourable result for the Local Government Finance Authority (LGFA), in terms of more competitive rates and ancillary benefit to East Waste. The intention is to review this again prior to loans being taken in 2023.

No investments were made during the period from October 2021 through to October 2022 due to low rate of return on investment. Given the rates on offer now and a 'settling' of the business following the commencement of the City of Unley contract, Administration will seek to maximise the performance of funds.

No information has been provided in accordance with Clause 4.7, dot point 2, as this is not applicable to East Waste at this time, as all borrowings are 100% fixed rates.

### RECOMMENDATION

**The Committee recommend that the Performance Report as presented in Attachment A is endorsed and presented to the East Waste Board.**



**ANNUAL TREASURY MANAGEMENT PERFORMANCE REPORT**
**Borrowings as at 20/10/2022**

Loan #	Amount Borrowed	Rate	Term	Amount owing as at 20/10/2022	Maturity date
Loan Agreement 8	\$ 1,926,190.00	3.75%	7 years	\$ 306,766.93	15/07/2023
Loan Agreement 9	\$ 281,743.00	3.50%	7 years	\$ 66,262.46	17/10/2023
Loan Agreement 10	\$ 1,646,244.00	3.85%	7 years	\$ 515,996.05	17/07/2024
Loan Agreement 11	\$ 325,369.00	4.00%	7 years	\$ 102,336.98	15/09/2024
Loan Agreement 12	\$ 1,813,771.00	4.00%	7 years	\$ 969,640.55	15/11/2025
Loan Agreement 13	\$ 2,170,966.00	2.55%	8 years	\$ 1,539,180.09	17/02/2028
Loan Agreement 14	\$ 2,284,000.00	1.70%	8 years	\$ 1,878,973.11	15/10/2028
Loan Agreement 16	\$ 2,030,476.00	3.10%	8 years	\$ 1,917,681.66	15/11/2029
Loan Agreement 17	\$ 2,853,000.00	5.55%	8 years	\$ 2,853,000.00	17/10/2030
Loan Agreement 18	\$ 1,672,000.00	5.65%	8 years	\$ 1,672,000.00	15/02/2031
				<b>\$ 11,821,837.83</b>	

**Matured Loans between 31/10/2021 - 20/10/2022**

Loan #	Amount	Rate	Term	Maturity date
Loan Agreement 7	\$ 1,743,400.00	4.25%	7 years	15/01/2022

**Investments as at 20/10/2022**

Loan #	Amount	Rate	Term	Maturity date
NIL				

**Matured Investments from 31/10/2020 - 20/10/2022**

Amount	Rate	Term	Maturity date	Interest Earnt
NIL				

\*Loan Agreement 18 was not settled as at 20 October 2022 however has been included for completeness of the report.

## 8.3: OVERVIEW OF FINANCIAL DUTIES & RESPONSIBILITIES

**REPORT AUTHOR:** General Manager  
Finance & Executive Administration Officer

**ATTACHMENTS:** Nil

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### Purpose of the Report

To provide the Committee with a greater understanding of the financial duties undertaken internally and as part of the Accountancy Services contract.

### Background

Through the FY2022 End of Year Audit, the East Waste Audit and Risk Committee, as a risk mitigation strategy and to increase their Governance awareness, requested Administration provide a report back to the Committee detailing the financial activities undertaken internally and those undertaken externally as part of the Accountancy Services Contract.

### Report

A high-level summary of the Accountancy functions undertaken internally and those undertaken externally as part of the Accountancy Services Contract, is detailed in Table 1 overleaf. Through the recent period of maternity leave by the substantive Officer, there were several temporary changes to this, to ensure compliance and match labour hire skillsets. In reviewing the information in this report and Attachment 1, the Committee should note that the contract for Accountancy Services for the next 3-5 years is due for renewal and is being considered as a confidential report (refer Report 9.1) later in the meeting. Subject to the outcome this process, there may be amendments to the duties outlined.

Further detail will be available at the meeting should Members seek any micro-level detail and/or clarification on other functions.

**Table 1: Overview of Financial Duties & Responsibilities**

Duty	East Waste	Dean Newbery	Frequency
Statutory Financial Statements Preparation		X	Annually
FBT Return		X	Annually
Preparation of Annual Budget	X	X	Annually
Employee Entitlements Reconciliation	X	X	Annually
Long Term Financial Plan Preparation	X	X	Annually
Single Touch Payroll Reconciliation	X		Annually
Budget vs Actual Management Report		X	Quarterly
Management Budget Review	X	X	Quarterly
AASBI6 Leases		X	Quarterly
FAR Reconciliation / Depreciation / Additions & Disposals		X	Quarterly
Statutory Budget Statements Preparation		X	Quarterly
BAS Reconciliation	X		Monthly
BAS Review & Lodgment		X	Monthly
Fuel Reconciliation	X		Monthly
General Ledger Reconciliation	X		Monthly
Stock Reconciliation	X		Monthly
Bank Reconciliation	X		Monthly
Accounts Receivable	X		Monthly
Accounts Payable	X		Weekly
Payroll / Superannuation Processing	X		Fortnightly
Attend to External Audit Requests	X	X	as required
MYOB General Ledger Maintenance	X	X	as required
LGFA Loan Register	X		as required
ATO Correspondence & Compliance		X	as required

**Recommendation**

**That the Committee receives and notes the report.**

## 8.4: RISK MANAGEMENT FRAMEWORK REVIEW TIMEFRAME

**REPORT AUTHOR:** Manager Business Services  
**ATTACHMENTS:** Nil

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### Purpose of the Report

To outline for the Audit & Risk Management Committee's (the committee) information the timeline and broad process which will be undertaken to complete a detailed review of East Waste's Risk Management Policy, Framework and Register.

