



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Corporate & Community Services Group

GATHERING INFORMATION POLICY

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1. PURPOSE

The purpose of this policy is to provide guidance on the minimum requirements for Council information and data so that it is admissible, relevant and of value in the defence of claims against Council.

2. STATEMENT

Council is committed to taking all reasonable actions including the implementation of systems, processes and procedures supporting the collection, recording and storage of information and data that may be used as evidence in defending claims against Council.

This Policy is based on the adoption of the Statewide Mutual Best Practice Manual 'Gathering Information for Incident Management'.

3. PROVISIONS

Courts have standards of admissible evidence which must be met if Council records are to be introduced as evidence. This Policy together with Appendix 1 & 2 to this Policy will assist Council in being able to produce records in any data medium that are complete, concise, accurate and acceptable to a court of law.

In claims against Council, it is often the objective of Council to substantiate that it acted in a manner which was not a breach of its duty of care to the plaintiff. The only source of proof is often the internal records that Council maintains itself of its own activities.

There are 4 broad categories of documents that Council may use as evidence in defending claims:

- Strategic documents – documents that show the allocation of Council resources over the short, medium and long term as well as those that document the decisions made by Council to prioritise risks/ hazards and their management thereof, for example, Community Strategic Plan, Delivery Program, Operational Plan & Budget, Asset Management Plans, Financial Reports, Policies;

- Proactive documents – documents that detail the steps that Council has taken to identify, assess and manage its risks/ hazards, for example, Risk Register, risk assessments, customer requests, inspection and maintenance policies and records, timesheets & diary records;
- Reactive documents – documents created as a result of an incident that detail the nature and circumstances of the incident, for example, investigation reports, witness statements, expert reports, photographs;
- Instructional documents – documents used by personnel to make decisions, for example, manuals, procedures, technical journals, Australian Standards, legislation, guidelines, practice notes.

Council is also required to retain records in accordance with the requirements of the Local Government Act 1993, State Records Act 1998, Privacy & Personal Information Protection Act 1988 and various other Commonwealth and State legislative requirements.

Council maintains a system of control over all documents and data that it produces through its document management system and approved corporate systems.

4. IMPLEMENTATION

This Policy is to be implemented with the following documents adopted from the Statewide Best Practice Manual:

- Incident Recording Flow Chart – Appendix 1
- Information Types & Minimum Data Requirements – Appendix 2

5. RESPONSIBILITIES

The Insurance Unit is committed to assisting groups within Council in implementing suitable processes and procedures for collection, recording and storing of information and data to ensure such information and data is admissible evidence in proceedings against Council.

All Managers have a responsibility to implement appropriate processes and procedures for the collection, recording and storage of information and data and that such information and data is appropriately stored on approved corporate systems.

All employees have a responsibility to use approved corporate systems and processes and procedures to collect, record and store information and data and that the data is complete and accurate.

