Tendered by Suzanne Naden on 21 Oct 2013

LEGISLATIVE ASSEMBLY ENVIRONMENT AND REGULATION COMMITTEE INQUIRY INTO MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LAND INDICATIVE QUESTIONS – DARKINJUNG ABORIGINAL LAND COUNCIL

- 1. What current remedies are available to Darkinjung to manage illegal dumping?
- How successful are they?
- A. Darkinjung LALC to date has conducted major deterrence works in conjunction with the EPA funding that we receive and also at our own expense.

We monitor our properties regularly for illegal access and illegal dumping.

We assess all access points to the property and close these off prior to any removal of waste.

We also monitor dumping piles to assess if it has increased. To date we have been successful in reducing illegal dumping at our targeted high traffic properties.

Deterrence Works are gates with different locking mechanisms, fencing, bollards and cabling, concrete blocks, signage, CCTV cameras, registered Fire Trails and Media Releases.

We have signed Heads of Agreement with key Government agencies for land management and access to our properties.

- 2. Can you outline the costs which Darkinjung incurs in managing its land and how the EPA contribution is calculated?
- A. Expenditure by Darkinjung LALC on land management activities continues to increase as land registers are updated identifying those sites in need of immediate expenditure, by simply addition to the land portfolio and more concerning the increase in illegal dumping and other activities.

For three years to June 2012, Darkinjung expenditure on land management activities totals approximately \$300,000.00 approximately \$175,000.00 was spent within the period of 2011-2012 alone. This expenditure is forecast to grow.

- Has Darkinjung sought additional funding and from whom?
- A. Darkinjung LALC has received EPA funding for the Clean Up and Deterrence of Illegal Dumping on Aboriginal Owned Lands Grant three times in the past four years.

Darkinjung LALC's approach to the funding was to target properties that were listed in the Wyong/Lake Macquarie Bush Fire Management Committee's Risk Management Plan. We also applied a Stage approach to the funding as costs associated with the removal of asbestos were increasing.

Darkinjung LALC has been unique in receiving funding for three properties in a Stage approached for the clean-up and deterrence works funding.

2009/2010 – Tooheys Road Wallarah (three properties) Stage 1

2010/2011 - Tooheys Road Wallarah (three properties) Stage 2

2012/2013 - Wyee Road Doyalson (four properties) Stage 1

2013/2014 - Wyee Road Doyalson (three properties) Stage2

2010/2011 – Funding was received from the Central Coast and Hunter Regional Environmental Committee for deterrence works. \$22,000 funding was received for alternative deterrence works for two properties that was a high traffic area for illegal dumpers and illegal access.

Daily expenditure for any maintenance, monitoring and repairs is at the cost to Darkinjung LALC.

- Are there any other avenues available to Darkinjung to cover the costs of land management?
- A. Darkinjung LALC's only other avenue for revenue to contribute to land management is with formal agreements for the creation of easement, licensing agreements for telecommunication towers, bore water tanks that carries an annual payment.
- 3. Your submission discusses partnerships with government agencies and industry to limit illegal dumping and access to Darkinjung's properties; can you expand on this?
- A. Darkinjung LALC currently has formal agreements with other government agencies that require access to our properties.

The NSW Rural Fire Service is the only agency that receives multiple keys for their teams to access our land for Bush Fire Management and for Fire Trail monitoring and management.

- How effective have Darkinjung's relationships with Gosford and Wyong Councils been in this sense?
- A. Darkinjung LALC has a signed Principles of Cooperation with Wyong Shire Council and Memorandum of Understanding with Gosford City Council. Darkinjung LALC has only worked with Wyong Shire Council regarding the illegal dumping as we have only targeted the Wyong area for clean-up and deterrence works.

Darkinjung LALC working relationship with Gosford City Council is based on the conservation and protection of Aboriginal sites at this time as most of our Aboriginal sites are affected by major development in the GCC LGA.

As mentioned previously the Wyong/Lake Macquarie BFMC Risk Management Plan identified 18 of our properties listed from Low to Extreme, which Darkinjung LALC in partnership with Wyong Shire Council, Crown Lands and NSW Rural Fire Service began to address the land management issues.