### Background

In 2015 East Waste established a Risk Management System which has undertaken several reviews and updates since first being adopted. The most significant update occurred following an Audit in 2019 by the Local Government Association Worker's Compensation Scheme (LGAWCS).

One of the actions identified during the above-mentioned Audit was for East Waste to update its Risk Management Policy and Framework in accordance with the Risk Management Guidelines – AS ISO 31000:2018 which subsequently occurred and was adopted by the Board.

### Report

The existing Risk Management system has provided East Waste with a sound framework to manage the identified risks. However, a recent review by administration has identified several opportunities for improvement across the Policy, Framework and Register including but not limited to:

- Incorporating a Risk Matrix which aligns with East Wastes WHS risk Matrix;
- Incorporating additional risks which haven't previously been identified / documented;
- Capturing the risks rather than the outcome if appropriate controls are not implemented;
- Updating the Controls to reflect current systems / technology;
- Updating the references to the budget percentages and the associated risks; and
- Having improved staff engagement and awareness of the identified risks / controls.

Considering the length of time (almost 8 years) since the Risk Policy, Framework and register were originally developed and the opportunities for improvement that have been identified by administration, it is now timely to complete a comprehensive review of the whole Risk System. To this end, East Waste Management have commenced discussions with Local Government Risk Services (LGRS) to assist with a systems review and update of all East Waste's Risk Management Framework. East Waste has also initiated a dialogue with other waste authorities to drive efficiencies, consistency and rigour in the process of updating / implementing Risk Systems. Collectively, the following draft scope of works covering the key steps and indicative timeframes has been developed:

- Planning / Reviewing existing documentation (Nov – Feb 2023)
- Provision of Training / Information (March 2023)
- Strategic Risk Identification / Workshop (March – April 2023)
- Workshop and development of new Risk System (March – June 2023)

The existing Risk System would remain in place whilst the review and development of a new/updated Risk System is workshopped and developed.

**Recommendation**

The Committee note and acknowledges the proposed scope of works timeframe associated with reviewing the Risk Management Policy, Framework and Register.

## 8.5: POLICY REVIEW SCHEDULE

**REPORT AUTHOR:** Manager Business Services  
**ATTACHMENTS:** A: Policy Review Schedule

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### **Purpose of the Report**

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

### **Background**

To assist in ensuring that East Waste's Corporate Policies and Terms of Reference are current and up to date a Policy Register was previously implemented.

The presentation of the Policy Register is a standing annual Agenda Item.


### **Report**

The Policy Register has been updated to include the Policies incorporated in this meeting's Agenda.

On the assumption all Policies presented at the November 2022 Board Meeting will be adopted by the Board, only the Risk Management Policy remains outstanding which has been addressed in Agenda item 8.4 which recommends a comprehensive review and update of East Waste's Risk Management Framework including the Policy.

### **RECOMMENDATION**

**That the Committee notes and receive the Report and the Policy Register, as presented in Attachment A.**

Policy & Terms of Reference Register				
Policy / Terms of Reference	Key Function	Adopted Date	Review Date	Responsible Officer
<a href="#">Risk Management Policy</a>	Governance	Nov-20	Nov-22	General Manager
<a href="#">Budget Framework Policy</a>	Finance	Apr-21	Apr-23	Manager Business Services
<a href="#">Member Council Rebate &amp; Distribution Policy</a>	Finance	Apr-21	Apr-23	Manager Business Services
<a href="#">Treasury Management Policy</a>	Finance	Apr-21	Apr-23	Manager Business Services
<a href="#">Bullying &amp; Harassment Policy</a>	Human Resources	Mar-21	Mar-24	Manager Business Services
<a href="#">National Competition Policy Statement</a>	Finance	Apr-21	Apr-24	Manager Business Services
<a href="#">Sexual Harassment Policy</a>	Human Resources	Sep-21	Sep-24	General Manager
<a href="#">Policy Development Policy</a>	Human Resources	Nov-21	Nov-24	Manager Business Services
<a href="#">Behaviour Standards Policy</a>	Human Resources	Feb-22	Feb-25	Manager Business Services
<a href="#">Schedule of Sub-Delegations</a>	Governance	May-22	May-25	General Manager
<a href="#">Procurement Policy</a>	Finance	May-22	May-25	Manager Business Services
<a href="#">Sale &amp; Disposal of Assets Policy</a>	Finance	May-22	May-25	General Manager
<a href="#">Prudential Management Policy</a>	Governance	May-22	May-25	Manager Business Services
<a href="#">Complaint Handling Policy</a>	Governance	Nov-22	Nov-25	Manager Business Services
<a href="#">Unreasonable Complainant Conduct Policy</a>	Governance	Nov-22	Nov-25	Manager Business Services

