

**8.1.1. COUNCIL POLICY REVIEW - POLICIES  
REVIEWED WITH NO OR MINIMAL CHANGES  
IDENTIFIED**

**File No: 11.00006**

**RECOMMENDATION:**

That Council:

- (a) adopt the following Policies as amended:
- i) Staff – Designated Persons Disclosing Interests.
  - ii) Dangerous and Menacing Dogs
  - iii) Public Access to Information
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**REPORT:**

As part of Council's governance procedures, a program to review all Council policies every two years has been implemented.

**Policies with no or minimal changes**

The following Council Policies have recently been reviewed. As part of the review, it was identified there were no/or minimal changes to be made, and therefore the policies are not required to be placed on public display or formally readopted by Council.

<b>Policy Reviewed</b>	<b>Action</b>	<b>New Renewal Date</b>
Staff – Designated Persons disclosing Interests ( <b><u>Attachment 1</u></b> )	New objective and policy wording.	July 2026
Dangerous and Menacing Dogs ( <b><u>Attachment 2</u></b> )	No changes	July 2026
Public Access to Information ( <b><u>Attachment 3</u></b> )	Fixed grammar and added text under: '2. informal request to access information' and 'exemption to access'.	July 2026

**FINANCIAL IMPLICATIONS:**

Nil

**BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

**Objective 6: Community leadership and collaboration.**

Strategy 6.4 Meet legislative and compliance requirements.

## **COMMUNITY ENGAGEMENT:**

01 **Inform** - to provide the public with balanced and objective information to help them understand the problem, alternatives, opportunities and/or solutions.

## **ATTACHMENTS:**

1. Staff Designated Persons Disclosing Interests REVIEWED July 2024 (1) [**8.1.1.1** - 2 pages]
2. Dangerous and menacing dogs [**8.1.1.2** - 6 pages]
3. Policy Access to Information UPDATED JULY 2024 [**8.1.1.3** - 3 pages]

<b>POLICY:</b>	STAFF – DESIGNATED PERSONS DISCLOSING INTERESTS
<b>DATE ADOPTED:</b>	<p>Director Corporate Services &amp; Finance's Report # Policy 3 July 2024 Resolution No. POL2024-</p> <p>Director Corporate Services &amp; Finance's Report #8.2.1 Policy 3 April 2024 Resolution No. POL2024-9</p> <p>Director Corporate Services &amp; Finance Report #8.3.5 Council 17 November 2021 Resolution No: ORD2021-407 Council 2 February 2022 Resolution No: ORD2022-18</p> <p>Director Corporate Services &amp; Finance's Report #1 Policy 6 July 2016 Council 20 July 2016 Minute Book No 12315</p>
<b>ORIGINAL ADOPTION:</b>	<p>Director Corporate Services Report #1 Policy 1 December 2004, Council 8 December 2004 Minute Book No. 9416 (former BCC Policy)</p>
<b>FILE REFERENCE:</b>	11.00002
<b>OBJECTIVE:</b>	<p>This Policy:</p> <ul style="list-style-type: none"> <li>• Allow council to meet its regulatory compliance requirements under clause 4.21 of Council's Code of Conduct.</li> <li>• Identifies and determines positions within Council, the occupants of which are determined to be designated persons for the purposes of clause 4.8 of Council's Code of Conduct.</li> </ul>

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Under clause 4.8 of Council's Code of Conduct, “designated persons” are defined as:

- The general manager
- Other senior staff of the council for the purposes of section 332 of the Local Government Act 1993
- A member of staff who holds a position involving the exercise of council's functions, which in their exercise could give rise to a conflict between a person's duty as a member of staff and the person's private interest.

The following positions within Council's organisation structure are identified as “designated persons”:

1. The General Manager

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2. Other senior staff of the Council as follows:
  - Director Corporate Services and Finance
  - Director Cultural and Community Services
  - Director Engineering Services
  - Director Environmental, Planning and Building Services
3. The following members of staff:
  - Art Gallery Director
  - Manager BMEC
  - Manager Corporate Communications
  - Manager Community Services
  - Manager Corporate Governance
  - Manager Development Assessment
  - Manager Economic Development
  - Manager Environment
  - Manager Events
  - Manager Financial Services
  - Manager Human Resources
  - Manager Information Services
  - Manager Library Services
  - Manager Museums Unit
  - Manager Recreation
  - Manager Strategic Planning
  - Manager Technical Services
  - Manager Tourism and Visitor Services
  - Manager Water and Waste
  - Manager Works
  - Museum Coordinator NMRM
  - Project Management Coordinator
  - Purchasing Compliance Officer

### **Management of Written Returns of Interest**

Councillors and designated persons must lodge a written return of interests in accordance with clause 4.21 of Council's Code of Conduct.