Gosford BFMC Risk Management Plan did not list or identify any of Darkinjung LALC properties in their Risk Management Plan.

Darkinjung LALC is a partner with Wyong Shire Council for the grant funding, however Darkinjung LALC project manage the removal and waste disposal.

As a partner we do not received the offer of additional services such as Ranger Patrol or Tipping Fee reductions. There are no additional benefits for Darkinjung LALC to be a partner with Wyong Shire Council for this program.

How could they be strengthened?

The partnerships can be strengthened through greater understanding of each organisations responsibilities and functions and through the development of a more collaborative approach to addressing illegal dumping.

- 4. One of your recommendations is that Local Aboriginal Land Councils be recognised with other government bodies in terms of enforcement laws. Is this to suggest that Darkinjung might benefit from being given the same enforcement powers as local councils?
- In what instances could these powers be put to use?

Darkinjung LALC has researched the possibility of having our own Rangers that would have the ability to spot fine trespassers or illegal dumpers this would provide revenue for Darkinjung ongoing land management.

Currently if trespassers or illegal dumpers are fined either by the NSW Police or Rangers the fines are paid to their agencies and not to Darkinjung LALC.

Local LGAs do not have a volume of Rangers employed to also patrol our lands.

• How would this work, in practice?

Darkinjung actively monitor our properties and often find people on our lands. Under current NSW Policing laws, Police can only follow vehicle/s onto our lands if there are no gates, as Darkinjung continues to conduct deterrence works on our properties our only way to decrease illegal access and dumpers is to have enforcement laws similar to the NSW Police and LGA's have to spot fine.

5. How effective have deterrence works been?

On our targeted properties that have deterrence works we have successfully decreased illegal dumping by 100%. We still have illegal access by motorbikes and 4x4 vehicles; however we have decreased access points as they arise or are damaged.

Have there been any instances where Darkinjung has sought to prosecute offenders,
 or have matters been successfully referred to the NSW Police or EPA?

Darkinjung have installed CCTV's at two joining properties were there is high traffic area for illegal access and dumping. The properties are also part of a major Fire Trail network.

Unfortunately most of the motor bikes or vehicles that enter the property do not have valid registration plates for prosecution.

Illegal dumpers have stopped dumping on these properties due to the deterrence works and are unable to gain access for illegal activity.

We did take photos to the NSW Police of vehicles in one of our properties however it was never followed up by the Police; we did have difficult in progressing any of our information with the police.

6. Do you know whether Darkinjung's experience of illegal dumping is similar to other Land Councils in NSW? Do Darkinjung's proposed solutions have the support of the other Land Councils?

Illegal Dumping is an inherited issue for all Local Aboriginal Land Councils. Illegal Dumping is an existing issue that is transferred over with granted lands under the Lands Claims process.

Some may have excessive illegal dumping materials and some may have a small amount of illegal dumping materials.

Darkinjung LALC recently received significant funding from the Environment Trust,

Office of Environment and Heritage and NSW Rural Fire Service to conduct the Hotspots

Fire Management Program for the Hunter Local Aboriginal Lands Councils.

From this funding Darkinjung LALC also developed a Land Management Training package for Local Aboriginal Land Councils. The training package targeted the daily operations of Darkinjung LALC and specifically land management, fire management, deterrence works, templates for land managements and mapping.

Recently eight Local Aboriginal Land Councils from Central Coast and Lower and Upper Hunter have developed a Sustainable Lands Strategy Initiative.

The Strategy is a Local Aboriginal Land Council initiative for an integrated approach to improved land management, at a State level through better cooperation between the Aboriginal community and key Government Departments.

Darkinjung LALC is the leader in the development of the initiative and the strategy.