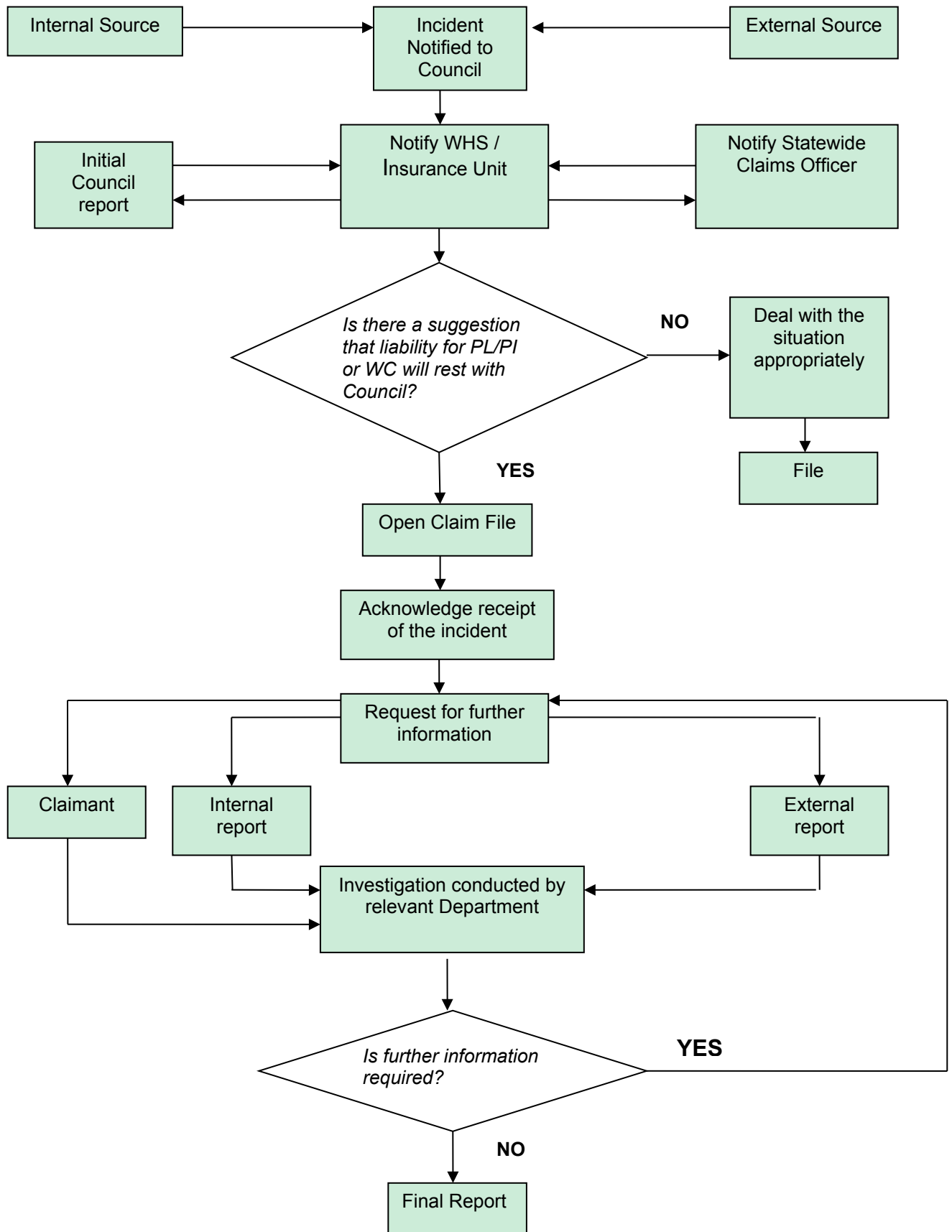
6. REVIEW

This policy will be reviewed by the Corporate and Community Services Group every two years.

7. APPLICATION OF ESD PRINCIPLES

None Applicable

Incident Procedure Chart



APPENDIX 2 - GATHERING INFORMATION CHECKLIST
Minimum Requirement for Documents

No	Information Source	Description	Typical Use	Requirements
1	Works Program	A strategic document that prioritises works, linking timeframe and resources for individual capital works, projects and/or maintenance activities	Used to highlight Council's level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming inaction by Council.	Financial year and date of preparation Version number and date of preparation Council Minute of change (if appropriate)
2	Work or Service Request	A document requesting work to be completed by Council as a result of a potential risk found by an employee or a member of the public	Used to highlight Council's identification of risks program. Could be used to defend a statement claiming inaction by Council.	Date Name of Originator Specific Location Unique Identifier Referred to Priority Action Taken Date Action Taken Name and Signature of person completing action (<i>currently only when physical works carried out</i>)
3	Inspection Record	A pro-forma document used by Council Officers to report on the general condition of the infrastructure and assets of Council	Used to highlight Council's identification of risks program. Could be used to show that Council was there, has inspected and made recommendations including repair, thus able to defend a statement claiming negligence by Council.	Date Name of inspecting officer Signature of inspecting officer Inspecting Officer's position and department Specific location Unique identifier List of recommendations Record recoverable
4	Maintenance Management System	MMS is used for the planning, organising, directing and controlling of maintenance work	Work scheduling can be used to defend a statement claiming inaction by Council. The system can also record the type of maintenance	Daily running sheet available Date Name and signature of originator (<i>this will not appear on this document, it will be linked to the request or inspection record</i>)

			activity performed at any given time and location. This data could be used to defend a statement claiming inaction or negligence .	List of employees in gang Activity Number of employees Work achieved Location Audit trail
5	Environmental Due Diligence Programs	A strategic document, dealing primarily with environmental management issues that prioritises works and sets out a timetable for completion	Used as a defence in the case of a breach under the EOP Act or a third party claiming negligence or inaction by Council.	Date Name of Originator Signature of Originator Endorsed by Council Action plan with timetable for completion
6	Time and Plant Sheets	System of recording and allocating labour and plant costs, primarily for the purpose of payroll and project closing	Useful in verifying the location of staff and resources on a particular day. Can assist in defending a statement claiming negligence by Council.	Date All changes crossed out are to be initialled Signature of employee All relevant data to be completed
7	Diary Entries	Diary entries are often used to record details of the scene of an incident and are regularly the basis of the "Initial Council Report". They can be a source for information – such as weather, times, locations etc as well as staff attendances	Used for evidence of staff attendances and actions taken or not taken. Could be used to defend a statement claiming negligence by Council.	Name Date Department Unique Identifier Black ink (preferable) Photocopy should show book binding Legible writing All entries signed and dated (full date dd/mm/yy) All activities noted
8	Work Practices/Procedures	Written procedures produced by Council used to standardise Council's response to a particular task	Used in verifying that the work undertaken by Council is routine and is performed to a prescribed level of quality. Could be used to defend a statement claiming negligence by Council.	Record recoverable Details of implementation Dates