Annual disclosures are due by 30 September each year. First time returns for those newly appointed to a relevant role are due within 3 months of commencement in that role. Updated returns are also required when a person's interests change.

Written returns are considered 'open access information' under the Government Information (Public Access) Act 2009 (GIPA Act) and must be made publicly available on Council's website unless there is an overriding public interest against disclosure.

The General Manager, as Council's principal officer under the GIPA Act, has determined that there is an overriding public interest against disclosing the residential address (home address) and physical signature of designated persons on the website, accordingly, residential address and physical signature of designated persons will be redacted from returns published on the website.

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<b>POLICY:</b>	DANGEROUS AND MENACING DOGS
<b>DATE ADOPTED:</b>	Director Environmental, Planning & Building Services Report #8.2.11 Council 17 November 2021 Resolution Number ORD2020-401
<b>ORIGINAL ADOPTION:</b>	Director Environmental, Planning & Building Services Report # 3 Policy 7 June 2017 Council 21 June 2017 Minute Book No. 12531
<b>FILE REFERENCE:</b>	02.00006
<b>OBJECTIVE:</b>	This policy describes how Council will assess the appropriate regulatory response regarding an alleged dog attack.

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### 1. BACKGROUND

Attack or harassment by dogs can have serious public safety consequences. Councils are required to promptly investigate incidents and settle complaints. Its purpose is to ensure the consistent and accurate application of relevant legislation.

### 2. APPLICATION

This policy applies to the investigation of an alleged dog attack or dog displaying unreasonable aggression in the Bathurst Regional Council local government area.

### 3. LEGISLATIVE FRAMEWORK AND GUIDELINES

The Companion Animals Act 1998 (the Act) and associated regulation provide the legislative framework for the management of dogs and cats in NSW. The Division of Local Government has issued the “*Guidelines for the Exercise of Functions under the Companion Animals Act (2015)*”(guideline) and this policy must be considered in conjunction with these guidelines. As is stated in the guideline section 9.5.1 : “Authorised officers have discretion in the application of dangerous and menacing dog declaration provisions to suit the individual circumstances of incidents to which they are responding. The dominant factor is public interest and the safety of the community”.

Further, Council has adopted an Enforcement Policy which must be given consideration in any enforcement action.

### 4. ASSESSMENT MATRIX

The assessment matrix which is located at Appendix 1 must be completed by the Authorised Officer investigating an alleged dog attack or dog displaying unreasonable aggression. The Authorised Officer must seek endorsement of the completed risk assessment matrix from a supervisor. The risk assessment matrix must be recorded on the appropriate file in Council's records system.

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The risk assessment matrix must be completed based on an unbiased assessment by the Authorised Officer of the available evidence.

The Authorised Officer must then prepare a brief of evidence for review by the Manager Environment (or other senior staff) which includes the completed risk assessment matrix.

Approval to proceed with any regulatory action must be sought from the Director Environmental Planning and Building Services in writing.

### **5. CONSIDERATION OF REPRESENTATIONS IN RESPONSE TO A NOTICE OF INTENTION TO DECLARE A DOG TO BE DANGEROUS OR A NOTICE OF INTENTION TO DECLARE A DOG TO BE MENACING**

The Act requires that Authorised Officers consider all representations made by the owner within 7 days of the issue of a notice of intention.

Representations must be considered by a panel of staff with a demonstrated understanding of the Act and whom have not been directly involved in the investigation. Typically this should include the Director Environmental, Planning & Building Services, a Manager from the Environmental, Planning & Building Services Department and an unbiased staff member.

The Act requires that Council notify the owner within 7 days of making a decision on whether or not to declare the dog dangerous or menacing.