Tendered by Brett Richardson on 21 Oct 13



Domestic Squalor and Hoarding Policy

Sutherland Shire Council

Document review and approval

This document has been approved by

e Name	Minute No	Date approved
1 Finance, & Management Committee – FIN097-07	458	31 January, 2011
(DMC116-11)		,, ,
2	1,1,1	

Revision history

Version	Author	Date	Revision
1	Manager Community Services	18 January, 2011	Original Version
2	Manager Communities	24 February, 2012	Annual Review conducted, no changes necessary
3	Manager Communities	25 February, 2013	Annual Review conducted, minor changes made, including updating names of sections of council;

Policy statement

Sutherland Shire Council implements a staged process to assess, manage, refer and finalise Domestic Squalor and Hoarding issues. In the majority of cases of domestic squalor and hoarding, Council will not undertake direct service provision. Council will only become involved in the direct resolution of domestic squalor and hoarding cases in extraordinary circumstances and will assist in finalising long term and/or complex, squalor/hoarding issues.

Rationale

The Local Government Act, 1993 and the Protection of the Environment Operations Act 1997, prescribe the remedies that Council can apply when a property is found to be in squalor. Sutherland Shire Council officers may intervene if land or premises are not kept in a safe and healthy condition.

In all reports referred to Council, involvement in the process of managing domestic squalor and hoarding issues will be at the discretion of the General Manager of Sutherland Shire Council.

Framework

Council will respond to Domestic Squalor and Hoarding using a three stage process determined according to the capacity of the resident to respond to the issue and the resources available to address the matter.

The staged process may involve a number of Council Units and community and government organisations.

Definitions

Domestic Squalor is extreme household uncleanliness usually characterised by an accumulation of material which has led to the living environment being unclean, unsanitary or dangerous.

Hoarding is an excessive accumulation of possessions or animals in a more systematic way. Hoarding can lead to the living environment becoming unclean or dangerous (eg; fire risk).

Household Neglect is the failure to remove household waste and other rubbish including papers, wrapping, food, cooking waste, containers and discarded household items. This differs from domestic squalor in that it has not reached a point where health concerns have resulted.

Forensic Cleaning is the cleansing of a property by qualified professionals where the scene is highly toxic and contaminated.

Industrial Cleaning is the cleansing of a property where the property is not considered toxic, however heavy duty equipment and chemicals will be required to clean effectively.

Capacity refers to an individual's ability to make decisions about things that affect daily life.

Indicators

When a referral to Council, relating to Domestic Squalor and Hoarding matter arises, the following key indicators may assist Council officers in determining the nature of the issue.

- Accumulation of unnecessary items such as newspapers
- Evidence of neglect and excessive numbers of animals at the property
- Overgrown gardens
- General uncleanliness and unsanitary condition inside the house
- Infestation of the premises by vermin or insects
- A strong smell of ammonia

Contributing factors

Domestic Squalor and Hoarding can affect people of all ages and backgrounds and can be triggered by

- Physical and/or mental health issues
- Poor Living skills

Life experiences eg recent trauma; loss, disadvantage There is no specific reason why residents experience this disorder.

Consequences

Domestic Squalor and Hoarding matters have consequences that impact individuals and the community including:

- Family and support network impacts disengagement with the community,
 removal of dependent children and/or removal of animals from the property
- Neighbours impacts conflict, injury, illness and bio hazard contamination
- Eviction and possible homelessness
- Financial impacts local area property values

When there is no intervention in a Domestic Squalor and Hoarding matter it is likely that the situation may escalate increasing the potential for illness, falls, impact injuries and death may result.

Guidelines for the Management of Domestic Squalor and Hoarding

Referral

Domestic Squalor and Hoarding referrals may come from a range of sources including, Council employees, Councillors, members of the public, government departments and non government organisations.

The following Guidelines have been developed to effectively refer matters to Units within Council and to external agencies. The Guidelines include processes from the point of initial referral from internal and external customers to Council's Environment & Health Regulation Unit, Environmental & Building Compliance Unit, Environmental Protection and Regulation Unit, (EHR, EBC, EPR) Units and then, through a three stage process undertaken by the Communities Unit.