9	Photographs	Pictures of specific job locations	Used to provide evidence of the physical appearance of a defect or work at a particular point in time. Could be used to defend a statement claiming negligence by Council.	Date taken recorded preferably on the photograph Photographer and signature Claim Number Location and direction facing at location Colour
10	Training Records	A detailed record of the training activities of all members of staff	Used to verify Council's commitment to ensuring that staff are well trained. Could be used to defend a statement claiming negligence by Council.	Name of employee Name of trainer Employer of trainer Date of training Title of course(s) Brief course outline Duration of course Indication of successful completion Any results, certificates, licenses etc.
11	Standards	A predetermined "benchmark" by which results or performance is measured. The "benchmark" can be set either by the particular industry or Council eg Australian Standards	Used to highlight Council's commitment to best practice within its resources. Could be used to defend a statement claiming negligence by Council	Name of standard Citation number of standard Name of issuing standards organisation Date standard approved/implanted Full copy of standard
12	Site Visits	Routine site inspection documented by the inspecting officer, noting conditions found at the site	Used to produce a detailed description of the condition of the site at a given point in time. Could be used to defend a statement claiming negligence and/or inaction by Council.	Date of visit Location, address of site Name of inspector Names of any additional inspectors, escorts, etc. Field notes, photographs, diagrams, all to be dated, signed.
13	Interviews	As a result of a claim a recorded discussion between the relevant Council employees and the interviewing officer	This is used to extract facts which dictate the course of the investigation. Could be used to	Name of interviewer Name of individual being interviewed Job title of staff being interviewed Date of interview

			defend a statement claiming negligence and/or inaction by Council.	Location interview taken Witness to interview Typed format for interview notes
14	Statements	Is a first party testimony of fact	It can be used as a record of an individual's account of the event. Could be used to defend a statement claiming negligence and/or inaction by Council	Name of individual making statement Job title of staff making statement Date of statement Location statement taken Witness to statement Signature (black ink) of person making statement Signature of person taking statement and witness Typed format for statement
15	Annual Budget	A financial statement that details the projected income and expenditure for a financial year. It indicates the amount of financial resources able to be allocated to each function/project of Council	Used to highlight Council's level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming inaction by Council.	Date of report Version of report Financial year of report
16	Drawings or plans	A graphical representation of the work area, work method or location of the incident	Visually shows evidence of the work planned. Shows standards to which the work is to be performed. Could be used to defend a statement claiming professional negligence, inaction or design failure .	Legible format (size) A legend indicating name of draftsman, architect, company etc References to related drawings Total number of drawings in set Index number of drawings Direction of north recorded on the drawing Drawing scale
17	Maps	Defines the exact location of the event	Visually shows the location of the incident. Could be used to defend a statement claiming responsibility for	Date map was made Person/Organisation drafting map (source) Direction of north recorded on the map Scale of map

			an event where Council may not even be liable.	Area depicted by map Legible format
18	Phone Logs	Chronological record of all calls made or received by Council officers	Used as a record of proceedings, conversations, and advice given over the phone. Could be used to defend a statement claiming negligence and/or inaction by Council.	Contained in book with binding Date of call Time of call Name of caller Name of log book user Summary of call Page numbers
19	Medical Reports	Is a written summary from an attending physician summarising the patient's condition	Used to establish the degree of injury and disability and thus challenge general damages .	Name of examining physician Date of examination Reason for examination Type written format Signed by attending physician
20	Loss Adjuster Reports	A written formal independent summary of the facts of the claim	Used to verify the facts. Could be used in the determination of liability or negligence .	Name of loss adjusting firm Name of loss adjuster Claim reference number Date of all inspections Names and dates of all interviews Number pages in report Clear annotations to document, photographs etc
21	Expert Reports	A written summary of certain circumstances of the claim, prepared by a specialist in the field of the incident	Used to verify the specific facts of the incident by an expert with the relevant experience. Could be used to justify action or inaction .	Name of expert CV of expert List of publications by expert Reference Number Signature of expert Date of investigation
22	Weather Reports	A record of the weather conditions that prevailed at a given time and location	Used to verify the conditions at the time of the incident	Date of event Date of inquiry Name of weather service eg Bureau of Meteorology Symbol of authority (letterhead, stamp) Contact telephone number of issuing

				authority
23	E-mails	Record of requests or details made or received by Council officers	Used as a record of proceedings, conversations and advice received by e-mail. Could be used to defend a statement claiming negligence and/or inaction by Council.	Date and time sent Name / email address of person sent from Name / email address of person sent to Name / email address of person copy sent to Subject summary/title Subject Text Details Captured in Server
24	Facsimiles	Record of requests or details made or received by Council Officers	Used as a record of proceedings, conversations and advice received by facsimile. Could be used to defend a statement claiming negligence and/or inaction by Council	Name of person sent to Name of Company (if applicable) Facsimile number sent Total number of pages sent Name of person sent from Date sent Facsimile number sent from Subject summary/title Details
25	Incident Report	Records of incidents recorded in the field, in person or over the telephone	Used as a record of incidents. Could be used to defend a statement claiming negligence and/or inaction by Council	Minimum requirements should comply with the guidelines inserted into the incident report template and in accordance with the type of incident being recorded
26	File Notes	Records of requests, phone calls, meetings or other details made or received by Council	Used as a record of proceedings, conversations and advice received by Council Officer. Could be used to defend a statement claiming negligence and/or inaction by Council	File Number Name of author Date Time Subject summary/title Details If not electronic, legible writing and signed.