Terms of Reference				
<a href="#">Audit &amp; Risk Committee Terms of Reference</a>	Governance	Nov-21	Nov-24	Manager, Corporate Services
<a href="#">General Manager Performance Review Committee Terms of Reference</a>	Governance	Nov-21	Nov-24	Manager, Business Services
<a href="#">Independent Chairperson Appointment Committee - Terms of Reference</a>	Governance	Sep-19	N/A	General Manager

## 8.6: COMPLAINT HANDLING POLICY

**REPORT AUTHOR:** Manager Business Services  
**ATTACHMENTS:** A: Complaint Handling Policy (updated)

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### Purpose of the Report

To provide the Audit and Risk Management Committee (the committee) an opportunity to review and provide input into the updated *East Waste Complaint Handling Policy (the Policy)*.

### Background

In November 2019, the Local Government Association Worker's Compensation Scheme (LGAWCS) undertook an audit of East Waste's Risk Management systems and processes. The audit resulted in a Risk Action Plan being developed to identify outstanding actions or actions for further development.

An action identified was for East Waste to develop and implement a Complaint Handling Policy which was developed inline with other Local Government entities Policies. Prior to being adopted by the East Waste Board in November 2020 the Audit & Risk Committee endorsed the draft policy.

In line with East Waste's Policy Review Schedule the Policy is now due for review.

### Report

Being a service-based organisation, East Waste has and will continue to receive complaints about various issues of concern and the Policy has been designed to help support administration in handling complaints whilst ensuring good governance and recognising that complaints / feedback provide opportunities for improvement.

Since the Policy was adopted two (2) years ago it has provided a robust framework including guiding principles to help ensure that East Waste administration are managing complaints effectively. East Waste management are satisfied that the policy is still relevant and therefore only minor updates have been made to the Policy including updating to East Waste's current Policy style.

A copy of the Policy is included (refer Attachment A) for members consideration and feedback.

### Recommendation

**The Committee recommend that the Complaint Handling Policy, as presented in Attachment A, is endorsed for presentation to the East Waste Board.**



<h1 style="margin: 0;">COMPLAINT HANDLING POLICY</h1>	
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<b>Type</b>	Policy
<b>Category</b>	Governance
<b>Policy Number</b>	16
<b>First Issued/Adopted</b>	November 2022
<b>Minutes Reference</b>	
<b>Review Period</b>	36 months
<b>Last Reviewed</b>	November 2022
<b>Next Review</b>	November 2025
<b>Applicable Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1999</i></li> <li>• <i>Freedom of Information act 1991</i></li> <li>• <i>Public Interest &amp; Disclosures Act 2018</i></li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• Unreasonably Complainant Policy</li> <li>• Internal Review of Decision Procedure</li> <li>• Behavioural Standards Policy</li> </ul>
<b>Consultation Undertaken</b>	<ul style="list-style-type: none"> <li>• Audit &amp; Risk Committee</li> </ul>
<b>Responsible Officer</b>	Manager Business Services

SIGNED: .....

General Manager	Chairperson
Date: ___/___/___	Date: ___/___/___

## 1. Overview

This policy sets out the principles and guidelines to be used when addressing complaints made about the actions of East Waste, the Board and Committee Members, and its employees.

## 2. Interpretation

- 2.1 For the purpose of this Policy:
  - 2.1.1 “Complaint” for the purpose of this Policy means an expression of dissatisfaction with a product, service or behaviour delivery by East Waste or its representatives that has failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered, but does not include matters outside of East Waste’s responsibility.
  - 2.1.2 “Employee” means any person performing work on behalf of East Waste, including the General Manager, Managers and Employees employed on a full time, part time, casual or contract basis and contractors engaged by East Waste.
  - 2.1.3 “Feedback” can take the form of comments, both positive and negative, about services provided by East Waste without necessarily forming the basis of a complaint. East Waste welcomes feedback of all types as an important way of continually monitoring its service standards.

## 3. Principles

- 3.1.1 East Waste welcomes complaints as a way of improving its services and programs as well as providing an opportunity to improve services and operations.
- 3.1.2 The community should be aware of, and have access to, complaint making channels and the process to lodge a complaint. The process for handling the complaint should be communicated to the complainant.
- 3.1.3 Each complaint will be considered on its merits. Complainants will be treated fairly, with impartiality, confidentiality and transparency being applied to the extent possible.
- 3.1.4 Complaints will be taken seriously and sufficient resourcing will be allocated to handle complaints in a professional and timely manner.
- 3.1.5 The outcome of the complaint should be used to improve the way East Waste operates.
- 3.1.6 The manner in which a complaint is handled, and by whom, will depend on the level of complexity and seriousness of the complaint. At all times, complaints

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should be handled by people competent to manage the process and communicate the outcomes.