### **6. REVOCATION OF A DANGEROUS OR MENACING DOG DECLARATION**

The Act allows an owner to make an application to Council to revoke a dangerous or menacing dog declaration but not until at least 12 months have passed since the declaration was issued.

An owner may apply to the Local Court to revoke a Dangerous Dog declaration. A menacing dog declaration can only be the subject of an appeal to the Supreme Court.

## APPENDIX 1 – RISK ASSESSMENT MATRIX



Civic Centre:  
158 Russell Street  
Correspondence:  
Private Mail Bag 17  
BATHURST NSW 2795

Telephone 02 6333 6111  
Facsimile 02 6331 7211  
council@bathurst.nsw.gov.au  
www.bathurst.nsw.gov.au

OFFICE USE ONLY

## DOG ATTACK (HUMAN) RISK ASSESSMENT

Section 34 Companion Animals Act 1998

File No: 05.00004 and

CCS No:

## Section 1 Owner/dog details

Owners Name: ..... Dogs Name: .....

Address: .....

Contact Nos: ..... Mobile: ..... Work: ..... Home: .....

CRITERIA	Control		Provocation		Actions of Dog		History		Degree of Injury	
	Forced exit/entry to get to victim	5	No Provocation	3	Mauling/ Multiple Bite	4	Previously declared Menacing/Dangerous	5	Fatality	10
	Straying	4	Instinct/Natural Prey drive	2	Bite (Puncture)	3	Previous reports of aggression	2	Grievous Bodily Harm	8
	Legally Off Leash	3	Provoked	1	Bite (No Puncture)	2	Previous reports of straying	1	Serious Injury	6
	On Leash	2	Unknown	0	Circle or Rush with No Contact	1	No Previous History	0	Injury	4
	On Dog's Property	1							Minor Injury	2
	On Dog's Property - Trespassing	0							No Injury	0
Criteria Score										
Multiplier	1		2		3		4		5	
Total										

NOTE: This table is a guide to assist in the decision making process

TOTAL ASSESSMENT SCORE	
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Assessment Score	Risk Level	Action to be considered unless mitigating circumstances exist
> 65	Unacceptable	Declare the dog dangerous and seek destruction order
40 – 64	High	Declare the dog as a dangerous dog
20 – 40	Medium	Declare the dog as a menacing dog
≤ 20	Low	Nuisance Dog declaration

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Ref: 08.00015/005

Issue Date: 9 May 2018

Review Date: As required

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100 Macquarie Street  
Correspondence:  
Private Mail Bag 17  
BATHURST NSW 2795

Telephone 02 6335 6111  
Fax 02 6335 6112  
Council@bathurst.nsw.gov.au  
www.bathurst.nsw.gov.au

OFFICE USE ONLY

### DOG ATTACK (ANIMAL) RISK ASSESSMENT

Section 34 Companion Animals Act 1998

File No. 05.00004 and

CCS No:

**Section 1 Owner/dog details**

Owner's Name: ..... Dogs Name: .....

Address: .....

Contact Nos: Mobile: ..... Work: ..... Home: .....

CRITERIA	Control		Provocation		Actions of Dog		History		Degree of Injury	
	Forced entry to get to victim	Straying	No Provocation	Instinct/Natural Play drive	Mauling/Multiple Bite	Bite (Puncture)	Previously declared Menacing/Dangerous	Previous reports of aggression	Multiple Fatalities or Serious Injuries	Fatality
Legally Off Leash	5	4	3	2	1	0	1	2	1	2
On Leash	3	3	1	1	1	0	1	2	1	2
On Dog's Property	2	2	0	0	0	0	0	0	0	0
On Dog's Property - Trespassing	1	1	0	0	0	0	0	0	0	0
Criteria Score										5
Multiplier	1	2	3	4	5	6	7	8	9	10
Total										

NOTE: This table is a guide to assist in the decision making process

<b>TOTAL ASSESSMENT SCORE</b>
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Assessment Score	Risk Level	Action to be considered unless mitigating circumstances exist
> 65	Unacceptable	Declare the dog as a dangerous dog and seek destruction order
45 – 64	High	Declare the dog as a dangerous dog
20 – 44	Medium	Declare the dog as a menacing dog
< 20	Low	Nuisance Dog declaration

