

**9.8 Draft Charity Clothing Bin Policy**

---

**EXECUTIVE SUMMARY**

---

**Purpose**

To report on the community consultation and review undertaken in relation to a proposal to ban Charity Clothing Bins in Warringah and resolve to place a new Draft Charity Clothing Bin Policy on public exhibition.

**Summary**

Council has no current policy or operational guidelines in place for the management of charity clothing bins in Warringah.

As a result of a resolution by Council in April 2010 a public exhibition period was undertaken in June 2010 to gauge community support for a new policy which would require removal of all charity clothing bins from public land. The proposal to remove charity clothing bins from public land was in response to a number of dumping incidents.

The responses received to the public exhibition highlighted that charity clothing bins help provide funding for vital charity work in our community as well as being an asset to environmental management by assisting in the recycling of unwanted clothing and goods.

The results of the public exhibition showed that provided the clothing bins are run by legitimate charities, which abide by a code of practice produced by National Association of Charitable Recycling Organisations (NACRO), they should present no liability to Council.

The NACRO Code of Practice aims include ensuring all areas around their Charity Clothing Bins are kept in a clean and tidy manner. This thus eliminates the need for Council to respond to dumping incidents.

It is proposed that charities be allowed to enter lease type agreements with Council under a new proposed policy and operational guidelines for the placement of clothing bins at suitable locations within Warringah. The lease agreements would not have any fee attached due to the charitable nature of these organisations.

A revised Charity Clothing Bin Policy has been drafted for Council's consideration. If Council considers this appropriate the policy would need to be re-exhibited and reported back to Council for consideration.

**Financial Impact**

Nil.

**Policy Impact**

No policy is currently in place and a new policy is proposed.

---

**RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER  
STRATEGIC AND DEVELOPMENT SERVICES**

That Council resolve to place the Draft Charity Clothing Bin Policy on public exhibition for comment for a period of 28 days.

---

---

## REPORT

---

### Background

The previous policy relating to the regulation of clothing recycling bins was last reviewed in 1991 and has now been out of date for some time. Over recent years there has been no active management of clothing bins and their placement in Warringah.

This has meant that clothing bins may be placed in public places with no guidelines or restrictions for their locations or duty of care. Thus there are no current requirements for public liability insurance cover or keeping the area around the bins clean and tidy including the issue dealing with dumped rubbish at these sites. Council still has the ability to remove bins located in dangerous locations or where other safety issues have arisen if required.

As no policy or operational guidelines are in place this permits operators other than charities to place their bins on public land and thus profit for their own benefit.

Over the past two years Council has had: six (6) complaints in 2010 and one (1) complaint this year to date concerning dumping at charity clothing bins. In 2010 these were related primarily to some bins that were not charity operated. These bins were eventually impounded by Council and the issue was resolved. The complaint this year was quickly resolved with a phone call to the charity involved.

### Previous Resolution

In a report to Council in April 2010 the Manager, Compliance Services proposed to ban charity clothing bin placement on public land. This proposal was in response to a number of dumping incidents around clothing bins.

Council resolved:

- A *That Council place on Public Exhibition the current policy in combination with the proposal to prohibit the placement of Charity Clothing Bins on public land for a period of 42 days in the Manly Daily Newspaper, Council's website and write to each affected charity.*
- B *Further, that Council review the policy after a 12 month period with a view to address any documented concerns.*
- C *That Council call on private land owners of suitable sites to nominate possible locations for these bins.*

### Consultation

In response to the resolution by Council a public exhibition period was undertaken from 8 May to 18 June 2010. This exhibition included three different approaches required as part of the resolution.

- A. Notices were placed in the Manly Daily, at Council libraries and Civic Centre and on the Council website.
- B. Letters were sent to the charities likely to be affected by this change.
- C. As per item C of the resolution over 100 schools, childcare centres and retirement villages in the area were contacted by letter to gauge interest in having charity clothing bins on their land.

## Results

- A. Only one member of the community responded to the public exhibition and whilst expressing her support for the clothing bins felt that due to graffiti and dumping she could see why a ban on placing bins on public land should be in place.
- B. Following Council's letters to the charities likely to be affected by the change to policy "The Smith Family", "St Vincent de Paul" and "Lifeline" all responded outlining the public good these bins provide.