- 3.1.7 It is not a reasonable use of East Waste's resources to allocate time and money to investigating vexatious or frivolous complaints.
- 3.1.8 Complainants should be informed of the outcome of any complaint requiring investigation.

### 4. Complaint Handling

#### 4.1.1 Making a Complaint

Complaints will broadly be dealt with according to a three-step approach, with complaints being dealt with at the first point of contact wherever possible:

##### *Step 1 – Immediate response to resolve a complaint*

East Waste aims to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints at the initial point of contact.

##### *Step 2 – Complaint escalated to a more senior staff member*

Where it is not possible to resolve a complaint at the initial point of contact, East Waste staff may escalate the complaint to a more senior staff member. This may occur, for example, whereby the frontline staff member has been involved in the matter that is the subject of the complaint, whereby the complaint is about an issue that requires a decision to be made at a more senior level.

##### *Step 3 – Internal review of an East Waste decision*

Internal Review of an East Waste decision is available under *Section 270 of the Local Government Act 1999*. This is a process established by legislation that enables a Council or subsidiary to reconsider all the evidence relied upon to make a decision, including new evidence if relevant.

Noting East Waste's size as a business and limited resourcing from an administrative staff viewpoint, any request for internal review or required of East Waste may be delegated to an East Waste Member Council, whereby the relevant policies, procedures and resourcing are in place. This provides a further level of independence and transparency to the Internal Review Process.

- 4.1.2 No distinction will be made between the method of making the complaint, i.e. whether made online, in person or over the telephone. Complaints made or received through any form of media will be accepted, however, depending on the seriousness and complexity of the complaint, the complainant may be requested to provide further information in a defined form.
- 4.1.3 All complaints will be recorded in an appropriate timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

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4.1.4 Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

4.1.5 Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

4.1.6 Procedures

Procedures will be developed which contain guidelines on:

- Receipt of complaints
- Acknowledgement of complaints
- Initial assessment and addressing of complaints, including keeping complainants updated of any progress
- Providing reasons for decisions and options for further review available to the complainant
- Closing complaints, record keeping, redress and review.

4.1.7 Remedies

Where complaints are found to be justified, East Waste will, where practicable, remedy the situation in a manner which is consistent and fair for both East Waste and the complainants. The solution chosen will be proportionate and appropriate to the circumstances. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

4.1.8 Complex complaints

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported. However, if necessary, Employees will escalate the complaint to a more senior staff member.

4.1.9 Complainant Rights to external review

While East Waste prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time.

Note: As a general rule, the Ombudsman prefers a complaint to be address by the Council or Subsidiary in the first instance, unless this not appropriate in the circumstances.

### 4.1.10 Unreasonable Complainant Conduct

Occasionally a complainant may engage in unreasonable complainant conduct. A complainant's conduct is unreasonable if it has unacceptable consequences for East Waste, the employees who may be involved in managing his/her complaint(s) and/or any other person. Unreasonable complainant conduct includes, but is not limited to:

a) Using unreasonable persistence by:

- persisting with a complaint with East Waste even though it has been comprehensively considered and East Waste has notified the complainant of and provided reasons for its position in respect of that complaint; and/or
- even where all avenues of internal review have been exhausted, showing an inability to accept East Waste's decision in respect of the complaint.

b) Using unreasonable demands by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond East Waste's power to deliver and/or demanding unreasonable outcomes that East Waste is not in a position to deliver).

Other examples include insisting on a 'moral' outcome, (e.g. justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.

c) Using unreasonable arguments including making irrational assertions that are not based on fact and/or insisting that a particular solution is the only correct one, without consideration for valid contrary or alternative arguments.

d) Using unreasonable behaviour including:

- confrontational behaviour that shows a lack of respect for others and otherwise constitutes rude and/or aggressive conduct;
- making threats (whether implied or express) or including inappropriate, offensive, or abusive content in or associated with a complaint;
- continuing with a complaint which is not supported by any evidence and is unsubstantiated;
- making a frivolous or vexatious complaint or a complaint about a matter that is beyond East Waste's jurisdiction or outside of East Waste's control;
- otherwise making excessive demands on East Waste's resources, including by making frequent and numerous complaints to East Waste that are suggestive of a compulsive course of conduct that is, objectively, without basis other than to complain and consume resources; and/or

- alleging bias and/or corruption on the part of East Waste in connection with his/her complaint to third parties simply because East Waste's decision was not what the complainant desired or expected.

e) Using unreasonable lack of cooperation including by:

- sending excessive amounts of correspondence and large quantities of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this;
- displaying unhelpful behaviours (e.g. withholding information, acting dishonestly, misquoting others);
- refusing to define the issue(s) subject of his/her complaint; and/or
- remaining resistant to any reasonable explanation that counters the complainant's views.

Unreasonable complainant conduct does not arise if a complainant makes a complaint to an external authority.

Where East Waste determines that a complainant has engaged in unreasonable complainant conduct East Waste may choose to deal with the complainant in accordance with this Policy.

