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# Policies for approval

*Responsible Officer: Group Manager People and Performance (Helen McNeil)*

*Report Author: Governance and Risk Manager (Lauren Edwards)*

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## Recommendation

That Council:

1. Revoke the following policies and any policy revived as a result of the revocation:
  - (a) [Work Health Safety dated 20 October 2021](#)
  - (b) [Drinking Water Quality dated 21 March 2018](#)
  - (c) [Privacy dated 17 August 2022](#)
  - (d) [Public Interest Disclosures dated 17 August 2022](#)
2. Approve the revised policies of the same name outlined in and attached to this report.

## Background

Council's policies are continually reviewed for suitability and currency to promote and deliver against Council's commitment to continuous improvement and legislative compliance.

The policies outlined below were reviewed as part of their ordinary review cycle or due to recent legislative changes necessitating the making of amendments.

## Policies for approval

### 1. Work Health and Safety

This policy was reviewed as part of its regular review cycle and remains compliant with regulatory requirements and Council objectives.

It is recommended that Council re-approve this policy ([Attachment 1](#)) without amendment.

This policy was tabled at, and the above recommendation supported by, Council's Health and Safety Committee.

### 2. Drinking Water Quality

This policy was reviewed as part of its regular review cycle and remains compliant with the Australian Drinking Water Guidelines (ADWG) published by the National Health and Medical Research Council / National Resource Management Ministerial Council.

It is recommended that Council re-approve this policy ([Attachment 2](#)) with the following minor administrative amendments (identified as 'tracked changes' in the attached document):

- The Contact Officer be changed from Manager Planning and Delivery to Group Manager Operations; and
- The reference to the 'New South Wales Code of Practice for Fluoridation of Public Water Supplies 2011' be replaced with a reference to the 'New South Wales Code of Practice for Fluoridation of Public Water Supplies 2018'.

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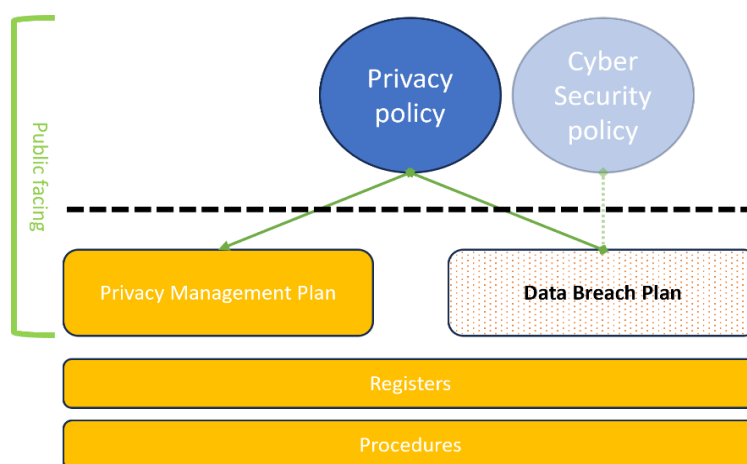
### 3. Privacy

This policy was reviewed as a result of changes to the *Privacy and Personal Information Protection Act 1998* ('PIIP Act') relating to the Mandatory Notification of Data Breach ('MNDB') scheme due to come into effect in November 2023.

Under the changes to the PPIP Act, Council will be required to:

- Have a Data Breach Policy/Plan ('DBP'),
- Update its Privacy Management Plan ('PMP') to reference its DBP,
- Maintain an internal incident register of all eligible data breaches, and
- Maintain a public notification register of any MNDBs made by Council.

Consistent with the approach adopted following the previous review of the Privacy policy (refer to Agenda Item 12.5 within the [17 August 2022 Business Papers](#)), staff propose to maintain a policy adopted by the governing body that sets out Council's overarching commitment to privacy that is supported operationally by a PMP and a DBP approved by the General Manager:



It is recommended that Council approve the revised Privacy policy ([Attachment 3](#)) with the following minor amendments (identified as 'tracked changes' in the attached document):

- Reference to the voluntary data breach reporting scheme be amended to refer to the MNDB scheme, and
- Reference to Council's DBP and data breach notification responsibilities be included.

Subject to the adoption of the revised policy, staff will finalise the development of a DBP and complete any necessary amendments to the PMP, obtain the approval of the General Manager, and make the documents available as open access information on Council's website.

### 4. Public Interest Disclosures

From October 2023, the new *Public Interest Disclosures Act 2022* ('PID Act') will replace the 1994 Act of the same name.

Under the new PID Act, Council must have a Public Interest Disclosures policy that includes the following information:

- o How to make a Public Interest Disclosure ('PID')
- o Protections afforded to people who make a PID
- o Responsibilities of the General Manager (i.e. Head of Agency), Disclosure Officers, and managers, and
- o A list of Disclosure Officers and how to contact them.

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The NSW Ombudsman is developing resources to assist agencies understand and implement the changes under the new PID Act. A video summarising the key obligations under the new PID Act can be viewed via the NSW Ombudsman's YouTube channel or by following the below link: [https://youtu.be/mHOLQ\\_zy9M4?si=oRNyzK5zEEpiRrj0](https://youtu.be/mHOLQ_zy9M4?si=oRNyzK5zEEpiRrj0)

A new Public Interest Disclosures policy has been developed that adopts the [model Public Interest Disclosure policy published by the NSW Ombudsman](#) and complies with the requirements of [section 43](#) of the new PID Act.

To ensure the currency of the information provided in the policy, the document has been drafted to permit amendments to be made by staff to Annexures B and C which contain the lists of Disclosure Officers and Integrity Agencies and their contact information.

It is recommended that the existing Public Interest Disclosures policy be revoked and the new Public Interest Disclosures policy ([Attachment 4](#)) be adopted by Council.

### **Finance**

Not applicable.

### **Legal**

Contained in the body of the report.

### **Consultation**

There is no legislative requirement to place the above policies on public exhibit prior to being adopted.

### **Conclusion**

The above policies have been reviewed and updated, where appropriate, to ensure alignment with legislative and regulatory requirements and Council objectives. The existing policies of the same name are recommended for revocation and the revised policies recommended for adoption/re-adoption by Council.

### **Attachment**

1. Work Health Safety policy (**for re-adoption**)
2. Drinking Water Quality policy (**for re-adoption**)
3. Revised Privacy policy (**for adoption**)
4. Revised Public Interest Disclosures policy (**for adoption**)