PRESENT:  Clrs J Shaw (Mayor), J Wheelwright (Deputy Mayor), S Bill, B McCormack, C Prell, W Martin, B Moloney, J Coombs, Messrs J Bell (General Manager), R Mowle (Director of Environment & Planning), A Croke (Director of Finance & Administration), A Lawrance (Director of Works and Operations), H Spirek (Media Officer) and Mrs H Peterson (Executive Assistant).

The meeting commenced at 9.10 am.

APOLOGIES

Nil.

DECLARATIONS OF INTEREST

Clr Prell declared a Non Pecuniary interest in Late Item 3 Gullen Range Wind Farm as a land holder under the proposed Crookwell II Wind Farm and will stay in the Chamber, and participate in the debate and vote.

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING HELD 24 JULY, 2008

238/08 RESOLVED by Clr Martin and Clr Moloney that the Minutes of the Ordinary Meeting of Council held 24 July 2008 at Crookwell be adopted.

CONFIRMATION OF THE MINUTES OF THE TENDERS COMMITTEE MEETING HELD 14 AUGUST 2008 AT CROOKWELL

Present:  Clrs B McCormack (Chairman), J Shaw, J Coombs, J Wheelwright (Observer), Messrs J Bell (General Manager), A Croke (Director of Finance and Administration), R Mowle (Director of Environment and Planning) and A Lawrance (Director of Works and Operations) P Brown (Noxious Weeds Manager) and H Peterson (Executive Assistant).

The meeting commenced at 8.30am.

Apologies:  Nil.

PECUNIARY INTERESTS

Nil.
REPORTS

MANAGER OF NOXIOUS WEEDS REPORT

1. ROADSIDE WEED CONTROL SERVICES FOR UPPER LACHLAN SHIRE COUNCIL

Recommendation 1: That Council select Laggan Landcare Spraying as the preferred tenderer subject to the successful negotiation of the appropriate number of hours to accommodate the 2008/09 budget. Moved by Clr Coombs and seconded by Clr Shaw. Carried.

2. HERBICIDE FOR SERRATED TUSsock GROUP AERIAL SPRAYING

Recommendation 2: That Council select JD’S Hardware & Rural Supplies as the supplier of the herbicide, Tussock, for the aerial group spraying program. Moved by Clr Shaw and seconded by Clr Coombs. Carried.

DIRECTOR OR WORKS AND OPERATIONS REPORT

3. TENDERS FOR THE SUPPLY OF NEW PLANT

Recommendation: That Council adopts the following recommendations:

1. That the tender from International Mowers for two Scag Turf Tiger Model STT61V-29DFI-SS in the amount of $19,645.00 (incl GST) each be accepted at a total cost $39,390.00.

2. That the tender from Canberra Isuzu for an Isuzu 2008 NPR300 6500GVM Factory Tipper in the amount of $50,314.00 (incl GST) be accepted as a new item.

3. That the tender from Canberra Isuzu for a Isuzu 2008 NLR200 4500GVM steel tray cab chassis truck in the amount of $40,007.10 (incl GST) each be accepted to replace Plant 376. Moved by Clr Shaw and seconded by Clr Coombs. Carried.

Meeting closed 8.47am

239/08 RESOLVED by Clr McCormack and Clr Prell that recommendations 1 – 3 of the Minutes of the Tender Committee Meeting of Council held 14 August 2008 at Crookwell be adopted.
CONFIRMATION OF THE MINUTES OF THE ENVIRONMENT AND PLANNING COMMITTEE MEETING HELD 14 AUGUST 2008 AT CROOKEWELL

Present: Clrs B McCormack (Chairman), C Prell, J Shaw, W Martin, B Moloney, J Wheelwright and J Coombs, Messrs J Bell (General Manager), A Croke (Director of Finance & Administration), A Lawrance (Director of Works & Operations), R Mowle, (Director of Environment and Planning), P Brown (Noxious Weeds Manager), Hank Spirek (Media Officer) and Mrs H Peterson (Executive Assistant). Luke Moloney (Manager of Water and Sewer).

The meeting commenced at 9.02 am.

Apologies: An apology was received from Clr S Bill.

Moved Clr Shaw and seconded Clr Martin that the apology be accepted and leave of absence be granted.

PECUNIARY INTERESTS

Clr C Prell declared a non-pecuniary interest in Item 3 Development Application 84/03 as a landholder under the proposed Crookwell II Wind Farm and will not participate in the debate, will leave the Chamber upon making the declaration and will not return until the matter is resolved.

REPORTS

1. Monthly Weed Control Activities

Recommendation 1: That Council receives the report and notes the information. Moved Clr Shaw and seconded Clr Wheelwright. Carried.

2. Status of Development Applications

Recommendation 2: That Council receives the report and notes the information. Moved Clr Martin and seconded Clr Wheelwright. Carried.

3. Development Application 84/03

Clr Prell left the meeting the time being 9.10am.

Recommendation 3: That Development Application 84/03 be further considered by Council at its Ordinary Council meeting scheduled for 18 December 2008. Moved Clr Shaw and seconded Clr Martin. Carried.

Clr Prell returned to the meeting the time being 9.25am.
4. **Development Application 91/08**

**Recommendation 4:** That Development Application 91/08 be deferred subject to an onsite inspection by Councillors and staff to be undertaken on Wednesday 20 August 2008 at 2.00pm. Moved Clr Coombs and seconded Clr Prell. **Carried.**

5. **Development Application 199/05**

**Recommendation 5:** That the conditions of consent imposed on Development Application 199/05 not be varied. Moved Clr Wheelwright and seconded Clr Shaw. **Carried.**

There being no further business the meeting closed at 10.22 am.

**240/08 RESOLVED** by Clr McCormack and Clr Coombs that recommendations 1 – 5 of the Minutes of the Environment and Planning Committee Meeting of Council held 14 August 2008 at Crookwell be adopted.

**CONFIRMATION OF THE MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE MEETING HELD 14 AUGUST 2008 AT CROOKWELL**

**Present:** Cllr W Martin (Chairman), J Shaw, B Moloney, J Wheelwright, C Prell, B McCormack and J Coombs, Messrs J Bell (General Manager), A Croke (Director of Finance & Administration), L Moloney (Manager Water and Sewer), R Mowle (Director of Environment and Planning) Hank Spirek (Media Officer) and Mrs H Peterson (Executive Assistant).

The meeting commenced at 10.45 am.

**Apologies:** An apology was received from Clr S Bill.

Moved Clr Shaw and seconded Clr McCormack that the apology be accepted and leave of absence be granted.

**PECUNIARY INTERESTS**

Nil.

**REPORTS**

1. **Investments to 31 July 2008**

**Recommendation 1:** That Council receives the report and notes the information and further that Note 1 - Fair Value Estimation and Note 23 - Events Occurring after Balance Sheet Date be approved for inclusion in the 2007-2008 Financial Statements. Moved Clr Wheelwright seconded Clr McCormack. **Carried.**
2. **Rates and Charges Outstanding as at 31 July 2008**

Recommendation 2: That Council receives the report and notes the information. Moved Clr McCormack seconded Clr Wheelwright. Carried.

3. **Crookwell to Goulburn Rail Trail**

Recommendation 3: That Upper Lachlan Shire Council forward correspondence to Goulburn Mulwaree Council and a copy to the Goulburn Mulwaree delegation members who attended the Wangaratta inspection, to seek written clarification of Goulburn Mulwaree Council’s intent in relation to the potential Crookwell to Goulburn rail trail project. Moved Clr Shaw seconded Clr Prell. Carried.


Recommendation 4: That Council receives the report and notes the information. Moved Clr Wheelwright seconded Clr McCormack. Carried.

5. **Fiscalstar Financial Sustainability Rating report for 2006/2007**

Recommendation 5: That Council receives the report and notes the information. Moved Clr Shaw seconded Clr McCormack. Carried.

6. **IPART Review of Revenue Framework for Local Government**


CLOSED MEETING

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A(2) (a) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

**Note:** Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the item listed below should not be considered by Council in a Closed Meeting. The item is:

1. **RATES ARREARS LEGAL STATUS DEBT RECOVERY REPORT TO 30 JUNE 2008**

   Section 10A (2) (a)
   (a) personal matters concerning particular individuals (other than councillors),
These items are of a confidential nature and personal dealings from within the Council and between individuals.

It is not in the public interest to reveal the information contained in the agreements.

The Mayor advised the gallery of the necessity to close the meeting to consider the confidential items. He enquired whether anyone in the gallery had any objection if the meeting was closed.

No objections were received

**RESOLVED** Clrs McCormack and Clr Moloney

1. That Council resolve into closed council to consider business identified, together with any late reports tabled at the meeting
2. That pursuant to section 10A (2) (a) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

Council closed its meeting 11.20am. The public and press left the chambers.

**RESOLVED** Clr McCormack and Clr Shaw that Council move out of closed council and into open council.

Open council resumed at 11.30am.

**Resolutions from the Closed Council Meeting**

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

1. **RATES ARREARS LEGAL STATUS DEBT RECOVERY REPORT TO 30 JUNE 2008**

   **RESOLVED** on the motion of Clr McCormack and Clr Wheelwright that Council receives the report and resolves to continue legal recovery procedures for outstanding rates and charges in accordance with Council’s Debt Recovery Policy.

There being no further business the meeting was closed at 11.30am.

241/08 **RESOLVED** by Clr Martin and Clr Coombs that recommendations 1 – 6 of the Minutes of the Finance and Administration Committee Meeting of
Council and recommendation 1 of the Closed Council Meeting of Council held 14 August 2008 at Crookwell be adopted.

CONFIRMATION OF THE MINUTES OF THE WORKS AND PLANT COMMITTEE MEETING HELD 14 AUGUST 2008 AT CROOKWELL

Present: Clr Wheelwright (Chairman), J Shaw, W Martin, B Moloney, C Prell, B McCormack and J Coombs, Messrs J Bell (General Manager), A Croke (Director of Finance & Administration), L Moloney (Manager of Water and Sewer), R Mowle (Director of Environment and Planning), P Mowle (Manager of Works and Operations), H Spirek (Media Officer) and Mrs H Peterson (Executive Assistant).

The meeting commenced at 11.31 am.

Apologies: An apology was received from Clr S Bill.

Moved Clr Shaw seconded Clr McCormack that the apology be accepted and leave of absence be granted.

PECUNIARY INTERESTS

Clr Wheelwright declared a Pecuniary Interest in Item 8 – Review of Small Mines, Gravel Pits and Quarries as an owner of two gravel pits and will not participate in the debate, will leave the Chamber upon making the declaration and will not return until the matter is resolved.

REPORTS

1. Works in Progress, Forthcoming Works and Technical/Managerial Tasks

Recommendation 1: That Council receives the report and notes the information. Moved Clr Shaw and seconded Clr Martin. Carried.

2. Works in Progress and Forthcoming Works – Water and Sewer

Recommendation 2: That Council receives the report and notes the information. Moved Clr Shaw seconded Clr Martin. Carried.

3. Village Bores Project

Recommendation 3: That Council receives the report, notes the information and further that the village Bores Project be concluded and further that the Manager of Water and Sewer and the Media Officer be thanked for their particular efforts with respect to the project. Moved Clr McCormack seconded Clr Martin. Carried.
4. **Fluoridation of Crookwell Water Supply**

**Recommendation 4:** That Council receives the report and notes the information. Moved Clr McCormack seconded Clr Moloney. **Carried.**

5. **Application to close a public road**

**Recommendation 5:** That Council does not agree to the request by Ms McWhirter to close the public road as Council is only one of the agencies that is consulted by the Department of Lands in following due process with respect to road closures. Moved Clr Moloney seconded Clr McCormack. **Carried.**

6. **Collector Waste Management Centre**

**Recommendation 6:** That the opening days for Collector Waste Management Centre be reduced to every Sunday (9am to 4pm) in September after a 4 week period of advertising the reduced opening hours. Moved Clr Shaw seconded Clr McCormack. **Carried.**

7. **Gunning and District Preschool – Franklin Lane, Gunning**

**Recommendation 7:** That Council supports the Gunning and District Preschool project by funding the following items:

(i) Survey and design $6,000.00,
(ii) Stormwater drainage $8,000.00, and
(v) Supervision/Project Management $6,000.00.

Moved Clr Prell seconded Clr Shaw. **Carried.**

8. **Review of Small Mines, Gravel Pits and Quarries**

**Recommendation:** That Council endorses the list of preferred sites, the submission of Expression of Interest to the landowners and the preparation of the following generic documents:

- Agreement to mine
- Licence to extract and pay royalties
- Mine Safety Plans
- Mine Operation Plan
- Safe Work Method Statements

Moved Clr Martin seconded Clr McCormack. **Carried.**
9. **Street and Road Naming Policy**

**Recommendation 9:** That Council adopts the proposed Street and Road Naming Policy. Moved Clr McCormack seconded Clr Martin. **Carried**

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**TABLE OF AMENDMENTS AND UPDATES INCLUDED IN CODE**

<table>
<thead>
<tr>
<th>Council Resolution</th>
<th>Reason for Amendment</th>
<th>Source of Amendment or Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>No 242/08.</td>
<td>Initial adoption of the Road Naming Policy</td>
<td>Council Meeting Report on 28 August 2008</td>
</tr>
</tbody>
</table>
Policy Guideline for the Naming of Roads/Streets in the Upper Lachlan Shire

Objective

The objective of this document is to provide consistent format to be followed for the naming of public road in Upper Lachlan Local Government Area.