#### 4.1.11 Special Provisions

There are specific procedures (see clause 4.1.6) which apply to particular types of complaints. If the complaint would be more properly dealt with by another process, this will be explained to the complainant at the outset.

For example:

- Complaints against a Board Member, Audit and Risk Management Committee Member, the General Manager or employees under the applicable Behavioural Standards Policy.
- Freedom of Information applications
- Claims for financial compensation e.g. insurance claims
- Persons claiming protection under the *Public Interest Disclosure Act 2018*

#### 4.1.12 Using Complaints to improve service

Quality of service is an important measure East Waste's effectiveness. Learning from complaints is a powerful way of helping to develop East Waste and increase trust among the people who use its services.

In addition to making changes to procedures and practices where appropriate, East Waste's Executive Management Team will review and evaluate complaints

received on at least an annual basis to identify systemic issues and improvements to service.

4.1.13 Privacy and Confidentiality

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of the complainants will be made only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public unless the matter is considered by the East Waste Board or required by Law.

**5. Delegation**

5.1.1 The General Manager has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

<b>Document History:</b>	<b>Version No:</b>	<b>Issue Date:</b>	<b>Description of Change:</b>
	1.0	November 2020	New Document
	1.1	November 2022	Minor formatting changes and review date extended to three (3) years.

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## 8.7: UNREASONABLE COMPLAINANT CONDUCT POLICY

**REPORT AUTHOR:** Manager Business Services

**ATTACHMENTS:** A: Unreasonable Complainant Conduct Policy & Procedure (Updated)

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### **Purpose of the Report**

To provide the Audit and Risk Management Committee (the Committee) with an opportunity to review and provide input into the updated *East Waste Unreasonable Complainant Conduct Policy & Procedure (the Policy)*.

### **Background**

At the East Waste board meeting held on the 24 September 2020, the East Waste board endorsed a draft Compliant Handling Policy and directed East Waste Administration to develop a Draft Persistent Complainant Policy which resulted in a Draft Unreasonable Complainant Conduct Policy & Procedure being developed and subsequently adopted by the Board at their November 2020 meeting.

The Policy was originally based on a member Council's Policy and adapted to East Waste's requirements. The Policy and has now been in place for two (2) years and is currently due for review.

### **Report**

In line with East Waste's Policy Review Schedule a review of the Policy has been completed by East Waste administration considering legislative changes, the LG reforms, and East Waste's renewed Policy framework.

As a result of the review, a definitions section was added to the Policy and some minor formatting and word changes were made to provide further clarity.

The updated Unreasonable Complainant Conduct Policy & Procedure is provided at Attachment A for consideration and input of Committee Members.

### **Recommendation**

**The Committee recommend that the updated Unreasonable Complainant Conduct Policy & Procedure, as presented in Attachment A, is endorsed for presentation to the East Waste Board.**





# UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

## 1. Background

East Waste is committed to being accessible and responsive to all complainants who approach East Waste for assistance or seek to lodge a complaint. At the same time, our ability to provide the essential services to our Member Councils and their residents depends upon:

- our ability to do our work and perform our functions in the most effective and efficient way possible;
- the health, safety and security of East Waste staff; and
- our ability to allocate resources fairly across our operations and all requests and complaints that we receive.

When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our ability to provide an essential service. While infrequent, if not properly managed, unreasonable complainant conduct can become a significant drain on East Waste's resources. As a result, East Waste will take proactive, fair and decisive action to manage any complainant conduct that negatively and unreasonably affects its operations or staff and will support East Waste staff to do the same.

This Policy & Procedure provides a framework for recognising and managing unreasonable complainant conduct and outlines the roles and responsibilities of East Waste staff.

## 2. Definitions

### Request for Service / Information

Is an application to have East Waste take some form of action to provide a service and / or information.

### Complaint

is when an East Waste customer, contractor, resident, member council or other party expresses or infers dissatisfaction with a service or product delivered by East Waste, which has or should have been received, that has failed to reach the standard stated, implied or expected. This may include decisions by East Waste, its policies, procedures, charges, employees, agents, or the quality of service provided by East Waste.

### Unreasonable Complainant Conduct

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for East Waste, East Waste staff, Contractors, Board Members or Committee Members, other service users and complainants, or the complainant themselves.

# UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

## 3. Key Principles

This Policy is based upon the following principles:

- all complainants are treated with fairness and respect;
- unreasonable complainant conduct does not prevent there being a valid issue;
- application of this Policy should not go beyond what is appropriate and necessary to manage a complainant's conduct and must be proportionate to their personal circumstances;
- the substance and merits of a complaint govern the level of resources dedicated to it, not a complainant's demands or behaviour; and
- staff safety and well-being are paramount when dealing with unreasonable complainant conduct.

## 4. Scope

This Policy applies to all East Waste staff, Contractors, Board Members and Committee Members that receive complaints made by members of the public to or about East Waste, or otherwise deal with complainants.

The focus of this Policy is upon managing the conduct and behaviour of a complainant. That behaviour may be exhibited in person, over the phone, in writing, electronically (e.g. by email, sms, social media or via online forms on East Waste's website), or a combination of these. The behaviour may occur on one occasion or over several occasions.

