

Council Policy



two ways :: one outcome

Title	Intentional Damage to Council Assets Policy	P74	
Type	Council Policy		
Document Owner	CEO		
Approval Date	29 July 2020	Review Date	30 January 2023
MaGiQ Document ID	438997	Council Resolution Number	OC085/2020

PURPOSE

Several Local Authorities and Council have experienced cases where money has been allocated and spent to upgrade facilities on a community and then have the facility intentionally damaged within a short time frame.

The intent of this policy is to set the direction for cases where community facilities have been intentionally damaged

SCOPE

Applies to all or any damage done to Council assets or facilities upgraded or built using Council or Local Authority funding, within the Central Desert Regional Council area.

LEGISLATION AND REFERENCE

Local Government Act, 2019

Local Government (Accounting) Regulations 2014

DEFINITION AND TERMS

Facility – an asset on a community, which was funded by Council or a Local Authority. Examples are buildings, sporting grounds and recreational halls

Intentional damage – vandalism, destruction of property, misuse of equipment or assets

Short time frame – within six months

POLICY STATEMENT

Council response to Intentional Damage

If damage is found to be intentional, either on review of a damage report, or through Council officers inspecting our property; then it will immediately be reported to the Police with the intention to pursue charges. A report will also be made to the CEO or Director.

Possible Cases

There are two paths forward or possible cases under this policy.

Council Policy

- (a) Where an offender is identified
- (b) Where an offender cannot be identified

When an offender is identified

A restorative justice approach will be used, with victim offender conferences convened by the CEO or delegate. That team will be led by a person trained in restorative justice.

The aim will be to seek collaborative resolution, to “make things right” and may include repair to relationships, an apology to the community, and restitution for harm caused to Council.

- Once charged, if the offender is a youth and that youth is eligible for a diversion program, the Council will invite the youth to a victim offender conference. Should the Victim Offender Conference be satisfied the person is likely to benefit from a Community Work Order then a Community Work Order can be included in the diversion program for the youth; or
- If the offender is an adult, and Council decides that the person has admitted to the crime, the damage is minor, and the offender shows remorse; the Council may make a recommendation in a Victim Impact Statement for a Community Work Order as the most appropriate sentencing option.

When an offender is not identified

In this case, a traditional owner or person of cultural authority, will be asked to discuss with the matter with community.

Council will seek a commitment from the community that Council assets will be respected.

The community will be advised that the facility or asset will not be repaired for six months and then subject to available funding.

REVIEW HISTORY

Date	Details
31/01/18	Adopted at OCM OC019/2018
29/07/20	Reviewed and adopted by Council OC085/2020