The Guidelines will inform the following Council Units and external agencies:

- EHR, EBC, EPR Units
 Environment & Health Regulation Unit
 Environmental & Building Compliance Unit,
 Environmental Protection and Regulation Unit
- 2. Communities Unit
- 3. External agencies e.g.; community organisations and government departments

Guidelines for initial referral of Domestic Squalor and Hoarding matters to:

Environment & Health Regulation Unit (EHR), Environmental & Building Compliance Unit, (EBC) Environmental Protection and Regulation Unit (EPR)

- 1. A CRMS is generated, providing basic details of Domestic Squalor and Hoarding concern, including address of property.
- The CRMS is referred to the relevant Council Unit (EHR, EBC,EPR),
 EPR may be required to issue orders to cleanse a property and surrounds or remove pets

EBC may be required to issue orders to ensure a residence is repaired to ensure safety

EHR may be required to investigate a neighbour complaint.

- 3. Required action is taken by the Unit i.e. issuing orders.
- If the issue has not been resolved within the standard response time required in the Orders issued by the abovementioned Units, in the time required to meet the CRMS reporting requirement for the matter,

or

it is clear that the resident involved has little or no capacity to effect change, the Unit responsible for initial action is required to complete the DOMESTIC SQUALOR AND HOARDING REFERRAL AND INVENTORY FORM - COMMUNITIES UNIT (ATT:1) and refer the matter to the Communities Unit.

- 5. This form is to be attached to the existing CRMS together with relevant information regarding history and extraordinary circumstances.
- The referring Council officer will also include scanned note book entries using,
 Council's standard procedures for note taking and include scanned photographs as attachments to the CRMS.
- 7. The CRMS, including all the information about the matter, should be forwarded to Manager Communities Unit
- 8. The Manager Communities Unit will determine the next course of action for the matter.

REFERRAL TO COMMUNITIES UNIT

Using the Domestic Squalor and Hoarding Referral Form

The DOMESTIC SQUALOR AND HOARDING REFERRAL AND INVENTORY FORM- COMMUNITIES UNIT (ATT: 1) is only to be completed following a site visit by:

Environment & Health Regulation Unit, Environmental & Building Compliance Unit, Environmental Protection and Regulation Unit, (EHR, EBC, EPR) Units.

IF YOU HAVE SERIOUS CONCERNS FOR THE SAFETY OF ANY INDIVIDUAL

Call 000 AT ANY TIME FAST ACTION CAN SAVE LIVES

The aim of the Communities Unit in accepting any referral is to achieve the long term management and resolution of Domestic Squalor and Hoarding matters in a timely fashion. Referrals to the Communities Unit follow a three stage process. The stages are outlined below.

STAGE ONE: Referring Domestic Squalor and Hoarding matters to the Communities Unit

Following receipt of the completed DOMESTIC SQUALOR AND HOARDING REFERRAL AND INVENTORY FORM - COMMUNITIES UNIT (ATT:1) the Manager - Communities Unit will conduct the following basic searches and enquiries.

- 1. Current notices served on the individual or on the property
- 2. History of contact with NSW Police, Miranda or Sutherland Local area Command
- 3. History of previous complaints/concerns relating to the property and the resident as documented on CRMS
- 4. Identified Work Health and Safety issues including bio hazard risks.
- Possible contacts for next of Kin
- Current or previous engagement with NSW Department of Health, Mental Health or Aged Care Assessment Team, NSW Department of Human Services, Ageing Disability and Home Care (ADHC), NSW Department of

- Human Services Community Services, Office of the Public Guardian, Commission for Children and Young People or other statutory body.
- 7. The resident's previous correspondence or interaction with Council.
- 8. Where the resident's General Practitioner is known, the Unit will endeavour to contact the General Practitioner or other health care professional using the LETTER TO GENERAL PRACTITIONER SEEKING SUPPORT AND ASSISTANCE OF RELATIVES (ATT:2).

Completed searches and enquiries will be attached to the original CRMS.

The level of complexity of the case and availability of external support agencies will determine whether the matter will be referred to:

- STAGE TWO, an external case management support organisation listed in the online Sutherland Shire Council Community Directory or referred to
- STAGE THREE, a Council Community Services Officer.

STAGE TWO: Referring Domestic Squalor and Hoarding reports to external organisations

- The Manager Communities Unit will confirm that an external organisation will accept the management of the Domestic Squalor and Hoarding matter.
- 2. The existing CRMS will be finalised noting the contact details and organisation to which the matter was referred, the service to be provided to the resident; and the outcome of the action.

