

## 3.22 Gathering Information

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POLICY TITLE: GATHERING INFORMATION

FILE REF: SC228

REVIEW DATE: FEBRUARY 2027

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### OBJECTIVE

The purpose of this policy is to formulate a systematic approach for collection and retrieval of accurate, relevant information, necessary to protect Council in the defence of public liability and professional indemnity claims and ensure that it constitutes admissible evidence, and that Council has acted in a manner which has fulfilled its duty of care to the public.

Council has prepared a set of procedures based on current Best Practice to assist with this and protect Council's financial position through risk management. The objectives of these procedures are to: -

- Ensure that data recorded on relevant documentation used by Council satisfies the minimum data required under current Best Practice.
- Implement a flowchart that represents a systematic approach to the steps involved in Council's incident reporting procedure.
- Establish a list of all internal and external documentation that may be used in the information gathering process and for the preparation of reports.
- To give Council an effective system, implementing a clear audit trail for investigators to follow as they attempt to reconstruct Council's response to a particular event or activity.
- To assist Council with an effective tool to discourage potential claimants from seeking redress in the courts.

### POLICY STATEMENT

Lockhart Shire Council is committed to adopting procedures for gathering and documenting information and developing information systems. This policy provides the minimum data standards for the gathering of information. It is aimed at reducing the information supplied by Council to its lawyers that would otherwise be inadmissible or of little value in the defence of a potential claim.

Council officers will comply with the Best Practice Manual – 'Gathering Information' (issued by Statewide Mutual) and will have a simple systematic and readily useable system for hazard and incident reporting, investigation and remediation. Council and staff will:

- Ensure accurate and systematic recording of relevant data and information; and
- Comply with the minimum data standards for the gathering of information as contained in this policy.

The checklist should be used to ensure that all the appropriate data is gathered and contains the appropriate information. Relevant information must be appropriately recorded in Council's Electronic Document and Records Management System, Content Manager, and in accordance with the State Records Act 1998. Council will, within its budgetary constraints and using existing information systems available, endeavour to ensure accurate and systematic information is gathered.