Definitions

Classified Road means any of the following:

- a main road;
- a state highway;
- a freeway;
- a controlled access road;
- a secondary road;
- a tourist road;
- a tollway;
- a state work.

Local Newsletter in relation to a particular locality, means a newspaper circulating in the locality at intervals of not more than 14 day.

Public Road means:

- any road that is opened or dedicated as a public road, whether under the Roads Act 1993 or any other Act or law; and
- any road that is declared to be a public road for the purposes of the Roads Act 1993.

Roads Authority means a person or body that is, by or under the Roads Act 1993, declared to be a roads authority and in relation to a particular public road, means the authority for that road.

- The RTA is the roads authority for all freeways.
- the minister is the roads authority for all Crown roads.
- the regulations may declare that a specified public road, or for all public roads within a specified area, other than any freeway or Crown road.
- the council of the local government area is the roads authority for all public roads within the area, other than:
  - any freeway or Crown road; and
  - any public road for which some other public authority is declared by the regulations to be the roads authority.

A roads authority has such functions as are conferred on it by or under the Roads Act 1993 or any other Act or law.
RTA means the Roads and Traffic Authority constituted under the Transport Administration Act 1988.

**Road Names**

**Selection**

1. Road names should be unique within local government areas and adjacent local government areas.

2. Roads crossing council boundaries should have a single and unique name.

3. Preferred sources for road names include:
   a. Aboriginal names
   b. local history
   c. early explorers, pioneers, settlers and other eminent persons
   d. war / casualty lists
   e. thematic names such as flora, fauna or ships.

4. Names should be appropriate to the physical, historical or cultural character of the area concerned.

5. Names selected from Councils approved list should be chosen from the appropriate locality list.

6. The origin of each name should be clearly state and subsequently recorded.

7. The local Aboriginal Land Council should be consulted when choosing Aboriginal names unless council already has an agreed upon list of appropriate names.

8. Names of living persons should not be used.

9. Names which are characterised as followed are to be avoided
   a. Offensive or likely to give offence
   b. Incongruous – out of place
   c. Commercial or company

**Grammar**

1. Names should be reasonably easy to read, spell and pronounce in order to assist both service providers and the travelling public.

2. Unduly long names and names composed or two or more words should be avoided.
3. A given name should only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names should generally be avoided.

4. Whilst street and cul-de-sac names should only have one word it is recognised that some roads require a two word name because of their geographic relationship eg; New England Highway.

5. Roads with double destination names should be progressively renamed.

6. Where it is intended that a road have the same name as a place or feature with an approved geographical name, then particular care should be taken to ensure that the correct spelling is adopted. Place names shown on Central Mapping Authority topographic maps are approved names unless specifically excepted in the map legend or in exceptional circumstances where the name has been changed subsequent to the publication of the map.

7. Where names have changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.

8. Generally road names proposed or approved should not contain abbreviations: eg the ‘Creek’ in Wallaby Creek Road must not be abbreviated.

Note: There is one exception to this; “ST” should always be used in place of “Saint”.

9. The apostrophe mark’ must be omitted in the possessive case eg. “Smith’s Road” should be “Smiths Road”.

10. It is further preferable to delete a possessive “S” unless the euphony becomes harsh eg. “Smith Road”

11. The use of hyphens should be avoided.

Road Type Suffix

1. Road names should contain an appropriate road type suffix.

2. Assistance to both the motoring and pedestrian public should be a consideration in making a suffix choice.

3. When a type of suffix with a geometric or geographic connotation is chosen ensure that it generally reflects the form of the road; for example: Crescent – a crescent or half moon, rejoining the road from which it starts: Esplanade – open level and often along the seaside or a river.
4. For a cul-de-sac use Place, Close, Court or a type suffix of similar connotation.

5. The use of a compass point prefix or an additional suffix such as “north” or “extension” should be avoided.

**Road Naming Procedure**

**General**

A roads authority may name and number all public roads for which it is the roads authority excluding any freeway or Crown road and any public road for which some other public authority is declared by the regulations to be roads authority (Refer to Appendix 1 for a flow diagram).

**Notices**

1. When naming or renaming a road, the roads authority must carry out the following (in accordance with Roads Act 1993 and Roads (General) Regulation 2000):

   i. The Geographical Names Board must be given at least one month’s notice of the proposed name.
   
   ii. A notice of the proposal must be published in a local newspaper;
   
   iii. A notice of the proposal must be served on:

      ▪ Australia Post
      ▪ The Registrar-General
      ▪ The Surveyor-General
      ▪ RTA (only in the case of a classified road)
      ▪ Australian Electoral Office

2. The notice must state that written submissions on the proposed name may be made to the roads authority and must specify the address to which, and the date by which, any such submission should be made.

3. Any person may make a written submission to the roads authority on its proposal to name or rename a road.

4. If, after considering any submissions duly made to it, the roads authority decides to proceed with the proposed name, the roads authority must:

   i. Publish notice of the new name in the Gazette and in a local newspaper, giving (in the case of a new road being named for the first time) a brief description of the location of the road; and
   
   ii. Inform, by a notice including sufficient particulars to enable the road to be identified, the following:-
Objections

1. A roads authority may not proceed with a proposal to name or rename a road against an objection made by Australia Post, the Registrar-General, the Surveyor-General, or (in the case of a classified road) the RTA, except with the approval of the Minister (s10 Roads (General Regulation) 2000).

2. Objections submitted by the public must be addressed.

Records Required

1. A roads authority must keep a record of the public roads for which it is the roads authority. This record must be available for inspection by members of the public, free of charge, during the normal business hours of the roads authority.

2. The record must contain the following for each public road (in accordance with s169 Roads Act 1993):
   i. its location;
   ii. the name and number (if any) given to it by the roads authority;
   iii. the reference of any plan in accordance with which its boundaries or levels have been fixed or varied by the roads authority;
   iv. such other particulars as may be prescribed by the regulations.

Road Naming by Dedication

1. Notwithstanding the above, roads may be named by a quicker method under s9 Roads Act 1993. A person may open and name a public road by causing a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road to be registered in the office of the Registrar-General. See diagram below.

   On registration of the plan, the land is dedicated as a public road.

2. The applicant should submit the road names to the roads authority for consideration prior to lodgement of the plan, to ensure the name is suitable.
FLOW CHART

Developer submits proposed name for new public road to Council

Name selected from Council approved list

Name indicated on Final Plan of Subdivision & submitted with Subdivision Certificate Application

Subdivision Certificate issued by Council, and Final Plan registered with Land & Property Information

If submissions are received

If a submission is received from any of these authorities, the road naming cannot proceed without approval from the Minister

If no submissions are received

Proposed name placed on exhibition for one month, with notices issued to:
- Geographical Names Board
- Australia Post
- Register-General
- Surveyor-General
- RTA (for classified roads)
& advertisements in the local newspaper

Subdivision Certificate issued by Council, and Final Plan registered with Land & Property Information

There being no further business the meeting closed 1.00 pm.

242/08 RESOLVED by Cllr Wheelwright and Cllr Moloney that recommendations 1 – 9 of the Minutes of the Works and Plant Committee Meeting of Council held 14 August 2008 at Crookwell be adopted.

PRESENTATIONS TO COUNCIL

As this was the last full Council Meeting prior to the Local Government elections the Mayor thanked all Councillors and especially Councillor Bill Martin for his contribution to Upper Lachlan Shire Council during the last four years and wished him a happy retirement.

CORRESPONDENCE

243/08 RESOLVED by Cllr McCormack and Cllr Prell that the Correspondence be accepted as read.

1. Dept of Local Government – Funding of Council Litigation by a Third Party.
3. Tanya Plibersek MP – eDA to streamline planning and development.
8. Anglican Church Crookwell – Thanks for repairs to footpath as requested.
13. Local Government Association and Shires Association – Legal Assistance Policy.

LATE CORRESPONDENCE

244/08 RESOLVED by Clr Moloney and Clr Coombs that the Late Items of Correspondence be accepted.

16 Goulburn Mulwaree Council – Crookwell to Goulburn Rail Trail.

REPORTS FROM STAFF

DIRECTOR OF ENVIRONMENT AND PLANNING

1. Crookwell Medical Centre – Banfield House

245/08 RESOLVED by Clr McCormack and Clr Martin that Council receives the report, notes the information and that Council complete the lease agreement by the Mayor and General Manager signing the lease agreement under seal of Council.

2. Country Week Expo 2008

246/08 RESOLVED by Clr Prell and Clr McCormack that Council receives the report and notes the information.
The time being 10.15am Clr Coombs left meeting.

The time being 10.20am the meeting adjourned for morning tea.

The time being 10.50am the meeting resumed.

DIRECTOR OF FINANCE & ADMINISTRATION

1. Investments to 15 August 2008

247/08 RESOLVED by Clr McCormack and Clr Wheelwright that Council receives the report and notes the information.

2. Statement of Bank Balances and Reconciliation to 31 July 2008

248/08 RESOLVED by Clr McCormack and Clr Moloney that Council receives the report and notes the information.


249/08 RESOLVED by Clr Martin and Clr Prell that Council resolves:-

1. To request Council’s external auditors, Morse Group Chartered Accountants to complete their 2007/2008 audit;

2. That the Mayor, Finance and Administration Committee Chairman, General Manager and the Director of Finance and Administration sign the Financial Report Council Certificates for the General and Special Purpose Financial Reports;

3. To adopt the 2007/2008 Financial Reports, containing the General and Special Purpose Financial Reports;

4. That the General Manager be delegated the authority to authorise the Financial Reports for issue immediately upon receipt of the Auditors Report and delegate the authority to finalise the date at which the Auditors Report and Financial Reports are presented to the public.

4. Plan of Management – Crookwell Memorial Hall Complex

CROOKWELL MEMORIAL HALL COMPLEX
(Incorporating the Crookwell Library, Memorial Hall, Kitchen, Historical Society Room and Arts Council Gallery)

Contents
1. Introduction

1.1 Background

The Local Government Act 1993 (Chapter 6 Part 2, Division 2) requires Council to prepare Plans of Management for all Community Land.

Community Land is land which has been identified as being for use of the general public (community). The classification of Community Land is controlled by the provisions of the Local Government Act 1993. The following apply to such land:

- The nature and use of Community Land must not be changed pending the adoption of a Management Plan for that land;
- Community Land must not be sold; and
- Community Land must not be leased or licensed for more than 21 years and may only be leased or licensed for more than five (5) years if public notice of the proposed lease or licence is given. The grant of such lease or licence is to be in accordance with the provisions of the Plan of Management.

1.2 Aim

The aim of this Plan of Management is to fulfil Council's statutory obligations under the Local Government Act 1993 by providing strategies for use and management of the Community Land described herein. The Plan will identify the following (and also the arrangements for operational use of the facilities located on the land):

a. the category of the land;
b. the objectives and performance targets of the Plan with respect to the land;
c. the means by which Council proposes to achieve the Plans' objectives and performance targets;
d. the manner in which the Council proposes to assess its performance with respect to the Plans' objectives and performance targets.

1.3 Corporate Goals

The corporate goal of the Plan of Management is to provide a practical and meaningful Plan that meets the needs of both the community and Council. This includes the defining of the roles of both Council and users and will assist in providing the framework for managing and maintaining the facility based on community needs within Council's budget and in accordance with any lease / management arrangement.

1.4 Community Land Covered by the Plan

The Community Land covered by this Plan is that described in Schedule Two (2).

2. Management

2.1 Major Issues

The following major issues have been identified as being relevant to the land:

1. Use of Area; it is necessary to determine the various users to be allocated use of the area (and the arrangements for same).

2. Level of Maintenance; this relates to the level of maintenance required to maintain the area to a standard satisfactory to users.

3. Community/User Involvement; Council has identified the need for community / user involvement in maintaining, preparing and contributing to the use of community land.
4. Future Planning (including upgrading and improvements); as is the case with all infrastructure there is an ongoing need to maintain, upgrade and improve facilities.

2.2 Objectives

The objectives of this Plan of Management are to put into place strategies which will:-

1. a. Provide a facility that is responsive to the demand and needs of the community;
b. Optimise the use of the facility; and
c. To ensure access and equity to community facilities for the use of Council’s residents and ratepayers.

2. Establish a defined maintenance program for the area that is clear to both Council and the users of the facility;

3. Encourage the community and user groups to participate in the management of the facility;

4. a. Provide for the progressive improvement of the quality and appearance of the area as funds become available; and
b. Form a component of Council’s land management strategies, consistent with its other Plans of Management.