This public good included the opportunity for the community to engage in the recycling of goods while the funds raised from the sale of these by the charities were then used to support community programs such as children's support services and counselling.

It was also outlined that legitimate charities are usually a member of the National Association of Charitable Recycling Organisations (NACRO) and abide by a Code of Practice (Attachment B) that ensures dumped goods at clothing bins are cleaned up quickly and the area where the bins are positioned are kept in a clean and tidy manner.

- C. In response to our request to schools, childcare centres and retirement villages a small number phoned Council to question what would happen if goods were dumped. As Council would not be responsible for any dumped goods at these sites no one that was approached was prepared to offer a site for the clothing bins.

## Discussion

The results of the public comment period highlighted the public good that is created from clothing bins that are managed by legitimate charities.

The benefits of having charity clothing recycling bins include:

- the reduction in landfill and CO2 emissions as a result of the reuse of this clothing
- employment for many people from the local community
- provision of services to the community including counselling and family and children support programs

Additionally most legitimate charities are members of NACRO and abide by a Code of Practice (Attachment B). This code of practice ensures a high level of management of the bins by members including suitable placement, being kept in a clean and tidy manner and providing suitable insurance cover.

## Regulatory Issues

A review of the Council's customer request system has shown that only one complaint has been received in 2011 to date which was easily resolved by a phone call to the charity involved.

Previously in 2010, issues arose with some clothing bins that were not being maintained satisfactorily. When investigated it was found they were not run by a charity despite signage to the contrary on the bin. The owner was unable to be contacted and the bins were impounded and the issue resolved.

These incidences highlighted the fact that legitimate charities have procedures in place to correct issues while other commercial operators which were not bound by a code of conduct were more of a liability to Council.

To properly manage these clothing bins Council needs to put in place a policy consistent with the recognition of legitimate charities being able to place their clothing bins on suitable public land under appropriate guidelines.

A proposed policy has been drafted and is attached (Attachment A).

The main aims of the policy are:

- to ensure only legitimate charities are able to have their bins on Council land. Legitimate charities will need to show that all proceeds from the clothing bins will be 100% used to support the charity and its work
- charity clothing bin operators need to abide by a Code of Conduct that will ensure the area around the bins is in a clean and tidy manner
- appropriate operational guidelines are in place to manage the bins based on a lease agreement.

“Guidelines on Placement of Charity Bins on Council owned or controlled land” as quoted in the policy will ensure:

- a lease type agreement will be put in place for a period of three (3) years with charities that would like to use public land in the LGA for their clothing bins
- the lease will have no fee applicable due to charitable nature of the organisations
- no more than four (4) bins will be located in any one area unless the plan of management allows otherwise
- all charities must supply Public Liability Insurance with Warringah Council noted as an interested party
- the charity's management of their bins would be reviewed at the end of the lease before a renewal is offered
- the agreement will allow Council to end the hosting of clothing bins if they do not maintain the bins in a clean and tidy manner as described in the NACRO Code of Conduct
- each approved bin is labelled in a way Council Rangers can be informed they are approved and allow action to be taken against commercial operators that try to use public land for their own gain.

## Conclusion

From the results of the public exhibition of the proposal to ban charity clothing bins on public land based on the comments received and review of current management practices it was shown that charity clothing bins are assets in the community and can be managed satisfactorily.

Because of the low rate of complaints relating to charity clothing bins, it has been found that the public good outweighs the negative side of having these bins placed on public land, provided the operator is a legitimate charity that abides by a code of practice as defined by NACRO.

Following the consideration of the submissions, the proposed stance has substantially changed from the banning of clothing bins on public land, to allowing charity clothing bins under a new policy and operational guidelines.

The new draft policy is attached for consideration and if Council approves in principle it needs to be put on public exhibition after which the results will be reported to Council for final consideration.

## Financial Impact

Nil.

**Group Manager Development and Compliance**



## Warringah Council Policy

### Policy No. Number

### Charity Clothing Bins

#### 1 Purpose of Policy

To regulate the placement and management of clothing bins on Council owned and controlled land by registered charities.

#### 2 Principles

Charities provide valuable services to the local community. The clothing bins are an important part of fundraising by many charities. The additional benefit of these bins is they encourage recycling of clothing.