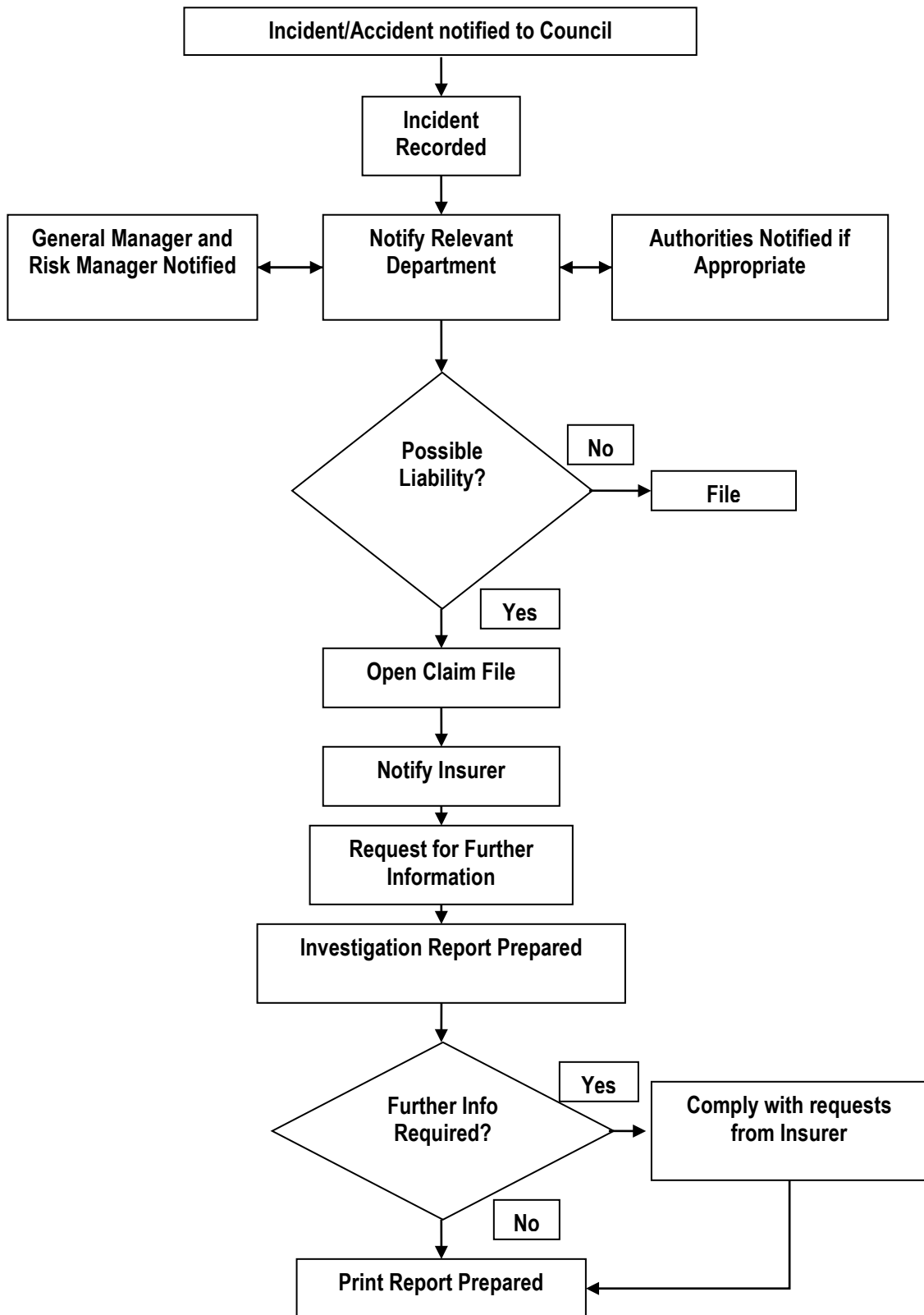
### RELATED DOCUMENTATION

Attached as follows:

1. Appendix A: Incident Procedure Flowchart
2. Appendix B: Minimum Data required to be recorded.
3. Appendix C: Information Gathering Checklist

APPENDIX A

INCIDENT PROCEDURE FLOWCHART



## APPENDIX B

MINIMUM DATA REQUIRED TO BE RECORDED

The following attachment is a table representing the minimum data that should be recorded on various types of information, both internally and externally, that is gathered to defend an action in court. This data is believed to be the minimum data that appears on all records, plans, notes or statements. Adopting this minimum set of data will assist Council, Insurers and their defence lawyers.

The need for Council to collect and retrieve accurate information is critical in the defence of a Public Liability Claim. A well organised, comprehensive, and well documented work management system is required. Before this can happen, Council needs to ensure all sources of information used to make decisions are useful.

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. Action Request (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 programme. Could be used to defend a statement claiming inaction by Council.	Date Name of originator Specific location Unique identifier Referred to Priority ( <i>currently being developed</i> ) 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 programme. 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 ( <i>currently based on date of repair</i> ) Recoverable List of recommendations
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 activity performed at any given time and location. This data could be used to defend a statement claiming inaction or negligence.	Daily running sheet recoverable 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> ) List of employees in gang Activity Number of employees Work achieved Location Audit trail
5. Environmental Due Diligence Programmes	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 Protection of the Environment Operations Act (POEO Act) or a third party action 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 costing.	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 initialed Signature of employee All relevant data to be completed

### 3.22 Gathering Information (cont'd)

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
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.	Recoverable Details of implementation Dates
9. Photographs	Pictures of specific locations or job.	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 35 mm
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 claim of negligence.	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/ Specifications	A predetermined "benchmark" by which results or performance is measured. The "benchmark" can be set either by the particular industry or Council.	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/implemented 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 fact which dictates the course of the investigation. Could be used to defend a statement claiming negligence and/or inaction by Council.	Name of interviewer Name of individual being interviewed Job title of staff being interviewed Date of interview Time of interview 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 Time of statement Location statement taken Witness to statement Signature (black pen) of person making statement Signature of person taking statement and witness Typed format for statement