5. Comply with the requirements of the Local Government Act 1993 and other relevant statutes.

2.3 Scope of Committee Activities

The scope of the Committees’ activities under the Plan of Management is in accordance with the Local Government Act 1993 and Upper Lachlan Shire Council’s Code of Practice – Section 355 Committees and Council’s Section 355 Committee Policy.

For the Committee to achieve effective care, control and management there are certain responsibilities that need to be undertaken. The responsibilities include the following:-

Care includes:-

- Maintaining the facility and protecting the physical asset from damage, misuse and deterioration.
- Maintenance of the entire front and rear surrounding grounds.
- Advising Council of any potential insurance risks that may arise in regard to buildings and users.
• Attaining sufficient funds to maintain the facility as a “going concern”.
• Ensuring sufficient and equitable access to the facility by the community.

Control includes:-

• Holding regular meetings with recorded minutes (minimum quarterly meetings in accordance with Council’s Section 355 Committee Policy and Code of Practice).
• Monitoring and maintaining financial records.
• Submitting financial records for an annual audit.
• Recommending hiring fee structures for determination by Council (as defined in Schedule 4).
• Administering and overseeing the use of the facility (as defined in Schedule 4) by other groups.
• Clearly defining the role of office bearers and Committee members.
• Submitting office bearer’s names and an audited financial report to Council following the Annual General Meeting.

Management includes:-

• Ensuring all monies received will be used for the benefit of the facility in an equitable, honest and consistent manner.
• Ensuring that the organisation is not used for the financial gain of individual members.
• Being aware of, and involved in, appropriate community activities which are compatible with the goals of the facility.
• Developing and updating long term plans.
• Recommending procedures which contribute toward the effective management of the facility.
• Being accountable to the community and the Council for the Committee's actions and initiatives in respect to the facility.

3. Policy and Framework for Management

3.1 General (Function and Use)

As part of the function and use of the area consideration will be given by Council to the lease/licence of part of the site. Such lease/license will be formulated in accordance with the provisions of the Local Government Act 1993.

The use of the area is for the provision of community facilities that encourage the participation in sporting, recreational and cultural activities and as a venue for other activities approved by Council.

The Upper Lachlan Shire Council, Crookwell Branch Library, is located in the complex and is a focal point of the facility. The Library area will be managed by Council for purpose of providing library and affiliated services to the community. Other identified users of the Memorial Hall complex include the following:-
Occupation and use of a defined area by Crookwell and District Historical Society, the original signed Occupancy Agreement remains valid;

Occupation and use of a defined area by Crookwell and District Arts Council, the original signed Occupancy Agreement remains valid;

Regular use of the facilities by Crookwell Amateur Drama Society (CADS) and the Crookwell Kids Acting on Stage group (KAOS);

The foyer area will be managed by Council (responsibility of the Manager of Library Services) as a “common” area for use by other users and the public. The RSL plaque and “Hall of Fame” displays will be part of that management;

The Hall/Kitchen/Entry area and associated facilities are to be subject of a specific management arrangement (refer Schedule Four (4));

The storage areas at the rear of the complex are separate sheds with designated separation of control and limited key access to the library, CADS and Memorial Hall Committee.

The plan included as part of Schedule 2 indicates the areas referred to above.

The area will also be subject to use for festival and other approved community activities. These additional ancillary uses will not be the predominant use of the area and will be subject to public notice as necessary.

It is recognised as part of this document that CADS liaise with the Memorial Hall Committee regarding the use and maintenance of the stage area, i.e. due to the significant use of the stage area by CADS they are to be considered on issues relating to same.

Representatives of the various user groups (Memorial Hall Committee, Arts Council, Historical Society, Council Library, CADS and KAOS) are to meet, as a minimum annually in February, to discuss operational and other issues associated with the use of the Memorial Hall Complex. The Memorial Hall Committee is to coordinate the meeting agenda. As part of such meetings contact details for the various user groups will be updated and a list displayed at the complex. As part of the occupation and use of various parts of the complex, user groups recognise that they have an obligation to contribute a proportionate component of operational costs that occur due to their use (e.g. lighting / heating). Such arrangements will be recommended by the Crookwell Memorial Hall Committee. All user groups recognise that the Memorial Hall Complex is a public facility and accordingly, from time to time, individual areas may be required for community use purposes. In such instances Council will discuss arrangements with the respective user groups.

The following operational arrangements apply to the complex and may be varied from time to time through consultation with user groups:-
a. The Memorial Hall Committee will coordinate the issuing of keys so that each group can access the front door, hall doors and toilets. Council are to be provided with a copy of all keys to the Complex;
b. User groups are responsible for the “management” arrangements of keys issued;
c. It is the responsibility of each user group to secure areas / Complex after use. *(Note: it is emphasised that items (assets / infrastructure) in the hall need to be “protected”)*;
d. User groups are not to utilise areas of Complex other than their own unless prior arrangements have been made;
e. User groups may access library kitchenette only when that facility is open and upon agreement with the Manager of Library Services;
f. The various user groups are responsible for day to day maintenance of their respective areas (refer maintenance, Section 3.2).

### 3.2 Maintenance

The Complex includes a variety of buildings, structures and facilities; each are subject to specific and multiple uses. In this regard The Memorial Hall Committee is responsible for the co-ordination of day to day operations and for maintenance of the Complex and facilities (as defined in Schedule 4). Council, at its discretion, may enter into a lease/licence for all or part of the Complex. Such lease/licence will include arrangements for maintenance/operation of the Complex. Individual user groups have the responsibility of the specific preparations for their events/functions, control of the events/functions and for the clean/tidy up following same. These conditions will apply unless alternative arrangements have been made with Council and/or the Crookwell Memorial Hall Committee.

The Memorial Hall Committee is to provide to Council a contact list of all external contractors for emergency or after hours maintenance issues relating to the Complex.

All use of the area is subject to approval and authorisation by Council and/or the Memorial Hall Committee and must be conducted within the rules and regulations and subject to the payment of charges as specified by Council and/or the Memorial Hall Committee.

The "core" maintenance of the Complex is regarded as being the provision of a clean, tidy and effective facility. The provision of same will be undertaken by means of funds allocated in Council's budget and arrangements through any management lease/licence of the area. Schedule 3 of this document defines the maintenance to be carried out at the complex by Council. Schedule 4 of this document list the lease/license arrangements for use and management of the hall/kitchen and affiliated areas of the complex.

It should be noted that maintenance costs are to be offset by proceeds of user fees, charges and management lease/licence payments where applicable. Fees and arrangements for same will be regulated by Council. The Fees are to be furnished to Upper Lachlan Shire Council by March each year. Users and other members of the
community have the right to make written submissions on the fees to be applied; such submissions will be invited as part of the preparation of Council's Management Plan each year.

As with other Council facilities individual users are encouraged to co-operate with Council by undertaking maintenance and improvements on facilities that they utilise. Any improvement works proposed to be undertaken by user groups must have the prior approval of Council.

3.3 Upgrade/Improvements

Each year in conjunction with the preparation of Council's Management Plan the community is invited to submit to Council details of projects that they wish to be considered for inclusion in Council's works programme for the following year. Such projects can be improvements to existing facilities, upgrade of existing facilities, construction and installation of new facilities. Management Plan Submission forms are to be received by Council no later than the first week of March each year.

The proposed projects will be considered in conjunction with works that have been identified (i.e. by Council, other bodies) and will be prioritised by Council depending on funding available for community groups, grants and contributions etc.

Should opportunities or potential projects arise to increase the provisions of complex facilities these will be considered by Council with community consultation being undertaken.

3.4 Financial Resources

a. In conjunction with the preparation of Council's Management Plan each year the "core" maintenance activities (and associated costs) will be identified by Council. Provision will be made in Council's Management Plan and/or management agreements for the provision of same.

b. Funds for capital upgrades and improvement works will be subject to financial assistance from user groups, funds that may be made available for specific works by Council, general allocations for improvements by Council, the availability of grants through Government Programs etc.

4. Priorities and Performance

The action priorities and performance measurement for the Management Plan are as follows:-

See Schedule One
5. Schedule of Land

See Schedule Two
## SCHEDULE ONE (1)

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Performance Targets</th>
<th>Statement of Means (Actions)</th>
<th>Timing</th>
<th>Performance Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide a facility that is responsive to the demand and needs of the community.</td>
<td>Monitor use of facility and maintain awareness of facilities required by user groups.</td>
<td>Consult with user groups, review of existing facilities and program upgrades/improvements.</td>
<td>Ongoing</td>
<td>Level of user satisfaction.</td>
</tr>
<tr>
<td>To optimise use of the area.</td>
<td>Promote use of complex and maintain awareness of the availability of the facility with the community.</td>
<td>Advertising and improvement of facilities.</td>
<td>Ongoing</td>
<td>Increase in use of area.</td>
</tr>
<tr>
<td>To establish a defined maintenance Program.</td>
<td>To ensure that the role of Council and users is clearly defined and understood. A &quot;core&quot; level of maintenance is to be recognised.</td>
<td>Implementation of a maintenance programme which complements Council's responsibilities.</td>
<td>Completed</td>
<td>Level of user acceptance and understanding.</td>
</tr>
<tr>
<td>Encourage the community to participate in the operation / development of the facility.</td>
<td>Monitor participation by community/users in facility maintenance, improvements, development.</td>
<td>Response by Council to all requests; Council staff consult with users.</td>
<td>Ongoing</td>
<td>Levels of user/community input.</td>
</tr>
<tr>
<td>Plan for progressive improvement of the quality and appearance of the area (as funds become available).</td>
<td>Determine improvement work with associated costings on an annual basis.</td>
<td>Participation by users, community and Council in future development.</td>
<td>Ongoing</td>
<td>Level of community satisfaction.</td>
</tr>
<tr>
<td>To form a component of Council's Land Management strategies.</td>
<td>Consistent with other Plans of Management established by Council.</td>
<td>Establishment of the Plan in conjunction with other Plans of Management.</td>
<td>Ongoing</td>
<td>Application of strategies.</td>
</tr>
<tr>
<td>To comply with Local Government Act 1993 and other legislative requirements.</td>
<td>Develop and review Plan (annual review).</td>
<td>Meet statutory requirements.</td>
<td>Annually</td>
<td>Level of user satisfaction.</td>
</tr>
</tbody>
</table>
SCHEDULE TWO (2)

Lot 1 DP 725567, Lots A & B DP 374158, Land Area 2,131 m²
Denison Street, Crookwell

(Note: Lot B DP 374158 is the site of the Senior Citizens Centre)

SCHEDULE THREE (3)

Defined Maintenance Schedule

This schedule has been prepared to define and identify the “maintenance” role of Council in managing the community land area(s) indicated. (Note: Reference in this document to “the Committee” refers to the Crookwell Memorial Hall Committee and “Council” refers to Upper Lachlan Shire Council)

AREA(S):
Crookwell Memorial Hall Complex.

GENERAL MAINTENANCE:
Cleaning, caretaking and general maintenance undertaken (as necessary) coordinated by the Committee. Council will facilitate payment of the cleaning contractors (continuation of the original terms of agreement with cleaning contractor).

User groups are responsible for the day to day maintenance of their respective areas and for the cleaning/tidy-up of facilities following functions/activities conducted by their group. Should this not occur relevant costs will be recouped from the user group.

BUILDING MAINTENANCE:
As required. Any improvement/upgrade works are to be approved by Council. Funding for such works will be considered annually as part of Council’s Management Plan processes, via the Memorial Hall Management arrangement and through contributions/assistance from user groups and grant funding where available.
Specific arrangements made for functions / events are to be booked in advance by liaising with the Committee.

Should there be an accident or injury arising through the hirers use, the hirer must inform the Committee, who in turn shall inform Council, in writing, on the first working day after the incident.

Council and the Committee shall not be responsible for any loss or damage of any property belonging to the hirer or any person attending the facilities.

Any unresolved disputes arising between the hirer and the Committee shall be referred to Council whose decision shall be final.

**SCHEDULE FOUR (4)**

**MANAGEMENT ARRANGEMENT WITH CROOKWELL MEMORIAL HALL COMMITTEE**

**Name of Facility:** Crookwell Memorial Hall (including kitchen and affiliated facilities)

**Location of Facility:** Denison Street, Crookwell

The license/authority delegates to the Crookwell Memorial Hall Committee, a committee of Council under Section 355, of the Local Government Act 1993, responsibility for the care, control and management of the above named facility for a period of five (5) years from the 1 September 2008, and in accordance with Council’s policies and the license/authority conditions detailed below: (Note: Reference in this document to “the Committee” refers to the Crookwell Memorial Hall Committee and “Council” refers to Upper Lachlan Shire Council)

1 **Council Policies:**

Council has adopted the following policies in relation to the administration of Council community facilities:-

a. Ensure all Council buildings and facilities, which are available for public use, are utilised to the fullest possible extent by all sections of the community;

b. Encourage maximum community participation in the management, maintenance and improvements of Council buildings and facilities;
c. Ensure that Council buildings and facilities under the control of community organisations are maintained at an acceptable level;

d. Provide administrative, technical and financial assistance to community organisations responsible for the management of Council buildings and facilities.