The substance of any complaint will be dealt with under East Waste's *Complaint Handling Policy* and supporting procedures, which provides a framework for receiving and responding to complaints made by members of the public to or about East Waste.

This Policy forms part of East Waste's Complaint Handling Framework, which includes the following policies and procedures:

- *Complaints Handling Policy*; and
- *Complaint Handling Procedure*.

## 5. Policy

### Unreasonable Complainant Conduct

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for East Waste, East Waste staff, Contractors, Board Members or Committee Members, other service users and complainants, or the complainant themselves.

Unreasonable complainant conduct can be divided into five key categories of conduct:

- unreasonable persistence;
- unreasonable demands;
- unreasonable lack of cooperation;
- unreasonable arguments; and
- unreasonable behaviours.

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# UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

## Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on East Waste, East Waste staff, Contractors or Board Members, Committee Member, East Waste services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with;
- persistently demanding a review simply because it is available and without arguing or presenting a case for one;
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints;
- reframing a complaint in an effort to get it considered again;
- bombarding East Waste or East Waste staff, Contractors, Board Members or Committee Members, with phone calls, visits, letters, messages, emails, (including cc'd correspondence) after repeatedly being asked not to do so; or
- contacting different people within East Waste and/or externally to get a different outcome or more sympathetic response to their complaint (internal and external forum shopping).

## Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on East Waste, East Waste staff, Contractors, Board Members, Committee Members, East Waste services, time and/or resources. Some examples of unreasonable demands include:

- issuing instructions and making demands about how East Waste has/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved;
- insisting on talking to the General Manager or Senior Manager personally when it is not appropriate or warranted;
- emotional blackmail and manipulation with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case;
- insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this; or
- demanding services that are of a nature or scale that East Waste cannot provide when this has been explained to the complainant.

## Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with East Waste, East Waste staff, Contractors, Board Members, Committee Members or East Waste's complaint handling process that results in a disproportionate and unreasonable use of East Waste services, time and/or resources. Some examples of unreasonable lack of cooperation include:

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## UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

- sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues of the complaint (where the complainant is capable of doing this);
- providing little or no detail with a complaint or presenting information in 'drips and drabs';
- refusing to follow or accept East Waste's instructions, suggestions, or advice without a clear or justifiable reason for doing so;
- arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations; or
- displaying unhelpful behaviour – such as withholding information, acting dishonestly or misquoting others.

### Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon East Waste, East Waste staff, Contractors, Board Members, Committee Members, East Waste services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence;
- are not supported by any evidence and/or are based on conspiracy theories;
- lead a complainant to reject all other valid and contrary arguments;
- are trivial when compared to the amount of time, resources and attention that the complainant demands; or
- are false, inflammatory or defamatory.

### Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of East Waste staff, Contractors, Board Members or Committee Members, other service users or the complainant themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks;
- harassment, intimidation or physical violence;
- rude, confronting and threatening correspondence;
- threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats;
- stalking (in person or online); or
- emotional manipulation.

# UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

East Waste has a zero-tolerance policy towards any harm, abuse or threats directed towards East Waste staff, contractors, Board Members or Committee Members. Any conduct of this kind will be dealt with in accordance with East Waste's duty of care and health and safety responsibilities, and may result in a refusal to take further action on a complaint or to have further dealings with a complainant. Matter may be referred to the police and in certain cases, legal action considered.

## 6. Roles & Responsibilities

### Responsible Officer

East Waste's General Manager is responsible for oversight of East Waste's management of unreasonable complainant conduct under this Policy and is the primary contact for East Waste staff in relation to the application of this Policy & supporting procedures.

### East Waste staff

All East Waste staff are responsible for familiarising themselves with this Policy and East Waste's *Complaint Handling Policy & Procedure* and their obligations under each Policy.

Staff should be mindful to identify the early warning signs of unreasonable complainant conduct when dealing with complainants and are encouraged to explain this Policy to complainants. Staff are empowered and authorised to deal with complainants in accordance with the strategies and processes set out in this Policy and East Waste's *Complaints Handling Policy*. Matters will not be escalated to a Senior Manager or the General Manager simply because this is requested by a complainant. This can establish a precedent for future dealings with the complainant, can give an inaccurate indication of the importance of their complaint, and does little to manage the behaviour of the complainant.

All staff members are responsible for ensuring that all corporate records in relation to unreasonable complainant conduct and any action taken under this Policy are recorded within East Waste's Records Management System.

### Contractors, Board Members & Committee Members

Board Members or Committee Members who experience or witness unreasonable complainant conduct must report this to East Waste's General Manager and should not engage further with the complainant.

Contractors who experience or witness unreasonable complainant conduct must report this to their relevant contact (management) at East Waste. The matter will be dealt with by the relevant East Waste staff member from that point onwards in accordance with this Policy.

# UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

## Managers

Managers and the General Manager are responsible for overseeing, reviewing and monitoring all cases of unreasonable complainant conduct where this Policy is applied. Managers, in consultation with the General Manager, also have the responsibility and authority to change or restrict a complainant's access to East Waste services in accordance with this Policy.