STAGE THREE: Domestic Squalor and Hoarding reports supported by Communities Unit

The Manager – Communities Unit will allocate a Communities Unit Officers to undertake the following:

- Attempt to contact the resident directly and determine the residents agreement to receive Council's support to change their current circumstances.
- 2. Arrange any support required by additional Council officers or emergency services (Police, Fire, and Ambulance) in a timely manner and in accordance with any MOU's established.

- Determine any issues that relate to provision of consent taking note of issues relating to capacity of resident to make informed decisions independently.
- 4. If capacity can be confirmed, provide an ASSISTANCE CONSENT FORM (ATT: 3) to the resident, and obtain the signature.
- 5. Using the ASSISTANCE CONSENT FORM, (ATT: 3) liaise with the resident to determine a method of management, including removal of materials, cleansing the property and appropriate referral to support organisations to conduct long term management of the issue.
- 6. Where capacity is limited and consent can not be obtained, attempt to determine if a next of kin can provide support, or as a last resort, investigate NSW Guardianship Tribunal options.
- 7. If it is determined that the resident has capacity and will not accept assistance from Council, refer the matter back to EHR, EBC, EPR Units to progress the matter.

In taking any action regarding the long term management of Domestic Squalor and Hoarding reports, all Council officers must be aware of and implement the following:

Privacy Considerations

Privacy considerations will be addressed in accordance with the *Sutherland Shire* Council Privacy Management Plan and the State Government of NSW 1998, Privacy and Personal Information Protection Act.

REFERENCES

- 1. Northern Sydney Severe Domestic Squalor Working Party 2005, *Dealing with Domestic Squalor in Northern Sydney, Information Pack, First Edition*, North Sydney Council.
- 2. NSW 2002, Health Records Information Privacy Act.
- 3. Snowdon J., Shah A., & Halliday G, 2008, *Environmental Cleanliness and Clutter Scale, in, Severe Domestic Squalor In, Review in International Psychogeriatrics*, www.journals.cambridge.org/jid
- 4. State Government of NSW 1993, Local Government Act.
- 5. State Government of NSW, 1998, Protection of The Environment Operations Act.
- 6. State Government of NSW, 1998, *Privacy and Personal Information Protection Act*.
- 7. State of NSW 2008, Attorney General's Department Capacity Toolkit.
- 8. State of NSW 2007, Department of Ageing Disability and Home Care Partnership Against Homelessness.
- 9. Sutherland Shire Council, Privacy Management Plan.
- 10. Sutherland Shire Council online Community Directory.

ATTACHMENTS

- Attachment 1: Domestic Squalor and Hoarding Referral and Inventory Form –
 Communities Unit
- Attachment 2: Letter to General Practitioner seeking support and assistance of relatives
- Attachment 3: Assistance Consent Form

ASSISTANCE CONSENT FORM

I provide my permission of Sutherland Shire Council to provide services that will assist me to effectively manaring current living situation in a healthy and safe manner. I acknowledge that the assistance may result in Council staff sharing my personal and health information with others, in accordance with relevant legislation. I acknowledge and agree the council officers will only share information in relation to factors that directly impact the management of my current living situation. I am free to withdraw my consent at a time by verbal or written notification.	ge nis on nat he
☐ I have read and understood this Consent Form and agree with its contents;	
or	
The information in this Consent Form has been explained to me I (name)and I understand and agree with its contents.	эу
(Please tick one box above)	
Name of Resident	
Signature of Resident:	
Date :	
To be completed if the resident does not speak English	
I (name) translated the above information to	
(name of resident) who indicated to m that they understood and agreed with the contents of this Consent Form.	е
Print Name of Translator	
Signature of Translator	
Signature of Resident	
Date:	
Office Use Only: Sutherland Shire Council Community Services Officers Name (Please Print) CRMS Number.	
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DOMESTIC SQUALOUR AND HOARDING REFERRAL AND INVENTORY FORM-COMMUNITY SERVICES UNIT

Please complete this Form and Inventory and attach to CRMS to be directed to Manager-