This license/Authority is issued on the understanding that the Committee will assist Council in achieving these objectives and other objectives identified in the Plan of Management, through the administration of the facility.

2. License/Authority Conditions

a. Income and Expenditure:

i. The Committee shall record in the committee’s Income and Expenditure Statement; Income directly received from the use of the facility through fees and charges. The general cashbook shall properly and accurately identify the income;

ii. Income received from the use of the facility shall only be expended on the maintenance, repair, direct operating expenses and improvement to the facility. The Committee’s cash book shall accurately record such expenditure and any excess of income over expenditure at the conclusion of the financial year’s activities shall be noted in the Committee’s final statement of accounts and shall be brought forward separately in the accumulated funds in the following year;

iii. Any variations to the use of the above income shall require the approval of Council’s General Manager;

iv. The Committee’s accounting records shall be audited at the close of each financial year, in a format approved by Council, by a person with accredited auditing experience. A copy of the audited accounts shall be submitted to Council by 10 August each year.

b. Maintenance and Improvement Works:

i. In accordance with Council’s policies the facility shall be maintained at an acceptable standard. In view of the public use of the facility it is essential that the Committee fully consider safety aspects in its maintenance programme to eliminate potential injury to the public. Should the Committee experience difficulties in achieving an acceptable maintenance level or require advice on any maintenance aspect it shall
immediately contact Council’s Director of Environment and Planning (or other Council designated officer).

ii. The Committee’s delegation includes preparation of an annual program of proposed improvement works (on a priority basis). The improvement works program shall be referred to the Director of Environment and Planning by end of February each year for consideration of Council.

iii. The Committee is authorised to complete minor improvement works out of income received. Works in excess of $2,000 require the approval of the Director of Environment and Planning before expenditure is incurred to ensure repairs are carried out to the satisfaction of Council.

iv. Where the Committee considers the works to be of a capital improvements nature, Council should be notified immediately. All capital improvements will be undertaken at Council’s discretion, however matters of safety will be addressed immediately where there is a real threat of injury perceived by the Director of Environment and Planning. (Capital improvements above refer to structural changes to the building e.g. repair/replace roof.)

v. The Committee shall automatically grant the right of entry to the facility by a duly authorised officer of Council for the purpose of inspection of the premises.

vi. The Committee shall be responsible for cleaning those areas under its direct control as identified in item f (vi) of the general section of this agreement. Any other areas utilised by the Committee or its hirers must be cleaned by no later than 10.30am the next day immediately following its use.

c. Fees and Charges:

i. The Committee shall determine its fees and charges in February each year effective from the next financial year. A complete list of proposed fees and charges shall be submitted to Council by March each year for adoption.

ii. When establishing fees and charges the Committee shall take into account all expenses in administering the facility together with future improvement works.
d. **Leases and Contracts:**

i. The Committee shall not lease out any part of the facility or property without the consent of Council.

ii. The Committee shall not enter any contract where the property or buildings is involved, without the consent of Council.

e. **Insurance:**

i. Public Liability Insurance policy shall be included under Council’s insurance policies. The Committee in conjunction with the Director of Environment and Planning and Council’s OH&S Committee shall identify and report any potential hazards or risks both internal and external to the building at minimum on an annual basis.

ii. Property Protection Insurance, including the building, sheds and contents of building, shall be included in Council’s insurance policies. The Committee shall liaise with Council where alterations to buildings are to be made to arrange appropriate adjustments to the sum insured. Annual returns shall be submitted by the Committee to identify standard contents items and reflect changes in the value of contents.

iii. An estimate for insurance costs will be deducted from Council’s annual allocation to the Committee. The Committee shall reimburse Council for any shortfall in estimated versus actual insurance premiums, immediately upon receipt of an account for these amounts.

iv. The Committee and user groups are responsible for independently arranging contents insurance for their equipment stored at the facility. Satisfactory evidence of the policy renewal shall be submitted to Council upon request.

v. Council will annually arrange a public liability policy for casual hirers of all Council facilities. The policy provides coverage for the Committee and Council against possible claims resulting from the negligence of the casual hirer.

It should be noted that the casual hirer’s policy does not extend to seasonal hirers such as sporting groups, clubs, incorporated bodies, CADS, KAOS or hirers for commercial activities (calculated as being users of the facility on more than twelve (12) times per calendar year). These non-commercial or non-profit making groups should retain their own policy and this aspect should be checked before hiring the
hall. It is the responsibility of the Committee to implement this provision. Council has established a procedure and standard form for casual hirers.

Casual hirers include such functions as weddings, meetings, etc.

*Note: Insurance cover to include external sheds, etc.*

f. **General:**

i. The Committee shall be governed as follows:-

- There is to be a minimum of six (6) community representatives which may comprise of regular user groups of the hall facilities (appointed by Council, as a Section 355 Committee of Council);
- There shall be one (1) official Council representative to the Committee, as determined annually by Upper Lachlan Shire Council;
- There shall be at minimum quarterly Committee meetings to be conducted in accordance with Council’s Section 355 Committee Policy and Code of Practice;
- The Committee meetings require at minimum four (4) Committee members to be in attendance for a meeting “quorum”;
- The Committee is to hold an Annual General Meeting (AGM), which is to be advertised in the local newspaper at least thirty days prior to the Meeting. The AGM is to be held in the hall facility and is to be open to all members of the public;
- At the Committee’s AGM an election of office bearers shall take place with a Chairman (to be a community representative) to be elected. The AGM shall be in October each year;
- The Minutes of the AGM and all Committee meetings shall be forwarded to the Council General Manager as soon as practicable after the meeting;
- The Committee is a formal Section 355 Committee of Council and as such each Committee member should conduct themselves in an appropriate manner at all times. Council has an adopted Code of Conduct and would expect that each Committee member would be expected to respect the terms and conditions of that Code.
- Council has the final decision in selection and appointment of members to the Committee.
ii. The temporary licence/authority shall operate for a period of five (5) years and renewal of the licence/authority will be at the discretion of Council. Both parties reserve the right to cancel the licence/authority at any time during the term. The basis of any termination be done with a minimum of eight (8) weeks notice and may occur with reasonable written reasons for the termination. Should the licence/authority be terminated the accumulated excess of income over expenditure detailed in item 2(b) will be deposited with Council.

iii. The Committee shall grant to Upper Lachlan Shire Council free use of the facility for civic and other official functions organised by Council. Civic bodies include designated management committees of Council, Australia Day celebrations, citizenship ceremonies etc. Any Costs associated with Civic / Council functions i.e. cleaning, breakages, will be covered by Council.

iv. The committee shall not utilise nor make application for a licence to retail liquor on the premises without the prior written consent of the General Manager.

v. Council shall contribute to the Committee the amount of $15,000 per annum and deduct costs for rates and annual charges and insurances. This payment will increase at the level of Council’s adopted annual rate increase. The payment shall be made in one instalment by no later than 1 March each year.

The Committee shall be accountable to the Upper Lachlan Shire Council for the expenditure of the contribution. The contribution shall be directly expended on repair, upgrade and maintenance of the hall complex facilities.

Council shall be entitled to withhold proportionate payment of the annual contribution if the conditions as outlined in Clauses f (i), (iv), (ix) are not complied with by the Committee.

vi. Council extends to the Committee control of the main hall, stage, storage rooms and kitchen. The Historical Society rooms remain off-limits to hirers whilst the toilet facilities will continue to operate on a shared basis. The entry foyer shall be the Memorial Hall Committee responsibility and the usage of the general foyer will remain under control of the Manager of Library Services by arrangement.

vii. Any additional request for financial assistance by the Committee to assist in meeting Council’s objectives in relation to these facilities shall be submitted to Council in writing.
together with supporting details by first week of March each year to allow such request to be considered in Council’s Management Plan for the following year. Council does not guarantee that all or any requests for financial assistance will be included in Council’s budget.

viii. The purchase of heating oils and cleaning products may be made through Council’s depot / store person, with the full costs to be reimbursed by the Committee. Council staff will provide to the Committee details of items available and their costs. Items such as floor polish, toilet paper, hand towels etc are the type of items referred to in this clause.

ix. Any improvements that the Management Committee make to the kitchen area in terms of renovations and cosmetic upgrades are carried out at the expense of the Committee and on this basis such improvements will not in anyway be recompensed by Council at the termination of the lease. In essence the contents of any renovations, additions or cosmetic upgrades become the property of Council upon the termination of the lease.

Should the Committee decide to remove / alter any renovations, additions or cosmetic upgrades made during the term of the lease, the absolute minimum standard to which the Memorial hall must be returned to Council, is as it appeared at the commencement of the lease (1st August 2002). Council will be the determining authority on this issue.

x. Due to the significant use of the stage area by CADS, that group is to be consulted on issues relating to the maintenance and use of the same.

Executed on behalf of the UPPER LACHLAN SHIRE COUNCIL

............................................
JOHN BELL
GENERAL MANGER

DATE......................................

Executed on behalf of the CROOKWELL MEMORIAL HALL COMMITTEE

............................................
CHAIRPERSON

DATE......................................
250/08 **RESOLVED** by Clr McCormack and Clr Prell that Council:

1. Adopts the Crookwell Memorial Hall Complex - Plan of Management, effective commencement date from 1 September 2008 for a five-year period.

2. That the Plan of Management be signed by the General Manager.

5. **Tourist Association Committee members for 2008/2009**

251/08 **RESOLVED** by Clr Wheelwright and Clr Bill:

1. That Council formally acknowledges Mr Richard Kennedy for his outstanding contribution to tourism over many years.

2. That the Upper Lachlan Shire Council adopts the following people as Committee members for the Upper Lachlan Shire Tourist Association for 2008/2009: -
   - General Manager – Mr John Bell
   - Director of Finance and Administration – Mr Andrew Croke
   - Councillor Charlie Prell
   - Tourism Manager – Mr Scott Pollock
   - Michael Coley, Barry Murphy, Mary Willis, Alan Howard, Ann Darbyshire, Jason Kirk, Paul Hely, Jennifer Hewitt, Melinda Medway and Leonie Poulton.


252/08 **RESOLVED** by Clr Wheelwright and Clr Prell that Council provide a Section 356 contribution equal to the annual charges outstanding totalling $2,446.51 and Council serves notice that no further financial contribution will be considered.

*The time being 11.50am Clr Coombs rejoined the meeting*

**DIRECTOR OF WORKS AND OPERATIONS**

1. **Determination of Localities within Upper Lachlan Shire.**

253/08 **RESOLVED** by Clr Wheelwright and Clr McCormack:

1. That Council consider and approve the herein detailed proposed changes to Bigga, Tuena and Crooked Corner Localities, and the deletion of the Grabine Locality, and the proposed changes to Wheeo and Grabben Gullen Localities.

2. That Council endorse all the resultant and remaining Locality Names and Boundaries, and advise the Geographical Names Board.

3. That the Department of Lands be advised that Council approves the changes and that the Department of Lands be requested to concur with and advertise the changes prior to gazettal.
Specifically:

1. Delete the Locality of Grabine.

2. Alter the north eastern portion of the Bigga Locality to transfer Lot 114 of DP753066 from the Bigga Locality to the Tuena Locality. The altered boundary of the Bigga Locality will then run from the Abercrombie River, following the generally northern boundary of Lot 129 of DP725478, then following the generally eastern boundary of the same lot, to Meglo Creek, then following Meglo Creek to the north eastern corner of Lot 129 of DP725478. From this point, the boundary is unchanged.

3. Alter the generally south eastern boundary of the Bigga Locality so that the new boundary will run from the existing boundary point where the generally southern portion of Lot 49 of DP753014 meets Whick Wack Road, the follow Whick Wack Road until it meets Lot 51 of DP753014, from there following the northern boundary of the same Lot, then the generally north eastern boundary of the same Lot until it meets the north western corner of Lot 54 of DP753014. From this point, the proposed boundary will follow the generally western boundary of this Lot, through to the south western corner of the Lot. In this vicinity, it is not practical to maintain the boundary along Which Wack Road, as this would separate portions of Lot 54 of DP753014 into two Localities. From this point, the proposed new boundary for Bigga Locality will follow the north western boundary of Lot 2 of DP1016778, then follow Bigga Road in a generally western direction for approximately 285 metres, then follow the western boundary of Lot 2 of DP1016778, to where it meets Lot 23 of DP753045. From this point, the proposed boundary will go in a generally westerly direction until it meets the north western corner of Lot 30 of DP753045. It will then follow the generally western boundary of the same lot until it meets the north eastern corner of Lot 16 of DP753045, and rejoins the current boundary for the Bigga Locality.