Lastly, Managers and Team Leaders are also responsible for supporting and appropriately training staff to deal with unreasonable complainant conduct and ensuring compliance with this Policy.

Following an incident of unreasonable complainant conduct, Managers are responsible for providing affected staff members with appropriate support and assistance, including the opportunity to debrief their concerns (formally or informally), medical or police assistance, or support through East Waste's Employee Assistance Program, as required.

## 7. Managing Unreasonable Complainant Conduct

In considering the measures to be put in place to manage a complainant's conduct, a combination of informal strategies and more formal restrictions on access to East Waste's services may be used. In many cases, East Waste staff will need to continue corresponding or dealing with a complainant in relation to an existing complaint or other matters, and so practical strategies for managing such interactions 'on the frontline' are needed.

In addition, unreasonable complainant conduct can be managed by limiting or adapting the ways that East Waste interacts with and/or delivers services to complainants, including by restricting:

- who they have contact with;
- what they can raise with us;
- when they can have contact;
- where they can make contact; and
- how they can make contact.

Discretion should be used to adapt the following restrictions so that they are proportionate and reasonable considering the nature of the complainant's conduct and their personal circumstances (e.g. their level of competency, literacy skills etc.). Restrictions should be applied in the least restrictive way possible and the aim should not be to punish the complainant, but rather to manage the impacts of their conduct. In some circumstances, more than one strategy may be needed to ensure the efficacy of East Waste's management of the unreasonable complainant conduct.

The restrictions set out below can only be implemented by the relevant Manager in consultation with the General Manager.

## **UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE**

### **Who – limiting the complainant to a sole contact point**

Where a complainant tries to forum shop internally within East Waste, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with East Waste. This helps to ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

The sole contact officer will be selected on the basis of relevant subject matter expertise and seniority (and any other relevant factors in the circumstances), in order to manage the unreasonable complainant conduct effectively.

Complainants who are restricted to a sole contact person will also be given the contact details of the relevant Manager or General Manager who they can contact if their primary contact is unavailable (e.g. if they go on leave or are otherwise unavailable for an extended period of time).

### **What – restricting the subject matter of communications that East Waste will consider**

Where complainants repeatedly make written or verbal communications (including, e.g., letters, emails, online forms, social media, messages) that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed by East Waste, then East Waste may restrict the issues/subject matter the complainant can raise with East Waste and/or that East Waste will respond to. For example, East Waste may:

- refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or that is not supported by clear/any evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless East Waste determines that it needs to be pursued further (e.g. if new information is presented), in which case, East Waste may do so at its own discretion.
- restrict the complainant to one (1) complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on the complainant's access.
- return correspondence to the complainant (or in the case of East Waste's social media platforms, hide or remove the relevant content) and require the complainant to remove any inappropriate content before East Waste will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for East Waste's records to identify repeat/further unreasonable complainant conduct incidents.



## UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

### When and how – limiting when and how a complainant can contact East Waste

If a complainant's contact with East Waste places an unreasonable demand on East Waste's time or resources because it is overly lengthy, irrelevant or disorganised, occurs frequently, or affects the health, safety or security of East Waste staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, East Waste may limit when and/or how the complainant can interact with East Waste. This may include:

- limiting their telephone calls or face-to-face interactions to a particular time of the day or days of the week;
- limiting the length or duration of telephone calls, written correspondence or face-to-face interactions
- limiting the frequency of their telephone calls, written correspondence, emails or face-to-face interactions; and/or
- restricting access to East Waste's website and social media platforms and/or hiding or removing content generated by the complainant on East Waste's social media platforms.

East Waste may also:

- require the complainant to revise their request so that it is clear and concise, in order for East Waste to perform an effective review of their complaint;
- require the complainant to clearly identify how the information or supporting materials they have sent to East Waste relates to the central issues that East Waste has identified in their complaint; and/or
- restrict a complainant to sending emails to a particular email account (e.g. the organisation's main email account or a designated account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

East Waste may consider imposing a 'writing only' restriction, which means that the complainant's communications to East Waste are restricted to written communications.

If a complainant's contact is restricted to 'writing only', East Waste will clearly identify the specific means that the complainant can use to contact East Waste's office (e.g. Australia Post only, or email only to a designated East Waste email account). If it is not appropriate for a complainant to enter East Waste's premises to hand deliver their written communication, this must be communicated to them.

Any communications that are received by East Waste in a manner that contravenes a 'write only' restriction or any of the restrictions imposed above will either be returned to the complainant or read and filed without acknowledgement.

## **UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE**

### **Where – limiting face-to-face interaction to secure areas**

If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to East Waste's premises, East Waste may consider restricting face-to-face contact with the complainant at one or more of its premises. These restrictions may include:

- restricting access to particular secured premises or areas of the office – such as the reception area or a secured room/facility;
- restricting attendance at East Waste's premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy;
- allowing the complainant to attend East Waste's premises on an 'appointment only' basis and only with specified staff (note – during these meetings staff should always seek support and assistance of a colleague for added safety and security); and/or
- banning the complainant from attending East Waste's premises altogether and allowing some other form of contact – eg 'writing only' or 'telephone only' contact.