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Ref: 08.00016604 Issue Date: 9 May 2018 Review Date: As required Page: 1 of 1



Comments:

Date

Officer Name:

Signature:

Date

Comments:

Team Leader Name:

Signature:

Date

Comments:

Manager Name:

Signature:

Term	Definition
Forcible Exiting	Dog escapes from property, whether that is by jumping over, digging under, or pushing through the property
Wandering	Dog is out of its property with no responsible person around
Legally Off Leash	Dog is in an off-leash area with the owner present
On Leash	Dog is on a leash with owner
On Dog's Property	Dog is on its own property
No Provocation	No factors present or identified that may have caused/led to the attack
Instinct/Natural Prey Drive	Factors present that could be considered as instinctive (e.g. chasing a cat, chicken)
Provoked	Factors present or identified that may have caused/led to the attack
Unknown provocation	Not able to be identified/no witnesses to the incident
Mauling or Repeat Lunging	Multiple Puncture wounds/ripping and tearing. Also loss of tissue
Bite (Puncture)	Single bite (in most cases) with puncture wounds
Bite (No Puncture)	Single bite (in most cases) with no puncture wounds
Circle/Rush/No Contact	Dog may not have bitten or may have tried but no contact was made.
Declared Dangerous/Menacing/Restricted Dog	Dog is a Dangerous/Menacing/Restricted Dog at the time of the incident
History of Attacks (Bite)	Council records contain previously reported attacks but not declared
History of Complaints (Major)	Council records contain a large number of previously reported complaints but not attacks (e.g. wandering)
History of Complaints (Minor)	Council records contain a small amount of previously reported complaints of a minor nature (e.g. barking)
No History	No previously reported complaints for the dog
(Human) Fatality	Death of a human
(Human) GBH**	Grievous Bodily Harm
(Human) Actual Bodily Harm* - Admitted to Hospital	Actual Bodily Harm with a stay in hospital
(Human) Actual Bodily Harm* - Medical Treatment	Actual Bodily Harm with Doctor's certificate regarding injuries
(Human) Injury - Medical Treatment	Injuries but no Doctor's certificate or no Doctor seen
(Human) Injury - First Aid Treatment	Injuries with first aid treatment (e.g. bandaids)
(Human) No Treatment	Minor injuries with no treatment
(Human) No Injury	No injury received
(Animal) Fatality	Death of an animal
(Animal) Serious Injury - Vet Treatment Overnight	Serious injury to an animal with Vet certificate, overnight stay required
(Animal) Serious Injury - Vet Treatment	Serious injury to an animal with Vet certificate but overnight stay not required
(Animal) Injury - No Treatment	Injury to animal but no vet treatment
(Animal) No Injury	No injury received
<b>Legal Definitions</b>	
	any hurt or injury calculated to interfere with the health or comfort of the victim, but such hurt or injury need to be permanent but more than merely transient and trifling: R V
*Actual Bodily Harm	<i>Dorwell</i> [1934] 2 KB 498 at 509
**Grievous Bodily Harm	Crimes Act 1960 s4 includes: (a) the destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any other harm, and (b) any permanent or serious disfiguring of the person, and (c) any grievous bodily disease (in which case a reference to the infliction of grievous bodily harm includes a reference to causing a person to contract a grievous bodily disease).

<b>POLICY:</b>	PUBLIC ACCESS TO INFORMATION
<b>DATE ADOPTED:</b>	Director Corporate Services & Finance's Report #XXX Policy 3 July 2024 Resolution No. POL2024 -XXX  Director Corporate Services & Finance's Report #1 Policy 5 December 2012 Council 6 February 2013 Minute Book No. 11477  Director Corporate Services & Finance's Report #2 Policy 7 September 2011 Council 21 September 2011 Minute Book No 11192
<b>ORIGINAL ADOPTION:</b>	Director Corporate Services Report #1 Policy 1 December 2004 Council 8 December 2004 Minute Book No 9416
<b>FILE REFERENCE:</b>	11.00006, 11.00003, 11.00059
<b>OBJECTIVE:</b>	To describe Council's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Agency Information Guide.