4. Alter the generally south western boundary of the Tuena Locality so that the new boundary will run from the existing boundary point at the south western corner of Lot 27 of DP753016, follow the generally eastern boundary of Lot 42 of DP753014, then in an easterly direction follow the generally northern boundary of Lot 49 of DP753014, then follow the eastern and southern boundaries of the same Lot until meeting Which Wack Road. From this point, follow Which Wack Road until it meets Lot 51 of DP753014, from there following the northern and eastern boundaries of the same Lot until meeting the north western corner of Lot 54 of DP753014. From there, follow the generally northern boundary of that Lot, then follow the generally western and northern boundaries of Lot 126 of DP753014 until meeting Lot 30 of DP753014. From this point, follow the generally western boundary of this Lot, and the
generally western boundary of Lot 15 of DP753014. From this point the new boundary for Tuena Locality will run generally in an easterly direction following the generally southern boundary of Lot 44 of DP 753014 until meeting Lot 60 of DP44476, and then rejoining the current boundary for the Tuena Locality.

5. Alter the generally north western boundary of the Crooked Corner Locality so that the new boundary follows the new boundaries of the altered Bigga and Tuena Locality boundaries.

6. It is further recommended that Council consider and approve the retention of “historical” names on the Shire Map, including “Blanket Flat”, which is currently shown on the Shire Map at map reference C4.

7. It is recommended that Council consider and approve the herein detailed proposed changes to Wheeo and Grabben Gullen Localities. The proposed changes, detailed by individual Lot and Deposited Plan Number, are detailed below:

8. The current north eastern corner of the Wheeo Locality is the north eastern corner of Lot 217 of DP754147. It is recommended to extend the Wheeo Boundary to the east, following Wheeo Creek, and following the generally northern boundaries of Lots 28, 138, 177, 190, 122, 203 and 201 of DP754147. It will then follow the generally eastern boundary of Lot 210 of DP754147, and the southerly boundary of the same Lot. It then follows the generally eastern boundary of Lot 223 of DP754147 to Lot 316 of DP754147. The proposed Wheeo Locality boundary then follows the generally northern and eastern boundaries of Lot 316 of DP754147 to Hawthorne’s Tree Road. It will then follow this road in a generally north eastern direction and then follow the generally eastern boundary of Lot 340 of DP754147 to Wheeo Road. It then follows this road in a generally north western direction until coming back onto Hawthorne’s Tree Road. It will follow this road in a generally south western direction then follow the generally western boundaries of Lot 260, 304 and 354 of DP754147. It will then follow the generally northern and eastern boundary of Lot 356 of DP754147 and the generally eastern boundary of Lot 357 of DP754147 until meeting Lot 358 of DP754147. The proposed Wheeo Locality boundary will then follow the generally northern boundaries of Lots 358 and 65 of DP754147 and of Lot 8 of DP179477. It will then follow the generally eastern boundaries of Lots 8 and 9 of DP179477 to meet Grabben Gullen Creek. From this point, the proposed Wheeo Locality boundary follows Grabben Gullen Creek in a generally western direction following the generally southern boundaries of Lot 9 of DP179477 and of Lots 252, 148, 273 and 144 of DP754147. This brings the boundary back to the current Wheel Locality boundary at the south eastern corner of Lot 7 of DP179477.
9. Alter the Grabben Gullen Locality boundary to follow the proposed Wheeo Locality boundary.

10. It is further recommended that Council endorse all the resultant and remaining Locality Names and Boundaries, and advise the Geographical names Board.

2. **Television Reception**

254/08 **RESOLVED** by Clr Wheelwright and Clr Bill that Council pursue opportunities for the establishment of a self-help digital retransmission facility in the Crookwell area to improve television reception.

3. **Traffic Committee Minutes**

**Present:** Clr W Martin (Acting Chair), Mr R Stevens (RTA Rep), Mr A Lawrance (ULSC Rep), Sgt M Showell (NSW Police Rep), Mr G Croker (Community Rep).

**Observers:** Clr B McCormack, Mr M Foran (RSO), Mr J Wakefield (ULSC – minute secretary).

**Apologies:** Mayor Clr J Shaw, Sgt C Croatto (NSW Police) and Sgt P Pollard (NSW Police).

The following recommendations were made by the Local Area Traffic Committee during this meeting for the consideration of Council.

**Recommendations:**

1. That Council defer any recommendations relating to parking restrictions on the western side of Laggan Road opposite the aged care facility, pending further information being presented to LATC relating to the conditions set by LATC in the Development Application Conditions.
2. That no action is required in relation to access issues to 3508 Goulburn Road.
3. That the “No Stopping” sign in front of the service station in Yass St Gunning be moved an appropriate distance to allow access to the fire hydrant.
4. That two (2) disabled parking spaces be established, to appropriate standards (including ramps and signage) in Spring St Crookwell. One located in the first car space adjacent to the Visitor Information Centre and the other in the first car space adjacent to Pauls Café.
5. That the application for a B-Double Route from Woodhouselee Road to Crookwell, via Laggan be refused.
6. That the application for B-Double Route from Grabben Gullen Road to Crookwell be approved, subject to the property access (gate) being recessed 30 metres from the edge of the road pavement.
7. That erection of “Council Parking Only” signs at the front of the Council Chambers in Robertson St Crookwell be refused.
8. That one (1) disabled car park be established adjacent to the Council Chambers access in Robertson St, Crookwell.

9. That the matter of speed zones on Breadalbane Road, Collector be referred to the RTA for Assessment.

Next meeting will be held on 18 November 2008 commencing at 10.00am in the Council Chambers.

Meeting closed 11.52am.

255/08 RESOLVED by Clr Martin and Clr McCormack that Council receives and notes the report as information and adopts the recommendations 1-9 contained within the Traffic Committee Minutes.

4. Request for maintenance work on Crown Road known as “O’Brien’s Road”

256/08 RESOLVED by Clr Wheelwright and Clr McCormack that Council undertake a one off light grade on O’Brien’s Road subject to the agreement of the Department of Lands that the road works are classified as minor works.

*The time being 12.35pm the meeting adjourned for lunch.*

*The time being 1.35pm the meeting resumed.*

**GENERAL MANAGER**

1. **Staffing Matters.**

257/08 RESOLVED by Clr McCormack and Clr Wheelwright that Council receives the report and notes the information.

2. **Internal Reporting - Protected Disclosures Policy**

Policy Title:  
**Internal Reporting - Protected Disclosures Policy**

Author:  
General Manager

Subject:  
Protected Disclosures

File:  
2.11.3

**TABLE OF AMENDMENTS AND UPDATES INCLUDED IN INTERNAL REPORTING - PROTECTED DISCLOSURES POLICY**
### Resolution | Reason of Amendment | Source of Amendment or Detail
--- | --- | ---
No. 85/05 | Adoption of policy | Council Meeting Report - 24 March 2005
No. 257/07 | Review of policy | Council Meeting Report - 23 August 2007
No. 258/08 | Review of policy | Council Meeting Report - 28 August 2008

**OBJECTIVES:**

To establish an internal reporting system for the reporting of disclosures of alleged corrupt conduct, maladministration or serious and substantial waste of public money by Councillors and/or staff of Upper Lachlan Shire Council.

To verify:
- those circumstances in which people making disclosures are entitled to the protection of the provisions of the Protected Disclosures Act;
- the procedure for making such disclosures, and
- reiterate Council’s commitment to eliminating corrupt conduct, maladministration and the serious and substantial waste of public money.

**POLICY:**

1. **Support for persons who make disclosures**

The **Upper Lachlan Shire Council** does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.

The **Upper Lachlan Shire Council** is committed to the aims and objectives of the *Protected Disclosures Act*. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff or councillors which disclose corrupt conduct, maladministration, or serious and substantial waste of public money.

The **Upper Lachlan Shire Council** will take all reasonable steps to provide protection to staff that makes such disclosures from any detrimental action in reprisal for the making of the disclosure.

2. **Purpose of the policy**

To be protected by the Act, a disclosure must be made by a member of staff or Councillor to:

- an investigating authority;
- the General Manager;
- to another nominated officer of Upper Lachlan Shire Council in accordance with the Internal Reporting System established under this Policy for the purposes of the *Protected Disclosures Act*. 
This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Upper Lachlan Shire Council, its staff and Councillors. The system enables such internal disclosures to be made to the Disclosure Coordinator, a Nominated Disclosure Officer, or the Mayor, as an alternative to the General Manager.

This Policy is designed to complement normal communication channels between supervisor and staff. Staff members are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

3. **Object of the Act**

The Protected Disclosures Act commenced operation on 1 March 1995. The purpose of the Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

4. **Definitions**

Three key concepts in the internal reporting system are ‘corrupt conduct’, ‘maladministration’ and ‘serious and substantial waste of public money’. Definitions of these concepts are outlined below:

4.1 **Corrupt conduct**

‘Corrupt conduct’ is defined in the Independent Commission Against Corruption Act (s.8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.
4.2 Maladministration

‘Maladministration’ is defined in the Protected Disclosures Act as conduct that involves action or inaction of a serious nature that is:

- contrary to law, or
- unreasonable, unjust, oppressive or improperly discriminatory; or
- based wholly or partly in improper motives (Section 11).

4.3 Serious and substantial waste

The term ‘serious and substantial waste’ is not defined in the Protected Disclosures Act. The Auditor-General provides the following working definition:

1. Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

2. In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste.

3. The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.

**Absolute**  Serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example $500,000.

**Systemic**  The waste indicates a pattern which results from a system weakness within public authorities.

**Material**  The serious and substantial waste is/was material in terms of the public authority’s expenditure or a particular item of expenditure or is/was material to such an extent so as to affect a public authority’s capacity to perform its primary functions.

**Material By Nature Not Amount**  The serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate. [alternatively, this type of waste may constitute ‘maladministration’ as defined in the Protected Disclosures Act].

Waste can take many forms, for example:
misappropriation or misuse of public property;
the purchase of unnecessary or inadequate goods and services;
too many personnel being employed in a particular area, incurring costs which might otherwise have been avoided;
personnel being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment; and
programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.

Waste can result from such things as:

- the absence of appropriate safeguards to prevent the theft or misuse of public property;
- purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purpose; and
- purchasing practices where the lowest price is not obtained for comparable goods or services without adequate and appropriate justification.

5. **What disclosures are protected under the Act**

5.1 What disclosures are protected?

Disclosures are protected under the Act if they:

- are made:
  - in accordance with this Internal Reporting Policy; or
  - to the General Manager; or
  - to one of the investigating authorities nominated in the Act; **and**
- show or tend to show corrupt conduct, maladministration, or serious and substantial waste of public money by the **Upper Lachlan Shire Council** or any of its staff; **and**
- are made voluntarily.

5.2 What disclosures are not protected?

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.
It is an offence to willfully make a false or misleading statement when making a disclosure.

6. **Reporting under the internal reporting system**

The persons or positions to which internal disclosures can be made in accordance with this policy are:

- the Disclosure Coordinator who is the Director of Finance & Administration, located at Council’s Administrative Building, 44 Spring St, Crookwell NSW 2583. (Ph 02 48301008);
- the Nominated Disclosure Officer who is the Manager of Finance and Administration the above address;
- the General Manager who once again, is located at the above address; or
- the Mayor (if the disclosure concerns or involves the General Manager or a Councillor).

Where persons contemplating making a disclosure are concerned about publicly approaching the Disclosure Coordinator, Disclosure Officer or Mayor (or the General Manager), they can ring and request a meeting in a discreet location away from the workplace.

Notes:
- A Council Officer who wishes to make a protected disclosure which involves a Councillor may do so to the Mayor, the General Manager, or an investigating authority (i.e. the ICAC, NSW Ombudsman).
- A Councillor who wishes to make a protected disclosure which involves another Councillor may do so to the Mayor, the General Manager, or an investigating authority (i.e. the ICAC, NSW Ombudsman).
- If the Mayor wishes to make a protected disclosure he or she may do so to the General Manager or an investigating authority (i.e. the ICAC or NSW Ombudsman).
- The Department of Local Government is not an investigating authority under the Act, however, the ICAC, the NSW Ombudsman or a Council may refer a protected disclosure to the Department for investigation, and in such a circumstance any protection conferred under the Act is maintained.
- All Protected Disclosures Applications are to be recorded on Form B (Copy attached to this Policy).

7. **Roles and Responsibilities**

This Internal Reporting Policy places responsibilities upon people at all levels within the Upper Lachlan Shire Council.

7.1 **Employees**

Employees are encouraged to report known or suspected incidences of
corrupt conduct, maladministration or serious and substantial waste in accordance with this Policy.

All employees of Upper Lachlan Shire Council have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of persons who make disclosures. Further, they should protect/maintain the confidentiality of persons they know or suspect to have made disclosures.

7.2 Nominated Disclosure Officers

Nominated Disclosure Officers are responsible for receiving, forwarding and or acting upon disclosures in accordance with the Policy. Nominated Disclosure Officers will:

- clearly explain to persons making disclosures what will happen in relation to the information received;
- when requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary away from the workplace);
- reduce to writing and date any disclosures received orally (and have the person making the disclosure sign the document);
- deal with disclosures impartially;
- forward disclosures to the Disclosure Coordinator for assessment;
- take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential; and
- support persons who make disclosures and protect them from victimisation, harassment or any other form of reprisal.