Badly managed and poorly located clothing bins can cause problems including illegal dumping, graffiti, obstruction of pedestrians and vehicles. Organisations placing charity bins on public land

The placement of clothing bins on public land is limited to organisations that are:

1. Registered by the Office of Liquor, Gaming and Racing under the Charitable Fundraising Act 1991;
2. Members of the National Association of Charitable Recycling Organisations Incorporated (NACRO) or agree to comply with a Code of Conduct equivalent to the NACRO Code of Practice;
3. Guarantee all clothing and proceeds are for welfare services only; and
4. Guarantee that the clothing is collected, sorted and distributed by the charity named on the clothing bin and owning the bin

Applications for new and management of existing clothing bins will be in accordance with the "Guidelines on Placement of Charity Bins on Council owned or controlled land" and are subject to entering a lease agreement with Council.

#### 3 Authorisation

This Policy was adopted by Council on [insert date].

It is effective from [insert date].

It is due for review on [insert date].

#### 4 Amendments

This Policy was last amended on [insert date].

#### 5 Who is responsible for implementing this Policy?

Development Assessment and Compliance

Draft Charity Clothing Bin Policy

## 6 Document owner

Strategic and Development Services

## 7 Related Council Policies

- a) Compliance and Enforcement Policy PDS – PL 120

## 8 Legislation and references

- a) Section 68 of the Local Government Act 1993
- b) Office of Liquor, Gaming and Racing [http://www.olgr.nsw.gov.au/charitable\\_home.asp](http://www.olgr.nsw.gov.au/charitable_home.asp)
- c) National Association of Charitable Recyclers <http://www.nacro.org.au/>
- d) Charitable Fundraising Act 1991

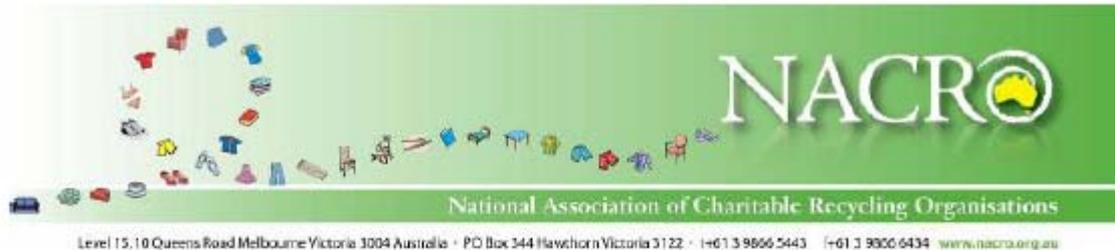
## 9 Definitions

**Charity Clothing Bin** shall mean a portable metal bin of painted, sturdy construction, with a weatherproof tilt chute at the top permitting clothing to be deposited, a locked door permitting the charity which owns the bin to empty it, and a graphic display in accordance with the provisions of the Charitable Fundraising Act 1991.

**NACRO Code of Practice** – as defined by the National Association of Charitable Recycling Organisations (NACRO) Code of Practice. NACRO is the peak body representing charitable recycling organisations throughout Australia.



## National Association of Charitable Recycling Organisations Code of Practice



**The National Association of Charitable Recycling Organisations endorsed criteria for the use and operation of recycling collection bins for used clothing and household items.**

Every day and in every State of Australia charities assist tens of thousands of people through home visitation, migrant and refugee assistance, hospital and health services, prison visitation, aged care services, supported employment services for people with an intellectual disability, education for disadvantaged children, welfare assistance, hostels for the homeless, overseas relief, disaster recovery, budget counselling and youth programs and suicide prevention counselling.

We feed and clothe Australian men, women and children overwhelmed by life's hardships. A significant number of these community programs are funded by the income derived from clothing recycling collection bins. Programs, that if not funded from these income sources, would require public funding through State and Federal tax and Local Government Association rate sources.

Members of NACRO advocate strongly for councils to consider adopting this code of practice developed and practiced by members of the National Association of Charitable Recycling Organisations. The attached appendix provides further information on NACRO and the business of charitable recycling.