In cases where East Waste cannot completely restrict contact with a complainant and their conduct is particularly difficult to manage, East Waste may also limit their contact to contact through a support person or representative only. The support person may be nominated by the complainant but must be approved by the relevant Manager in consultation with the General Manager.

When assessing a representative or support person's suitability, the authorised East Waste staff should consider factors including: the nominated representative/support person's competency and literacy skills, their demeanour and behaviour, and their relationship with the complainant. If the authorised East Waste staff determine that the representative/support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person or East Waste may assist them in this regard.

### **Terminating a complainant's access to East Waste's services**

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, East Waste's General Manager may decide that it is necessary for East Waste to completely restrict a complainant's contact/access to East Waste's services.

Such a decision will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for East Waste staff or other parties because it involves one or more of the following types of conduct:

- acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking or assault;
- damage to property while on East Waste's premises;
- threats with a weapon or other items that could be used to harm another person or themselves;
- physically preventing a staff member from moving around freely either within their office or during an off-site visit (e.g. entrapping them in their home); and/or
- conduct that is otherwise unlawful.

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## UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

A complainant's access to East Waste's services and its premises may also be restricted (directly or indirectly) using legal mechanisms and orders including in relation to trespass or to protect East Waste staff, contractors, Board Members or Committee Members from personal violence, intimidation or stalking by a complainant.

East Waste also has the discretion to use alternative dispute resolution strategies such as mediation and conciliation with an independent third party as a management strategy in relation to unreasonable complainant conduct. However, East Waste recognises that in some circumstances, alternative dispute resolution may not be an appropriate or effective strategy, particularly if the complainant is uncooperative or resistant to compromise.

### Periodic Review of Restrictions on Access

All cases of unreasonable complainant conduct where this Policy is applied to restrict access to East Waste services will be reviewed every **three (3) months**, unless a longer period of time is justified in the circumstances (considering the nature of the unreasonable complainant conduct and the East Waste service to which access has been restricted), but in any event, not more than 12 months after the restriction was initially imposed or continued.

East Waste has the discretion to conduct a periodic review of restrictions on access at any other time, including upon request by the complainant or following a further incident of unreasonable complainant conduct by the complainant.

The complainant will be invited to participate in the review process unless it is determined that this invitation will provoke further unreasonable complainant conduct from the complainant. The review and any correspondence or communication in relation to it will be conducted in accordance with the complainant's access restrictions (e.g. if contact is restricted to writing only).

The review may result in the complainant's restrictions being retained, modified or removed, further restrictions being imposed, or the complainant's access to East Waste's services being completely removed, depending upon the circumstances of the case.

### Review of a Decision to Restrict Access

If the complainant is dissatisfied with a decision made by East Waste to restrict the complainant's access to East Waste's services in accordance with this Policy, the complainant may request a review of the decision under Section 270 of the *Local Government Act 1999* which enables East Waste to reconsider all the evidence relied on to make the decision, including new evidence if relevant.

Requests for a review of Decision will be managed in accordance with East Waste's Internal Review of decision Policy.

If a complainant continues to be dissatisfied with the outcome of the s270 referral review process or would like to have their case considered by an external agency, they may seek an external review from an oversight agency such as the Ombudsman SA.

# UNREASONABLE COMPLAINANT CONDUCT POLICY & PROCEDURE

## 8. Delegation

The General Manager has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	November 2020	New Document
	1.1	November 2022	Inclusion of Definitions, minor word changes and update to current policy style.

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## 8.8: 2023 PROPOSED MEETING SCHEDULE

**REPORT AUTHOR:** Finance & Executive Administration Officer  
**ATTACHMENTS:** Nil

### Purpose of the Report

To provide the Committee with the proposed Audit & Risk Management Committee and Board meeting dates for 2023.

### Background

Nil

### Report

Table 1 details proposed meeting dates for the Audit and Risk Management Committee and Board for 2023. Feedback from Members on the dates will be sought at the meeting.

**Table 1: 2023 Proposed Meeting Dates**

Audit & Risk Management Committee	Board	Legislative Requirements
Tuesday 14 February 8:00am	Thursday 23 February 5:30pm	Budget Review 2 Draft Annual Plan & Budget
Wednesday 26 April 8:00am	Thursday 4 May 5:30pm	Budget Review 3
Tuesday 13 June 8:00am	Thursday 22 June 5:30pm	Annual Plan & Budget Endorsement
Tuesday 12 September 8:00am	Thursday 21 September 5:30pm	Audited Financials
Tuesday 14 November 8:00am	Thursday 23 November 5:30pm	Budget Review 1

Subject to endorsement by the East Waste Board, calendar invites for 2023 meetings shall be sent out prior to Christmas. While unlikely to impact, consideration of the endorsed third Independent Audit & Risk Committee Member, will need to be taken into account, at the appropriate time.

### Recommendation

**That the Committee receives and notes the report and recommends for presentation to the East Waste Board.**