7.3 Disclosure Coordinator

The Disclosure Coordinator has a pivotal position in the internal reporting system and acts as a clearinghouse for disclosures. The Disclosure Coordinator will:

- provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager;
- impartially assess each disclosure to determine:
  - whether the disclosure appears to be a protected disclosure within the meaning of the Act; and
  - the appropriate action to be taken in relation to the disclosure, for example:
    ➢ no action/decline;
    ➢ the appropriate person to take responsibility for dealing with the disclosure;
    ➢ preliminary or informal investigation;
formal investigation;
prosecution or disciplinary action;
referral to an investigating authority for investigation or other appropriate action; or
referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).

- consult with the General Manager;
- be responsible for carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager in carrying out his/her functions;
- report to the General Manager on the findings of any investigation and recommended remedial action;
- take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and persons the subject of the disclosures, are kept confidential;
- support persons who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and
- report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the ICAC Act.

7.4 General Manager

Disclosures may be made direct to the General Manager, rather than by way of the Internal Reporting System established under this Policy. The General Manager will:

- impartially assess each disclosure to determine:
  - whether the disclosure appears to be a protected disclosure within the meaning of the Act;
  - the appropriate action to be taken in relation to the disclosure, for example:
    - no action/decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigation;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action; or
    - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- receive reports from the Disclosure Coordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken;
take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential;

- have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal;

- be responsible for implementing organisational reform identified as necessary following investigation of a disclosure; and

- report criminal offences to the Police and actual or suspected corrupt conduct to ICAC (under s.11 of the ICAC Act).

7.5 The Mayor

The Mayor may receive internal disclosures from any member of staff of the council or any Councillor concerning the General Manager or a Councillor. The Mayor will:

- impartially assess each disclosure made to him/her about the General Manager or a Councillor to determine:
  - whether the disclosure appears to be a protected disclosure within the meaning of the Act;

Note: In making this assessment the Mayor may seek guidance from:
the Disclosure Coordinator or General Manager (if appropriate); an investigating authority (i.e. the ICAC, or NSW Ombudsman); or the Department of Local Government.

- the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example:
  - no action/decline;
  - the appropriate person to take responsibility for dealing with the disclosure;
  - preliminary or informal investigation;
  - formal investigation;
  - prosecution or disciplinary action;
  - referral to an investigating authority for investigation or other appropriate action; or
  - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);

- refer disclosures to the General Manager for appropriate action if they concern the council’s administration, within the day to day responsibilities of the General Manager;

- protect/maintain the confidentiality of:
8. Alternative avenues for disclosures

Alternative avenues available to staff for making a protected disclosure under the Act (other than by means of the internal reporting system established under this Policy for the purpose of the Act), are as follows:

- to the General Manager; or
- to one of the investigating authorities under the Act (i.e. the ICAC, NSW Ombudsman, Auditor General, Police Integrity Commission (PIC), or Inspector of the PIC).

Disclosures made to a journalist or a Member of Parliament will only be protected if certain conditions are met:

- the person making the disclosure to a journalist or Member of Parliament must have already made substantially the same disclosure through the internal reporting system or to the General Manager or an investigating authority in accordance with the Act;
- the public official must have reasonable grounds for believing that the disclosure is substantially true and the disclosure must be substantially true; and
- the investigating authority, public authority or officer to whom the matter was originally referred has:
  - decided not to investigate the matter; or
  - decided to investigate the matter but not completed the investigation within six months of the original disclosure; or
  - investigated the matter but not recommended any action in respect of the matter; or
  - failed to notify the person making the disclosure, within six months of the disclosure, of whether the matter is to be investigated.

9. Rights of persons the subject of disclosures

The rights of persons the subject of disclosures will also be protected. In this regard:

- the confidentiality of the identity of persons the subject of disclosures will be protected/maintained (where this is possible and reasonable);
- disclosures will be assessed and acted on impartially, fairly and reasonably;
- responsible officers who receive disclosures in accordance with this Policy are obliged to:
– protect/maintain the confidentiality of the identity of persons the subject of the disclosures;
– assess disclosures impartially: and
– act fairly to persons the subject of disclosures;

- disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality both as to the identity of whistleblowers and the persons the subject of disclosures.
- where investigations or other enquiry’s do not substantiate disclosures, the fact the investigation/enquiry has been carried out, the results of the investigation/enquiry, and the identity of persons the subject of the disclosures will be kept confidential, unless the persons the subject of the disclosures request otherwise;
- the persons the subject of disclosures (whether protected disclosures under the Act or otherwise) which are investigated by or on behalf of an authority, have the right to:
  – be informed as to the substance of the allegations;
  – be informed as to the substance of any adverse comment that may be included in a report/memorandum/letter or the like arising out of any such investigation; and
  – be given a reasonable opportunity to put their case (either orally or in writing) to the persons carrying out the investigation for or on behalf of the authority, before any final decision/determination/report/memorandum/letter or the like is made;

- where the allegations in a disclosure have been investigated by or on behalf of an authority, and the person the subject of the allegations is aware of the substance of the allegations, the substance of any adverse comment, or the fact of the investigation, he or she should be formally advised as to the outcome of the investigation, regardless of the outcome; and
- where the allegations contained in a disclosure are clearly wrong or unsubstantiated, the person the subject of the disclosure is entitled to the support of the authority and its senior management (the nature of the support that would be reasonable and appropriate would depend on the circumstances of the case, but could include a public statement of support or a letter setting out the authority’s views that the allegations were either clearly wrong or unsubstantiated).

10. Protection available under the Act

10.1 Protection against reprisals

The Act provides protection by imposing penalties on a person who takes ‘detrimental action’ against another person substantially in reprisal for a protected disclosure. Penalties can be imposed by means of fines and imprisonment. ‘Detrimental action’ means action causing, comprising or
involving any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment; or
- disciplinary proceeding.

In any such proceedings the whistleblower only needs to show that he or she made a protected disclosure and suffered detrimental action. It then lies on the defendant to prove that the detrimental action shown to have been taken against the whistleblower was not substantially in reprisal for the person making the protected disclosure.

Any member of staff who believes that `detrimental action´ is being taken against them substantially in reprisal for the making of an internal disclosure in accordance with this Policy should immediately bring the allegations to the attention of the General Manager or Mayor.

If a member of staff who made an internal disclosure feels that such reprisals are not being effectively dealt with, they should contact the ICAC or the NSW Ombudsman.

If an external disclosure was made to an investigating authority, that body will either deal with the allegation or provide advice and guidance to the person concerned.

10.2 Protection against actions

The Act provides that a person is not subject to any liability for making a protected disclosure and no action, claim or demand may be taken or made of or against the person for making the disclosure. This provision has effect despite any duty of secrecy or confidentiality or any other restriction on disclosure by a public official.

A person who has made a protected disclosure has a defense of absolute privilege in proceedings for defamation.

A person who has made a protected disclosure is taken not to have committed any offence against an Act which imposes a duty to maintain confidentiality with respect to any information disclosed.

10.3 Confidentiality

The Act requires investigating authorities, public authorities and public officials to whom protected disclosures are made or referred, not to disclose
information that might identify or tend to identify the person who made the disclosures. The exceptions to the confidential requirement are where:

- the person consents in writing to the disclosure of that information; or
- it is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

Decisions about natural justice, effective investigation and public interest will be made by the Disclosure Coordinator. In all cases the person who made the disclosure will be consulted before such a decision is made.

Note: If guidance is needed in relation to the requirements of natural justice, effective investigation and public interest, this may be sought from an investigating authority.

10.4 Freedom of Information exemption

Under the Freedom of Information Act, a document is exempt from release if it contains matter the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act.

11. Notification of action taken or proposed

A person who makes a protected disclosure must be notified, within six months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

If a disclosure is made in accordance with this Policy, the Disclosure Coordinator is responsible for the six-month notification to the person who made the disclosure, unless this responsibility has been retained by or allocated to another officer by the General Manager.

If a disclosure is made to the Mayor under this Policy, the Mayor is responsible for such notification to the person who made the disclosure, unless he or she directs the General Manager, Disclosure Coordinator or another nominated officer to assume this responsibility.

The notification provided to the person who made the disclosure should contain sufficient information to demonstrate that adequate and appropriate action was taken, or is proposed to be taken, in respect of the disclosure. This should include a statement of the reasons for the decision made or action taken in response to the disclosure.
The notification should include sufficient information to enable the person who made the disclosure to make an assessment as to whether the circumstances listed in section 19(3)(a)–(c) of the Act (relating to disclosures to members of Parliament and journalists) apply, i.e. whether:

- a decision was made not to investigate the matter; or
- a decision was made to investigate the matter, but the investigation was not completed within six months of the original decision being made; or
- a decision was made to investigate the matter, but the investigation has not been completed within six months of the original decision being made; or
- the matter was investigated but no recommendation was made for the taking of any action in respect of the matter.

Without such information it would be difficult for the person to be able to properly assess whether it is appropriate or warranted to make a disclosure to an MP or journalist.

12. **Review**

This Policy shall be reviewed annually to ensure that it meets the object of the legislation, and facilitates the making of disclosures under the Act.

13. **Variation**

Council reserves the right to vary or revoke this policy.
MINUTES OF THE ORDINARY MEETING OF UPPER LACHLAN SHIRE COUNCIL HELD ON THURSDAY 28 AUGUST 2008 AT GUNNING

DISCLOSURE FLOWCHART

- Internal Disclosures
  - Nominated Officers
  - Disclosure Coordinator
  - General Manager

- Internal investigation

- External disclosure (to investigating authority)
  - Ombudsman
  - ICAC
  - Department of Local Government

PAGE NO 53 OF THE MINUTES OF THE MEETING HELD ON THURSDAY 28 AUGUST 2008 AT GUNNING
________________________ GENERAL MANAGER__________________________MAYOR
PROTECTED DISCLOSURES APPLICATION

FORM B

Date Received: _________________

Name of Employee/Councillor: ___________________________________________

Details of Disclosure: ___________________________________________________

Signature of Applicant: ____________________________

Signature of Receiver:  ____________________________

Action Taken:
(including discussions/referral of matter)
__________________________________________________________

Result of Action:
(including advice of action to Applicant)
__________________________________________________________

Notice/Knowledge of any Remedial Action:
__________________________________________________________

Signature of General Manager/Director of Finance & Administration/Manager of Finance & Administration:
__________________________________________________________
258/08 **RESOLVED** by Clr Martin and Clr Bill that Council adopts the reviewed and amended Internal Reporting - Protected Disclosures Policy.

3. **Review of Payment of Expenses & Provision of Facilities Policy**

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Reason of Amendment</th>
<th>Source of Amendment or Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 67/05</td>
<td>Adoption of policy</td>
<td>Council Meeting Report - 24 March 2005</td>
</tr>
<tr>
<td>No. 231/05</td>
<td>Review of policy</td>
<td>Council Meeting Report - 25 August 2005</td>
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<tr>
<td>No. 237/06</td>
<td>Review of policy</td>
<td>Council Meeting Report - 24 August 2006</td>
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<tr>
<td>No. 258/07</td>
<td>Review of policy</td>
<td>Council Meeting Report - 23 August 2007</td>
</tr>
</tbody>
</table>

**OBJECTIVES:**

1. To provide appropriate reimbursement of expenses for the Mayor and Councillors travelling on their official duties.
2. To reimburse valid expenses incurred by Councillors in the attendance at conferences and other educational functions.
3. To provide appropriate facilities, where necessary, for Councillors to perform their duties.

**PURPOSE:**

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.
**Policy:**

1. **Fixing and payment of annual fees for the Mayor and Councillors**

   1.1 **Fixing and payment of annual fees for the Mayor**

   s.249
   a. A Council must pay the Mayor an annual fee.
   b. The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.
   c. A Council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
   d. A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
   e. A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor’s annual fee.

   1.2 **Fixing and payment of annual fees for Councillors**

   s.248
   a. A Council must pay each Councillor an annual fee.
   b. A Council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
   c. The annual fee so fixed must be the same for each Councillor.
   d. A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

2. **Travelling**

   Upper Lachlan Shire Council will pay to or on behalf of Councillors using their own vehicle and undertaking Council business, a per kilometre rate up to the maximum allowance contained in the Local Government (State) Award (NAPSA).

   2.1 **Conditions of Travel**

   A Councillor travelling on Council business shall:-

   a) travel with all due expedition and any travel occupied in other than Council business shall not be included in calculating expenses to be paid by the Council; and

   b) travel by the shortest practicable route.
2.2 Claim for Expenses

Claims for travelling expenses shall be made not later than three months after the expense has been incurred and shall be submitted on the “standard” forms available from Council’s office.