## 1 Clothing recycling collection bins Code of Practice - recommended planning principles

Members of NACRO advocate that a prominently located recycling collection bin is currently the most cost effective method of collecting post consumer recyclable domestic materials. To facilitate this, the major factors influencing the councils are:

- The need to ensure recycling collection bins are located appropriately and/or sensitively so as not to detract from the amenity and appearance of sites;
- All recycling bins are clearly marked to differentiate charity bins from commercial operator bins to enable members of the public to make informed choices about to whom they make their donations;
- The need to ensure clothing recycling collection bins are regularly emptied, cleaned and maintained in an orderly and proper manner;
  - To ensure the location of clothing recycling collection bins does not cause any obstruction to footpaths and roadways
  - To ensure the clothing recycling collection bins are adequately fixed so as to not cause injury to any person or damage to property, to the satisfaction of Council.

The following principles apply to the location and placement of recycling collection bins:

- 1.1 Only clothing recycling collection bins from charities that are members of the National Association of Charitable Recycling Organisation (NACRO) shall be permitted to be located on land owned or vested in the given Council and any Public Place. Preference should be given to charities that directly, collect, sort

## National Association of Charitable Recycling Organisations Code of Practice

- 2 -

---

and sell the clothing.

- 1.2 The location of clothing recycling collection bins shall generally be restricted to commercial zones that are contained in a given council's planning scheme.
- 1.3 The location of the clothing recycling collection bins shall comply with the provisions of the given Local Government Act.
- 1.4 Subsequent to permit approval, the clothing recycling collection bins shall:
  - 1.4.1 be of a design that would ensure people are not able to climb into them;
  - 1.4.2 not be located on driveways/accessways, car parking areas, landscape areas or be located to cause undue obstruction to footpaths and thoroughfares subject to inspection by an Authorised Officer;
  - 1.4.2 not present a threat to surrounding infrastructure in the event of a fire in a bin;
  - 1.4.3 contain the name and contact telephone number of the agency;
  - 1.4.3 be maintained and presented within its environs in a condition to the satisfaction of the given Council;
  - 1.4.4 be emptied and maintained in a manner sufficient to ensure materials do not accumulate outside the clothing recycling collection bins, eg on the foot path.
  - 1.4.5 provide a 24hour emergency contact number to be used by council officers regarding out-of-hours recycling collection bin issues.
- 1.5 Clothing recycling collection bins shall be subject to removal for non compliance to the Code at Council's discretion.
- 1.6 The owner of the recycling collection bin and/or agency with responsibility for the control of a bin shall provide to Council satisfactory evidence of a copy of a public liability insurance policy to a minimum value of \$20 million.
- 1.7 Unless there is sufficient space and visual amenity, only one recycling collection bin should be located on a site and subject to inspection by an Authorised Officer.
- 1.8 The location of the clothing recycling collection bins shall be subject to annual review.
- 1.9 The recycling collection bin/bins shall be removed from Council land or public place within the time indicated on a written notice to comply.
- 1.10 The recycling collection bin shall have NACRO signage attached.
- 1.11 Recycling collection bin clearance schedule (for normal circumstances) be scheduled by the charitable recycling organisation and the council during the application process. Note: Most contractors undertake clearance early morning.

Members of NACRO advocate strongly for councils to consider the above code of practice developed and practiced by members of the National Association of Charitable Recycling Organisation.

---

## APPENDIX

### 2 Purpose of this code of practice

The purpose of this code of practice is to provide councils with guidelines for the placement and location of clothing recycling collection bins on land owned, controlled and/or vested in a given council and to provide them with the established criteria for the use and operation of these bins.

### 3 About NACRO

The National Association of Charitable Recycling Organisations (NACRO) is the peak body representing charitable recycling organisations throughout Australia. NACRO represents its members and has collective influence at local, state and national level.

The business of NACRO members is to generate social capital to fund welfare programs through recycling and reuse activities. Indeed, millions of individuals benefit from the products, operations, and programs that are delivered to the community as a result of the funds generated from NACRO members' recycling operations.

NACRO members range from the largest national charities to individual shops. Collectively, they operate thousands of shops around Australia. Donations of first and second hand goods are made by deposits into clothing recycling collection bins, neighbourhood household collection, and/or drop-offs directly to charity shops.

NACRO advocates educating the community to donate goods responsibly to provide maximum profits for social welfare, reduce landfill demand through thoughtless waste and to minimise cost to the environment.

