

BUSHCARE LEGISLATION

Appendix A

Legislation

City of Canada Bay Council has the following statutory obligations that staff and volunteers must conform to. The following is a brief outline of the relevant Acts.

Environmental Planning and Assessment Act 1979

The objects of this Act are:

To encourage the proper management, development and conservation of natural and manmade resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.

To encourage the protection of the environment.

Within this Act, State Environmental Planning Policies are implemented.

SEPP 19 (State Environmental Planning Policies Number 19)

Objectives are: To protect and preserve bushland within the urban areas because of:

- Its value to the community as part of natural heritage;
- It's aesthetic value; and
- Its value as a recreational and scientific resource.

National Parks and Wildlife Act 1974

The objectives of this Act are as follows:

- The conservation of wildlife;
- The prohibition of any works adversely affecting the natural condition of the park; and
- The preservation of historical or Aboriginal sites in the park.

Threatened Species Conservation Act 1995

The objectives of this Act are:

- To conserve biological diversity and promote ecologically sustainable development;
- To prevent extinction and promote recovery of threatened species, populations and ecological communities;
- To protect the critical habitat of those threatened species, populations and ecological communities that are endangered;
- To eliminate or manage processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities;
- To ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed; and
- To encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.

Occupational Health and Safety Act (1983)

Aims to ensure the health, safety and welfare of people at work. Employers must ensure the health, safety and welfare of their employees. Employees must take reasonable care of the health and safety of others. Employees must co-operate with employers in their effort to comply with Occupational Health and Safety requirements.

The Occupational Health and Safety Act (1983) requires Council to consider the health, safety and welfare of staff or voluntary personnel carrying out Council approved bushland management activities. In accordance with the Act, Council has a duty of care for its community volunteers. Council must ensure that the requirements of the Occupational Health and Safety Act are met for volunteers.

Pesticides Act 1978

It is illegal to possess, sell or supply a pesticide in an unregistered container or in a container without a registered label.

The pesticide label is a legally binding document and it is illegal to detach, alter, deface, obliterate or destroy the label on a container of pesticides or to affix other labels.

It is the legal responsibility of the user of the pesticide to read or have read to him or her all the details and instructions contained on the label and, as may be appropriate, to implement them.

Under the pesticides act a person shall not do anything to cause risk or injury by a pesticide to himself or another, or damage by a pesticide to the property of another.

Soil Conservation Act 1938

Any act or thing done or is proposed that is likely to cause soil erosion or land degradation is in breach of this act. This includes the failure to act on land degradation.

Protection of the Environment Operations Act 1997 Part 5.3 (Water Pollution)

A person shall not pollute any waters. A person shall be deemed to pollute waters if a person places any matter (solid, liquid or gaseous) in a position where falls (or is likely to), descends or is washed, is blown or percolates into waterways.

Privacy and Personal Information Protection Act 1998

Personal Information Held by Council

The intended recipients of the personal information are:

- Officers within the Council;
- Contractors employed by Council for the specific purpose of implementing the Bushcare Program eg. Contract Bush Regeneration supervisors; and
- Data service providers engaged by Council from time to time.

If a volunteer cannot provide, or does not wish to provide the information sought, Council may choose to decline their application to join the Bushcare Program.

Council is collecting this information in order to facilitate the running of the volunteer program, and to ensure that legislative requirements (such as our 'Duty of Care') are complied with. The type of information sought is seen as being reasonably necessary for the exercise of these functions.

You may make application for access or amendment to personal information held. You may also make a request that Council suppress your personal information from a public register if your safety or well being is being affected. Council will consider any such application in accordance with the Act.

Council is to be regarded as the agency that holds the information.

Enquires concerning this matter can be addressed to the Privacy Contact Officer at City of Canada Bay Council.

These statutes, policies and plans collectively require Council to manage bushland responsibly and professionally ensuring that the best current conservation practices are being implemented in all bushland sites under Council's care, control and management.