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### **Principles**

Council is committed to the following principles regarding public access to information and the processing of requests for information:

- open and transparent government
- proactive disclosure of information
- a presumption in favour of disclosure of information unless there is an overriding public interest against disclosure
- respect for the privacy of individuals.

### **How to Access Information**

Members of the public have the right to request access to the information we hold. We release information under the Government Information (Public Access) Act 2009 (the GIPA Act) and the Government Information (Public Access) Regulation 2009 (the GIPA Regulation).

#### **1. Information that is publicly available**

Council's Agency Information Guide identifies the information that we make publicly available. We review our information periodically to determine if it can be proactively published.

Part 3 of the GIPA Act and Schedule 1 of the GIPA Regulation lists the information that is open access information that is required to be made publicly available.

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This information is progressively published on our website or is made available upon request.

### 2. Informal request to access information

Most requests for information that has not been published on our website, can be satisfied on an informal basis. We will provide access to information, unless there is an overriding public interest against disclosure as defined by section 14 of the GIPA Act.

We do not charge an application fee, however we may charge processing fees for search time, photocopying and written responses in line with Council's Revenue Policy.

Examples of these types of documents include previous versions of financial statements, strategic plans, operational plans, annual reports and the like.

### 3. Formal request to access information

A formal application to access information will be required for information that may be commercially or legally sensitive, personal information or information that is restricted due to security concerns.

An application fee of \$30 is payable and a further charge for processing the application may also apply. We will assess requests for information in line with the GIPA Act and the Privacy and Personal Information Protection Act 1998.

Formal requests will be determined by our Right to Information Officer and a response will be provided within 20 working days. In line with the GIPA Act we may extend the decision time by up to 15 working days, where consultation with a third party is required or we need to retrieve an archived record.

### 4. Requests for information to be in writing

Applications for information can be made by completing our informal or formal application to access information forms, which can be found on our website via our 'access to our information' page or available at the Civic Centre.

### **Exemption To Access**

In considering what information may be restricted Council officers will consider Table 1 of Section 14 of the Government Information (Public Access) Act 2009. Under relevant legislation access to some documents and information held by Council may be restricted if the document or part thereof contains the following types of information:

- Personnel matters concerning particular individuals (other than Councillors);
- The personal hardship of any resident or ratepayer;
- Trade secrets;
- A matter the disclosure of which may:
  - be contrary to law, or
  - give rise to action for breach of confidence;
- That part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA of the Local Government Act 1993; or
- Documents which were submitted to or are to be submitted to a 'Closed Session' of a Council or Committee Meeting (as delivered by S10(2) of the Local Government Act).

Access to some documents may be considered to be contrary to the public interest under the GIPA Act 2009 and may require lodgment of a formal GIPA Application and third party consultation. These documents include:

- Legal advice\*;
- Personnel (individual staff) matters;
- Complaints;
- Individual's details on DA submissions where they claim personal safety issues;
- Council Lease documents;

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- Council Contracts;
- Council Tenders; and
- Insurance claims.

\* Legal professional privilege may apply to communications between Council and its legal advisers for the purpose of obtaining legal advice, or third parties for the purpose of obtaining legal advice relating to pending or threatened legal action by or against Council. If so, it is not normally available to be inspected or copied.

### **Review rights**

If we refuse access to information under a formal application, we will provide details of the reason(s) for refusal in writing. There are 3 options to review our decision:

1. an internal review by a senior person in Council. This request will review the decision to reject or limit the access to information. Applicants have 20 working days from received notice of a decision to ask for this review and has a prescribed GIPA \$40 fee.
2. an external review by the Information Commissioner. If applicants are not satisfied with the internal review, or do not want one, they can apply to the Information Commissioner. Applicants have 40 working days from receiving notice of a decision to ask for this review
3. a review by the NSW Civil and Administrative Tribunal (NCAT). Applicants have 20 days from the date of notification from the Information Commissioner or 40 days from the date of the original decision to ask for this review.

### **Amending Personal Detail Records**

Under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998 and the Health Records and Information Privacy Act (HRIPA) 2002, an individual also has a right to access and amend records held by Council which contain their personal details, matters related to their business affairs and any records containing information about their health. Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under the GIPA Act. The Act provides for consultation with other affected parties prior to disclosure of information concerning their personal or business affairs.

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