#### 3.1 Charitable Recycling Organisations are not private companies!

In Australia the organised recovery of post-consumer waste (mainly used clothing and household goods) by way of clothing recycling collection bins is principally undertaken by charities. By world standards, it is a unique system through which tonnes of post consumer waste is diverted from landfill and redistributed to men, women and children overwhelmed by life's hardships, or sold to assist in the charitable works of the organisations that have invested in the recycling infrastructure. It is a valuable service to all Australian councils.

As public benevolent institution/organisations, Charitable Recycling Organisations receive "Deductible Gift Recipient" (DGR) status from the Australian Taxation office which allows them to receive income tax deductible gifts and deductible contributions. Membership of NACRO is only available to organisations that have DGR status.

In recent times a number of private commercial agencies have entered the market. These agencies are for-profit companies that do not redistribute any financial returns from the collection of post-consumer waste. Collectively, these agencies do not adhere to this code of practice. NACRO advises councils to confine the use and operation of clothing recycling collection bins within their precincts to charitable recycling organisations.

For this reason, membership of NACRO is restricted to organisations that:

- are constituted in accordance with the appropriate charity legislation in states and territories and have obtained Deductible Gift Recipient status from the Australian Taxation Office; and
- are involved in and operates recycling programmes for the purpose of emergency assistance and/or the supply of low cost clothing and/or the support of the charitable purpose of the particular charity or Public Benevolent institution; or
- are an incorporated body of charitable recycling organisations whose membership criteria shall not be less than that required by the Association and which shall conform to the conditions imposed by clause 5 (a) (i & ii) of this Constitution and whose activities shall be restricted to a State or Territory of Australia.

## National Association of Charitable Recycling Organisations Code of Practice

- 4 -

Membership is not available to charitable recycling organisations that:

- Sell or otherwise allow their brand/name to be used by another organisation to solicit donations of used clothing or associated products.
- Are not actively involved via their own staff or volunteers or under the name of the charity in one or more of the following, collection, sorting, retailing, exporting of used clothing and associated products or providing clothing to the public for charitable purposes.
- Have not been actively involved within the industry as described above for a minimum of twelve months prior to seeking membership of NACRO.

There is no doubt that without the recycling activities of the charitable recycling organisations (the proceeds from which fund welfare programs), both State and Federal governments would have significantly higher social costs in addition to a marked increase in volume of landfill, the management of which would be funded through increased taxes and a commensurate bureaucracy.

#### 4 About the Charitable Recycling industry

The multi-billion dollar worldwide recycling industry performs a vital social and environmental function. The industry has no peer in terms of conserving the world's resources while the various stages of the recycling process provide significant employment around the world.

It is estimated that between 80-100 million kilos of textile waste is collected by Australian charitable recyclers through clothing recycling collection bins and donations of material at no cost to councils or government. Much of this material can be reclaimed and recirculated through charity shops or reprocessed into functional textiles. Through the efforts of the charitable recycling organisations, approximately 75 percent of the collected post-consumer waste is diverted from our landfills and recycled domestically or forwarded to third world countries providing clothing to many of the poorest people in the World.

Recycling is a practice through which everyone can make a difference to the environment. Garments or household goods can effectively be recycled by sale or gifted to another user. Of the post consumer waste recovered by charities;

- 60 percent consists of items of clothing that can be reworn or reused
- 15 percent can be torn into industrial wiper cloths, and
- 25 percent is unusable and sent to landfill.

There is increasing recognition by informed councils of the contribution charity shops make in reducing the volume of items that go to landfill, and a number of local authorities are now counting the volume of second-hand goods sent for reuse and recycling that can be measured towards their recycling targets. Without charity shops and processing facilities providing for large-scale reuse and recycling, these unwanted items would inevitably find their way into the waste stream to be treated by local authorities as household waste.

Recycling of second hand goods is by means of community donations deposited into charity clothing recycling collection bins, thousands of which are located across Australia, and/or drop-offs directly to charity shops.

Depending on size, logistics and location, each charitable recycling organisation has developed its own system for dealing with donated product. People who are keen to donate clothes to charity are advised to call the charity and ask advice and/or for locations of drop off centres. In some cases they can go straight to the shop. Some charities will pick up furniture and larger items. Overall, clothes are carefully evaluated and sorted for quality and marketability.

A shop quality item's final destination is the result of demographic understanding and marketing aimed to maximise profits for the charity. In some suburbs, clothes can command a higher price, as they are more likely to appeal to the local market. Certain shops quickly move surf and youth wear; others specialise in retro; others have attracted a loyal following by selling high-end designer label product; and some stores are amply stocked with plus-sizes and children's wear.