2.3 Eligible Council Business

a) To and from meetings of the Council and Council Committees (including attendance by Councillors who are not on Committees).

b) Inspections within Upper Lachlan Shire, subject to compliance with a Council resolution or with the authority of the Mayor or in his absence the Deputy Mayor.

c) Upon Business of Council outside the Upper Lachlan Shire, subject to compliance with a Council resolution or with the authority of the Mayor or in his absence the Deputy Mayor.

d) To and from conferences of the Shires Association of New South Wales or the Australian Council of Local Government Associations or any district Associations of Shire Councils or of any regional development committee.

e) To and from periodical conferences or meetings of such other associations or organisations as may be resolved from time to time.

f) To, on and from business of other associations and organisations to which a Councillor has been appointed by Council resolution.

g) In the event of travelling allowances being met by other organisations and being below those determined by Upper Lachlan Shire Council, Councillors are entitled to claim any shortfall whilst on Council approved business.

3. Accommodation and Out of Pocket Expenses Whilst Away from Upper Lachlan Shire

This part of the policy applies to Councillors and Council staff.

3.1 Councillors and all staff should wherever possible attempt to attend Conferences, and training seminars, at the closest non-metropolitan centre, weighing up however any additional cost of fuel involved in travelling to that centre compared with the additional accommodation cost to Council involved in attending the Conference, or Seminar, in the metropolitan area.
3.2 It is recognised that it is in the interest of the Councillor and the employee to be as close as possible to the venue for the Conference or Seminar.

3.3 Wherever possible, Council vehicles should be used for travel.

3.4 Where a conference or training seminar is to be held in the Sydney Metropolitan area and will commence after 10.00 a.m. Council will not recognise the previous nights accommodation for reimbursement. In cases where the conference or seminar is held at a country centre, accommodation expenses for the night before will not be met where it can reasonably be assumed that the Councillor or employees would not have to leave Crookwell, Taralga or Gunning prior to 6.30 a.m.

3.5 Councillors and staff should when arranging accommodation, always seek the “Government rate”.

3.6 Wherever possible a Council order/corporate card should be used for accommodation purposes. Other expenses/accounts should be forwarded to Council’s Expenditure Clerk for any expenditure incurred by the Councillor or Staff member and requiring reimbursement.

3.7 Council may, with the approval of the Mayor in the case of a Councillor, or the General Manager in the case of a Staff member, advance a sum of money towards expenses. In each such case it will be necessary for receipts to be produced for expenditure incurred and any balance returned for receipt by Council.

3.8 In all instances, registration fees will be paid directly by Council.

3.9 In considering accommodation/expenses claims approval will only be given to “reasonable” claims. Should expenses incurred be considered unreasonable then Councillor or staff members will be required to meet the difference between what is considered reasonable and that which has been incurred.

3.10 In the case of any dispute the final definition of the word “reasonable” will be made by Council in the case of Councillors and the General Manager in the case of staff.

3.11 Accommodation

Council will meet the actual reasonable cost of accommodation. The basis for reasonable rates will be Government contract rates and the circumstance of the business involved.
The cost of breakfast will be recognised by Council as an addition to accommodation.

3.12 Sustenance

Actual cost up to a maximum of $120.00 per day.

4. Sustenance Expenses (Within Upper Lachlan Shire)

Where meetings are scheduled in the early evening, arrangements will be made to provide Councillors and Staff attending such meetings with an evening meal.

If Council business extends over meal breaks, the Mayor or General Manager, in the case of Council meetings, or the Chairman, in the case of Committee or other meetings, may authorise the provision of a meal at Council expense. Light meals/refreshments in conjunction with other activities of Council will be provided where appropriate.

Actual expenses incurred for meals will be reimbursed if considered reasonable and in accord with this policy.

This policy will apply to Councillor’s and staff members only and the Council will not meet any costs associated with a Councillor’s or Staff Member’s spouse, friend or relative attending a function in the company of a Councillor or Staff Member unless specifically authorised by a Council resolution carried in open Council.

5. Facilities

5.1 Mayor

Council will provide the Mayor with the following facilities:

- An office in the Council’s Administration Building. Council’s Meeting Rooms are also to be available for use by the Mayor.

- Postage of official correspondence – all mail is to be directed through the Council’s own mailing system.

- Access to telephone, facsimile, e-mail, internet and photocopy facilities for Council business purposes (during normal office hours).

- Secretarial services for Council business as required.

- Use of a Council Lap Top Computer, if required.

- Meals/refreshments on days/evenings of Council, Committee, Sub-Committee and Working Party Meetings, or at any other time
deemed appropriate by the General Manager whilst on Council business.

- Use of a Council Vehicle, including a fuel card and allocated parking space at Council’s Administration Building.
- Use of a Council Mobile Telephone.
- Payment of conference/workshop/seminar registration fees for attendance approved by Council.
- Identification badge and business cards.

5.2 Councillors

Council will provide the Councillors with the following facilities:

- Council’s Meeting Rooms and areas of Council’s Administrative Building as required.
- Postage of official correspondence – all mail is to be directed through the Council’s own mailing system.
- Access to telephone, facsimile, e-mail, internet and photocopy facilities for Council business purposes (during normal office hours).
- Secretarial services for Council business as required.
- Use of a Council Lap Top Computer, if required.
- Meals/refreshments on days/evenings of Council, Committee, Sub-Committee and Working Party Meetings, or at any other time deemed appropriate by the Mayor or General Manager whilst on Council business.
- Arrangement and payment of travel in respect of Council commitments. Alternatively, a Council vehicle will be provided for such purposes (including collection of Councillors from place of residence/work as necessary).
- Payment of conference/workshop/seminar registration fees for attendance approved by Council.
- Identification badge and business cards.
5.3 Telephone and Facsimile machines owned by Councillors

In accordance with Council resolution 96/296 an amount of $800.00 per annum towards telecommunication charges is payable to each Councillor.

Council will provide Councillors with paper for their personal facsimile machines.

5.4 Acquisition and Return of Equipment and Facilities by Councillors

At the completion of the Councillor’s term of office, Councillors are required to return all Council issued equipment to the Council after the completion of their term of office or at the cessation of their civic duties.

During periods of extended leave - in excess of 3 months – Councillors are required to return all Council issued equipment to the Council.

Councillors may choose to purchase Council equipment previously allocated to them at the cessation of their duties. Items that may be purchased are: laptop computers, printers, facsimile machines and mobile phones. The items are offered to the Councillor at the written down value at the time of purchase.

6. Insurance

Councillors are to receive the benefit of insurance cover for:

(a) **personal injury** while on Council business – the cover does not include medical expenses.

(b) **professional indemnity** for matters arising out of Councillors’ performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty is, in the opinion of Council, in good faith or proper. But subject to any limitations or conditions set out in the policy of insurance that is, at the direction of Council, taken out.

(c) **public liability** for matters arising out of Councillor’s performance of civic duties or exercise of their functions under the Act. But subject to any limitations set out in the policy of insurance that is, at the direction of Council, taken out.
7. **Legal**

That indemnity not be granted under the existing Councillors and Officers liability policy, that in the event of:

(a) any inquiry, investigation or hearing by any of:

- the Independent Commission Against Corruption
- the Office of the Ombudsman;
- the Administrative Tribunal
- the Department of Local Government and Co-operatives
- the Police
- the Director of Public Prosecutions
- pursuant to FOI Legislation

into the conduct of a Councillor; or

(b) legal proceedings being taken against a Councillor arising out of or in connection with the Councillor’s performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall reimburse such Councillor, after the conclusion of the inquiry, investigation, hearing or proceedings, for all legal expenses properly and reasonably incurred, given the nature of the inquiry, investigation, hearing or proceedings, on a solicitor/client basis, provided that:

(i) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis;

(ii) in the of the Council the inquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor; and

(iii) the Council authorising the reimbursement by resolution.

8. **Fees and Benefits to be included in the Annual Report**

Section 428 (2) (f) of the Local Government Act 1993 states that Council will include the following in its Annual Report:

- The total amount of money expended during the year on Mayoral fees and Councillors fees.
- Council’s policy on the provision of facilities for, and the payment of expenses to Councillors.
- The total amount of money expended during the year on providing such facilities and the payment of such expenses, as required by the Local Government (General) Regulation 2005 as amended.
9. **Responsibility/Accountability**

Councillors are responsible for providing receipts to support claims for reimbursement of expenses.

The Director of Finance & Administration is responsible for including details of Mayoral and Councillor fees and benefits in the Council’s Annual Report.

10. **Use of Council equipment and facilities during a Re-election Campaign**

The interests of a Councillor in their re-election is considered to be a personal interest. Councillors may not claim reimbursement of travel expenses incurred on election matters.

Council letterhead, council crests and other information that could give the impression it is official Council material must not be used for these purposes.

11. **Related Policies**

The Policy should be read in conjunction with:

- Code of Conduct for Councillors and Staff.
- Department of Local Government Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors for Local Councils in NSW.
- Department of Local Government Circular No. 05-08: Legal Assistance for Councillors and Council Employees.

12. **Variation**

Council reserves the right to vary or revoke this policy.

Under s253 (1) of the Local Government Act 1993 Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or the provision of facilities allowing at least 28 days for the making of public submissions.

Despite s253 (1) under s253 (3) Council need not give public notice of proposed amendments to its policy for the payment of expenses or the provision of facilities if the Council is of the opinion the proposed amendments are not substantial.

As the amendments to the current Payment of Expenses & Provision of Facilities Policy are merely clarifications detailing the current procedure and not altering the current criteria for the payment of expenses or the provision of facilities it is not proposed to give public notice of any proposed amendments to the policy for the payment of expenses or the provision of facilities.
259/08 **RESOLVED** by Clr Wheelwright and Clr Martin that Council adopt the abovementioned Payment of Expenses & Provision of Facilities Policy and further, as the amendments to the Payment of Expenses & Provision of Facilities Policy are not substantial and are merely clarifications and not altering the current criteria for the payment of expenses and the provision of facilities, Council under s253 (3) of the Local Government Act 1993, not give public notice of any proposed amendments.

4. **Taralga Public Pound Reserve**

260/08 **RESOLVED** by Clr Moloney and Clr McCormack that Council receives the report and notes the information.

5. **Classification of Lot 2, DP 1121922 Parish of Bunton**

261/08 **RESOLVED** by Clr Martin and Clr Bill that Under s31 of the Local Government Act 1993, Council resolves to adopt the classification of Lot 2 DP 1121922, Parish of Bunton as operational land.

6. **OH&S and Consultative Committee Minutes**

MINUTES OF THE UPPER LACHLAN SHIRE COUNCIL OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MEETING, HELD ON MONDAY, 11 AUGUST 2008

Present:

Employee Representatives:  
B Lees, D Storrier, B Campbell, B Churchill, K Kara, 
S Thearle, R Robertson, C Clements, D Dunley.

Employer Representatives:  
A Lawrence, J Bell.

Observer:  
Clr C Prell

Apologies:  
J Hanley, S Thearle.

Meeting declared open: 9.30am

Confirmation of Minutes: That the minutes of the meeting held 10 June 2008 be confirmed as accurate.

Moved J Bell, Seconded C Clements.

BUSINESS ARISING FROM PREVIOUS MINUTES
- **Safe Working at Heights**

OH&S Coordinator is making changes to the WorkCover safe working at heights document and present to OH&S Committee for adoption at a future meeting.

- **Hep A Shots required by staff**

OH&S Coordinator is currently in preparation for Crookwell Staff to be administered with their Hep A shots.

- **Workers Compensation/Sick Leave**

Kerry Matheson is continuing with the consulting process and the OH&S Committee will be advised at a future meeting when the report is received.

- **Eye washing Facilities**

It has been reported a number of eye washing facilities are not working correctly. OH&S Coordinator is currently conducting investigation of all Councils eye washing facilities and investigating areas where eye washing facilities are needed that do not currently have the facilities readily available. Areas being looked at are Crookwell Store, Gunning Store, Parks and Gardens, Taralga.

- **Mobile Phones**

Ongoing investigation into communication issues for employees working onsite in remote areas and after hours. Phones have been trialled and a handset has been selected as having the best coverage. Further investigation is being conducted into the most appropriate car kits.

- **Graves Shoring**

Council’s current methods for preparing grave sites need to be reviewed as there are significant OHS issues that council needs to address.

**Issues / Comments:**

- Council’s current shoring is inadequate as Council only has one set that can only be used for specific sized coffins.

- Council has also had cases where there has been the need for more than one set of shoring as there has been more than one burial on the same date in the Shire.

- Council needs to ensure that the current shoring complies with AS 4744.1 – 2000 steel shoring and trench lining equipment.
• Councils has had incidents where larger coffins will not fit through the shoring properly, or where the shoring has been too small to fit in the excavation.

• Council staff visited Palerang Council to investigate the type of shoring that they use (Lite Guard). Staff are of the opinion that the Lite Guard shoring is far superior to the current shoring utilised by ULSC. The Lite Guard shoring would make grave digging much safer.

• As Council uses whatever team/gang/staff that is available when the job comes in staff are not trained in grave safe techniques and are not fully aware of the risks they face when preparing a grave site.