### 3.22 Gathering Information (cont'd)

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
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 Date of Adoption or Budget Review
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. Reference to related drawings Total number of drawings in set Index number of drawing Direction of north recorded on drawing Drawing scale Date of drawing or plan
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 an event where Council may not even be liable.	Date map was made Person/organisation drafting map (source) Direction of north recorded on map Scale of map Area depicted by map Legible format
18. Phone logs	Chronological record of 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 (manual) Name of log book user (manual) Page numbers (manual) Date of call (manual & TRIM) Time of call (manual & TRIM) Name of caller (manual & TRIM) Summary of call (manual & TRIM)
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 punitive 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 and negligence.	Name of loss adjusting firm Name of loss adjuster Claim reference number Date of all inspections Names and dates of all interviews Numbered pages in report Clear annotations to document, photographs, etc.
21. Expert reports	A written formal 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 Symbol of authority (letterhead, stamp) Contact telephone number of issuing authority
23. E-mails	Records 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 of person sent from Name of person sent to Name of person copy sent to Subject summary/title Details

### 3.22 Gathering Information (cont'd)

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS
24. Facsimiles	Records 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 to Total number of pages sent Name of person sent from Date sent: Facsimile number sent from Contact Council telephone number 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 front cover of each incident report book and in accordance with the type of incident being recorded.
26. File Notes /Memos	Records of requests, phone calls, informal meetings or other details made or received by Council Officers.	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 person composing note: Date: Time: Subject summary/title: Details: Signature (black pen) and date (full date dd/mm/yy) Legible writing or typed on standard form template  *signed file notes must be scanned into TRIM for signature storage
27. Council Policies	Is a formally written general statement of the governing body (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.	Date adopted Minute number File number Title Responsible Office Background Objective Principles Policy Statement
28. Management Directives	Is formally written and refers to a staff related matter, on the day-to-day administration of the 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.	Date adopted File number Title Responsible Office Background Objective Principles Statement

### 3.22 Gathering Information (cont'd)

#### ATTACHMENT B

#### INFORMATION GATHERING CHECKLIST

The attached checklist can be used to ensure that all the appropriate information has been gathered at the scene of an incident.

INFORMATION	SPECIFIC REQUIREMENTS
Photographs – There may be only one chance to gain photographs at the scene of the incident. Remember, there can never be too many photographs.	(a) Total working area from all points of the compass. (b) Examples of the environmental conditions including rivers, drains, approaches, verges, vegetation, shadows, etc. (c) Close ups of all the damaged area, property, approaches, road conditions, any other factors, etc. (d) Ensure that the photographs of close ups have a size reference point e.g. ruler or pen. (e) Warning signs and general signs positioned by Council. (f) The damaged property from all angles.
Description of scene	Record as accurately as possible each photograph that has been taken. Also add a brief description of the scene. This will help to paint the overall picture.
Time	Day, Month, Year and Time in 24 hour clock, e.g. 6:00am is 0600 hours while 6:00pm is 1800 hours, i.e. no confusion.
Weather conditions	Record as accurately as possible the weather conditions. Include wind direction, wet or dry, light or dark, fog or no fog, ice or snow, etc.
Measurements – These can be useful to determine the actual facts of the situation e.g. “the one that got away”	Record all measurements as accurately as possible. These may include heights, lengths or widths of objects, obstructions, holes, etc.
Description of damage	Record as accurately as possible the type, nature and extent of the damage.
Property involved	Itemize all the property that has been damaged. This includes both third party property and Council property.
Registration numbers	Record the registration numbers of all vehicles involved in the incident whether damaged or not. Also include their exact location.
Description of any injuries  This is only an indication. Council staff are not medically trained nor are they expected to be involved with the treatment of any injuries.	Record the type of injuries people have received: (a) Minor – walked away from the scene. (b) Moderate – required medical attention. (c) Severe – was transported away from the scene by ambulance. (d) Unknown.
Witness	If possible, record the name and address of any witnesses.
Statements made by third party	Record any statements uttered by third parties.
Council employees	Name of all employees working within the area of the incident.
Type of work	Record the actual activity being undertaken by Council at the time of the incident.
Police	Record the name and station of any Police in attendance.
SafeWork NSW	Record the name and region of any SafeWork NSW Inspectors in attendance.
Signs	Record the place of erection, the day of erection, the day of last inspection, etc. of all general and warning signs displayed by Council. Record any other signs in the area that may have been erected by other authorities.

*Adopted by Council – 19 February 2024  
Refer Minute No. 26/24*

*Adopted by Council – 15 February 2021  
Refer Minute No. 17/21*

*Adopted by Council – 21 September 2009  
Refer Minute No. 282/09*