## National Association of Charitable Recycling Organisations Code of Practice

- 5 -

## 5 Donation practices

Giving clothes and furniture is a great way of helping out the community. Whether it is personal clothes or furniture or items from a workplace, these donations can make a great difference to an individual or organisation.

The fact remains that we live in a consumer society and there will always be a need for councils to manage the issues surrounding post consumer waste. The short term fix of banning clothing recycling collection bins is not the answer! The challenge is to change community attitudes and behaviour in support of sustainability, through education for responsible donating practices.

Charity recycling bin sites are often used as a dumping site for rubbish and soiled items. The cost of recycling and disposal of material is a serious financial burden to the charitable institutions, effectively diverting funds away from welfare programs into waste disposal costs. The members of NACRO advocate for responsible donating.

### 5.1 Community awareness - an ill advised community

Australians' attitudes toward waste issues are complex and constitute a barrier to improved resource recovery. The increased use of recycled materials in products and the increased recovery of material for recycling can be achieved with an educated public.

The introduction of "pay-as-you-throw" charges for the use of a local dump or transfer station a few years ago coupled with a level of community laziness, increased the amount of unusable donations to the charities as households attempt to avoid these costs. One large charity alone spends (annually – nationwide) approximately \$5 million on cleaning up waste which is mainly dumped on it, in one form or another. Of that amount, it estimates that approx. \$2 million goes towards landfill expenses, which is obviously only part of the overall waste cost it faces. On top of this, drivers are paid to remove rubbish from around collections bins and when received, the charities have the additional cost of sorting and sending and paying for landfill fees. It is estimated that the real cost to the charitable recycling organisations (including wages) is close to \$20 million per annum. There is no doubt that the cost of an ill advised community is a cost to the charitable recycling organisations. Any efforts to lessen this objectionable impost would be an intelligent and worthy undertaking.

## 6 Code of practice influences

Members of NACRO believe that a prominently located recycling collection bin is currently the most effective method of collecting post consumer waste. The advantages include:

- Convenience of location and out of hours access for residents reducing illegal dumping
- Reduced material placed out for hard rubbish collection
- Reduced landfill demand
- Meet the requirements of councils to recycle more of residents unneeded goods
- Relative ease of policing sites and compliance with local bylaws.
- Supports the environment through providing avenues for recycling useful products
  - Reduces the use of scarce resources, especially energy and water, by giving many of the donated goods a second life
  - Provides the community with an opportunity to support the work of charities through donating their unneeded goods
  - Assists local councils to meet their target of reduced landfill
- Supports the growing recycling industry by providing employment in the recycling industry

Indeed, there are thousands of clothing recycling collection bins located across Australia on council, school and church grounds. Clothing recycling collection bins are usually dispatched from a collection depot that services a designated region. Once full, the clothing recycling collection bins are emptied and the contents transported to a depot where they are sorted and graded before being sent to various charity shops (or exported overseas) according to quality and the need of the community. Some bin collection depots are large facilities employing drivers specifically to service the bin collection.

### 6.1 Shortcomings of the recycling collection bin system

## National Association of Charitable Recycling Organisations Code of Practice

- 6 -

---

There are a number of acknowledged shortcomings to clothing recycling collection bins. They are often a subject of community complaints and thus have been the focus of council debates for a number of years. The main concern is the negative appearance and diminished aesthetics as a result of material deposited around, rather than in, the clothing recycling collection bins located on public and private lands in public view. Other issues include:

- The bin is unable to accept all types of donations people want to make
- Some residents do not follow instructions as to what type of donation is acceptable, thereby often creating an untidy environment around the bin
- Bins not emptied frequently enough to prevent them overflowing and becoming unsightly

The facts about debris that sometimes surrounds clothing recycling collection bins:

- Dumping around bins is a seasonal issue, indeed most dumping is done during school holidays
- Dumping is less during weeks of hard rubbish collection.
- Illegal dumping is less when charity recycling shops are open on Sundays
- Banning clothing recycling collection bins is therefore not the answer.

This policy was developed in June 2009 by NACRO for councils to consider adopting. NACRO reserves the right to change this policy as it sees fit and is not liable for any loss or expenses incurred as a result of any changes.