Community Services Unit attaching relevant history. Date of referral / / 201.../ Name of officer making the referral _____ Council Unit: EHR, EBC, EPR (Please circle) Position in organisation: Email: Phone: (W) Phone: (M) ADDRESS OF PROPERTY E View Property Number: _____ No: _____ Street: ____ Name of Resident: _____ Phone: Approximate age of resident: Y N Does the resident own the property? (Please Circle) If no, Name and Address of property owner (Available on E View) No: ____Street: ____Suburb: ___ Phone: Rates Arrears: Y N (Please circle) Amount Outstanding \$ Does the resident? Yes/ No Appear to neglect personal hygiene Appear unwell (skin abrasions, coughing etc) Have capacity in relation to decision making Indicate they are unable to rectify situation Provide consent (written), to accept support services Other comments/observations: (Please see over for detailed Inventory observation checklist)

		Please mark √ in
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	e of house	appropriate box Any other comments
Accessionity/Appearance External	Significant Overgrown Vegetation	
	Moderate difficulty entering the house or accessing property	
	Rusted or disconnected drain pipes	
	Eves Sagging	
	Broken Windows	
	Rooms or house inaccessible or property impossible to enter safely	
Odour	Slight unpleasant smell	
	Moderate unpleasant smell	
	Unable to spend any length of time in or close to the house or close to the house due to smell	
Utilities	Functioning Electricity/Telephone	
	Running Water	
Floor/Carpet	Some rubbish food stains/filth covering the floor	
	Moderate amount of rubbish, food stains, filth covering floor	
	Thick covering of newspaper, cardboard, discarded packaging and stains on floor	
Walls	Some filth, nicotine, stains and grime, graffiti covering some walls	
	Moderate filth, nicotine stains and grime graffit covering most walls	
	All walls covered with filth, nicotine stains, graffiti and grime	
Furniture	Short of necessary items (couch, bed)	
	Missing essential items (fridge, stove, bed)	
	No essential furniture	
Kitchen	Some unwashed crockery and benches left for several days	
	Most crockery unwashed and benches unwiped for some time	
	Full of unwashed crockery, mouldy scraps evident, benches not wiped	
Food	Some food left exposed, (See food Safety Standards 2009)	
	Food with significant odour or evidence of deterioration present	
	Unacceptable amount of significantly degraded food within the property	
Bathroom/Toilet	Blocked or non-working sewerage system	
Disposal of Excreta	Excreta noted in the house on walls or floors and outside property in significant quantities, Animal or human (Specify)	
Clutter	Some cluttering of living space	
	Moderate amount of clutter starting to effect the safe use of living space	
	- Bags and boxes markedly reduce living space	
Vermin/Animals	Evidence of vermin present	
	Evidence of insect infestation (fleas, cockroaches, mites)	
	High numbers of animals in overcrowded settings	
From Snowdon, J.Shah.	A. & Haliday G. 2008 Environmental Cleanlinese and Clutter Scale in Savare Domostic Scilotaria Listandia.	

From Snowdon, J.Shah, A.,& Haliday G.,2008 Environmental Cleanliness and Clutter Scale, in Severe Domestic Squalor in Review in International Psychogeriatrics, www.journas, Cambridge.org/jid (Accessed August 2010.)

LETTER TO GENERAL PRACTITIONER SEEKING SUPPORT AND ASSISTANCE OF RELATIVES

N.B. A letter should only be used by a Council Community Services officer following approval from the Manager - Community Services.

File Ref: CMS/07/828788
Date: «Title» «GP's_Name» «Last_Name» «Company» «Address» «Suburb» «Postcode» «State»
Dear, Re: (Name and address of resident involved in Domestic Squalor/Hoarding) File Ref:
Council has been made aware of a Squalor/Hoarding concern
Council is extremely concerned for the health and welfare of Mr/Mswho is living in circumstances that are likely to cause significant risk to him/herself.
Should you be in contact with
Should you have contact details for a relative or next of Kin, I request that you inform hem of Council's concerns and seek their assistance in addressing this situation by providing a copy of this letter and asking them to contact:
Fitle:Name:Phone:email:
Should you have any further queries please contact Vame: Ph:
hank you for your assistance.
ours faithfully.

David Ackroyd Manager Community Services for JW Rayner General Manager Sutherland Shire Council