• Training staff will provide Council with accurate information on which equipment and procedures would be best implemented by Council to protect workers and members of the public.

• Council will need to develop procedures for safely digging and backfilling grave sites that take into account worker and public safety.

**Recommendation No. 1:** That Council purchase Lite Guard shoring or shoring of similar nature that meets AS 4744.1 – 2000 (Steel shoring and trench lining equipment). Council will require the following:
- 6 x 2400mm long x 540mm high panels
- 12 Acrow Steel adjustable spreader bars
- 36 pins
- 4 extension legs and 2 cutting steel edges
- Safety lid
- Tread plate

Moved B Churchill, Seconded D Storrier. Carried.

**Action:** Council will provide all staff involved in grave site preparation with appropriate training i.e. A Grave Safe Course so that the staff have a better understanding of the risks faced and how to implement appropriate control methods.

**Action:** Director of Works to review the grave digging process and the most appropriate area of Council to be responsible for grave digging duties and appropriate training in Grave Safety to be provided to the staff involved.

### Outdoor Uniform

Samples of Bisley Reflective uniform were presented to the meeting.

**Action:** OH&S Committee have no objection to the reflective tape clothing being purchased and made available to staff to meet standards for night use.
Evacuation Procedures and Exit Signage

Director of Works advised that Council’s Manager of Assets is currently working on full evacuation procedures for all of Council’s areas.

Council Trailers

Committee were advised that jockey wheels had been made available for use with all of Council’s trailers.

Gunning A Frame

Ongoing investigation into a safer way of loading and unloading the water tank off the truck at Gunning.

Pedestrian Refuge – Crookwell/Goulburn Rd

After a number of reported accidents at the site, Council’s Road Safety Officer has examined a number of alternatives to make it safer for both motorists and pedestrians. extra linemarking and yellow bollards are some alternatives being investigated.

Gravel Pit Amenities

The Committee was advised that a Gravel Pits Management Plan is being developed to provide appropriate amenities when in operation.

Outlet at Park Opposite Council Chambers at Crookwell

A report of a twisted ankle injury after tripping on outlet at the park was received. The Director of Works & the Parks & Gardens Supervisor has investigated and are putting in place measures to reduce the trip hazard risk.

CORRESPONDENCE

- Australian Defibrillators – Information about mini kit’s. Kit’s are $3000.00 and very simplistic.

Action: Further investigation into the kits and OH&S Coordinator to report to next meeting.

Incidents & Accidents

Employee Number: 332
Injury: Twisted knee whilst throwing waste into truck
Circumstances: Bin lifter was extended making the employee have to throw waste much harder than normal.
Action to Prevent from happening again:
- Bin lifter is to always be in against truck whilst manually throwing rubbish.
- Investigate if there are any alternative means of loading waste
- Risk assessments and SWMs be developed for garbage run

Employee Number: 33
Injury: Trip/fall accident
Circumstances: Employee tripped over own foot and fell head first into bookshelf sustaining a shoulder injury. The carpet and flooring is in good condition; no lose objects at feet.
Control:
- Monitor Employees injury

Employee Number: 325
Injury: Hand injury
Circumstances: Employee was helping to install boxing for the construction of a culvert headwall when a piece of the boxing fell onto his hands. No risk assessment carried out / toolbox talks.
Action to prevent from happening again:
- Staffs now loosely wire the boxing to prevent it falling.
- Generic risk assessment to be constructed
- Staff to conduct toolbox talks before commencing new jobs

Employee Number: 318
Injury: Foot injury
Circumstances: Employee was helping with roadside growth maintenance and sustained bruising to foot when the brush cutter flicked up a piece of wire. The employee was wearing appropriate boots.
Employee did not follow instructions of person in charge of site.
Staff not following Tag out / lock out procedure.
Action to Prevent from happening again:
- Investigating the appropriateness of machine
- Supervisors counselled staff member
- Develop safety kit for gang that includes SWMS Risk assessment, and how to conduct toolbox meetings.
- Induct gang into tag out / lock out procedure
Employee Number: 608

Injury: Small piece of timber grazed the eye.

Circumstances: Employee was using the chainsaw whilst clearing small saplings. Sunglasses were worn under the chainsaw helmet.

- Investigation pending.

Action to Prevent from happening again:
The OHS review accident and suggest further control methods

- OH&S Issues

  - Bin collection at Virbac
  Virbac workers were entering the building via the rear entrance when Council’s garbage trucks were collecting the industrial waste. This is greatly increasing the risk of a Virbac employee being struck by the bin lifter.
  Controls: Council staff met with Virbac management to discuss the issue. Council will now start the industry waste run half an hour earlier and Virbac management will issue an internal memo stating that the back entrance must not be used when the garbage truck is there.

  - Fire alarm for garbage trucks
  Staff members raised the concern that the garbage trucks have the potential to catch fire on the nights when they are left partially loaded.
  Action: Ensure parking areas are appropriate for the trucks so that staff and members of public are not at risk. Forward the issue and relevant information onto management for their consideration.

  - Window for photo copying room door and door from front counter into hallway.
  Indoor staff has raised concern about the door that leads into the photo copying room and suggest that a window be placed in the door. The door going from front counter into hallway also presents a hazard of hitting customers who may be standing close.
  Action: The Project Officer will speak to builders and see if it is possible to install a new door with a window and possibly mirrored glass whilst renovations are going on.

  - Mat at the rear entrance to Council Administration Building (near toilets) should be non-slip nor create a trip or hazard.
  Action: Director of Works to organise purchase of a new non slip mat and remove old mat.
OH & S Inspection Results

Water Treatment Plant
Issues/Suggestions

- Noise issues in plant room adjoining office.
  **Action:** Investigation into signage and measures to point out slip hazard.

- Dam Wall – members of the public are walking along the spillway whilst fishing on the dam. Staff have attempted to talk to persons in question and can sometimes be confronted in an aggressive manner.
  **Action:** Investigation into signage and measures to point out slip hazard.

Crookwell Depot/Workshop
Issues/Suggestions

- Fire Extinguishers out of date.
  **Action:** Arrangements have been made for check and refill as required.

- Chemical Storage - it was noted that at the moment chemicals are stored appropriately but when activities such as weed spraying start again and there is an increased amount of chemicals to be stored there is not enough bunding available. MSDS register needs to be updated.
  **Action:** Investigate possibility of more bunding to accommodate additional chemical storage and MSDS Register to be updated.

- Location of lathe presents hazards as it is on the walkway to the Overseers office.
  **Action:** Investigation into a more suitable location or screens put in place to prevent entry into the area whilst lathe is in use.

- Pad outside of workshop -
  **Action:** Arrangements have been made for check and refill as required.

Taralga Water Treatment Plant
Issues/Suggestions

- There are currently no Chemical Showers available for staff who are handling chemicals such as liquid chlorine on a regular basis.
  **Action:** Investigate and arrange the installation of a chemical shower in case of emergency.

- MSDS Register needs to be updated and available
  **Action:** Update MSDS Register.

- Trip Hazards
- Pump Noise Levels – to be tested.
Taralga Post Office

Issues/Suggestions

- Evacuation Plans need to be displayed
- Minutes and policies need to be made available.
- Wiring in storage shed out the back.

**Action:** Wiring in storage shed out the back to be investigated.

- No Electrical Tags.

**Action:** OH&S Coordinator to arrange tagging of equipment.

- Foot path to weather station deteriorating.

**Action:** Director of Works to organise investigation and repair of path to prevent trip hazards.

Bannaby Road Project

Issues/Suggestions

- Powerlines are tagged appropriately.
- First aid certificates had run out - first aid training has been scheduled for staff.

Chemical Showers and Eye Washes

<table>
<thead>
<tr>
<th>Location</th>
<th>Type</th>
<th>Date checked</th>
<th>Condition</th>
<th>Problem</th>
<th>Recommendation</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crookwell Water</td>
<td>Shower with eye wash</td>
<td>5/06/08</td>
<td>Good</td>
<td>The water pressure is too strong coming out of eye washes. Will need new eye wash strainers.</td>
<td>Maintain regular checks</td>
<td>Low</td>
</tr>
<tr>
<td>Crookwell Sewer</td>
<td>Shower with eye wash</td>
<td>5/06/08</td>
<td>Work needed</td>
<td>Install new eye wash strainers and install device to reduce water pressure.</td>
<td>Install before the commencement of the next swimming season</td>
<td>High</td>
</tr>
<tr>
<td>Crookwell Pool</td>
<td>None</td>
<td>5/06/08</td>
<td>Inadequate</td>
<td>Install eye wash and chemical shower and/or review were chemicals are stored and mixed</td>
<td>Install before the commencement of the next swimming season</td>
<td>Medium</td>
</tr>
<tr>
<td>Crookwell parks and gardens shed</td>
<td>None</td>
<td>5/06/08</td>
<td>Inadequate</td>
<td>MSDS stipulate council should have adequate emergency facilities when using certain chemicals</td>
<td>Install eye wash and chemical shower and/or review were chemicals are stored and mixed</td>
<td>High</td>
</tr>
<tr>
<td>Location</td>
<td>Facility</td>
<td>Date</td>
<td>Condition</td>
<td>Observation</td>
<td>Action Needed</td>
<td></td>
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<td>---------------------------</td>
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<td>------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Crookwell work shop</td>
<td>Shower with eye wash</td>
<td>5/06/08</td>
<td>Work needed</td>
<td>Eye wash not working properly. Need cleaning and minor maintenance. Site has had a reported case of chemical in eye</td>
<td>Needs urgent maintenance.</td>
<td></td>
</tr>
<tr>
<td>Crookwell store</td>
<td>None</td>
<td>5/06/08</td>
<td>Inadequate</td>
<td>Majority of the chemicals purchased by council come through the store. Council will need to provide adequate protection for employees</td>
<td>Needs an appropriate area selected for the installation of a chemical shower and eye wash facility.</td>
<td></td>
</tr>
<tr>
<td>Crookwell bore</td>
<td>Shower with eye wash</td>
<td>5/06/08</td>
<td>Good</td>
<td>No liquid or powdered chemicals handled. Needs disposable eye wash for first aid kit</td>
<td>Water pressure will need to be monitored.</td>
<td></td>
</tr>
<tr>
<td>Gunning water</td>
<td>None</td>
<td>17/07/08</td>
<td></td>
<td>Majority of the chemicals purchased by council come through the store. Majority of the chemicals purchased by council come through the store.</td>
<td>Needs appropriate area selected for the installation of chemical shower and eye wash facility.</td>
<td></td>
</tr>
<tr>
<td>Gunning sewer</td>
<td>None</td>
<td>17/07/08</td>
<td></td>
<td>Majority of the chemicals purchased by council come through the store. Needs appropriate area selected for the installation of chemical shower and eye wash facility</td>
<td>Needs appropriate area selected for the installation of chemical shower and eye wash facility.</td>
<td></td>
</tr>
<tr>
<td>Gunning depot/store</td>
<td>Small disposable eye flushing bottles</td>
<td>17/07/08</td>
<td>Inadequate</td>
<td>Majority of the chemicals purchased by council come through the store. This site has had one incident involving chemical in eye.</td>
<td>Needs appropriate area selected for the installation of chemical shower and eye wash facility.</td>
<td></td>
</tr>
<tr>
<td>Gunning weed department</td>
<td>Shower with eye wash</td>
<td>17/07/08</td>
<td>Work needed</td>
<td>Shower not working as it should. Hard to activate and inadequate water pressure for adequate flushing</td>
<td>General maintenance need for eye wash and shower / look at ways of protecting pipes from frost.</td>
<td></td>
</tr>
<tr>
<td>Gunning pool</td>
<td>None</td>
<td>17/07/08</td>
<td>Inadequate</td>
<td>Using liquid chlorine.</td>
<td>Look at purchasing appropriate chemical wash station.</td>
<td></td>
</tr>
<tr>
<td>Dalton water</td>
<td>Shower with eye wash</td>
<td>17/07/08</td>
<td>Work needed</td>
<td>Inadequate water pressure / animals or children constantly letting eye wash run</td>
<td>Change the location of eye wash and increase the water pressure.</td>
<td></td>
</tr>
</tbody>
</table>

**High** indicates a critical need for action. **Low** indicates a lower priority need for action. **Medium** indicates a need for action of medium priority.
<table>
<thead>
<tr>
<th>Location</th>
<th>Issue Description</th>
<th>Rating</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taralga water</td>
<td>Staff regularly handling liquid chlorine. Had one previous case of chemical being splashed into eyes. Needs appropriate area selected for the installation of chemical shower and eye wash facility.</td>
<td>High</td>
<td>Look at purchasing a transportable chemical wash station.</td>
</tr>
<tr>
<td>Crookwell Tip</td>
<td>Inadequate</td>
<td>Medium</td>
<td>Look at purchasing a transportable chemical wash station.</td>
</tr>
<tr>
<td>Gunning Tip</td>
<td>Inadequate</td>
<td>Medium</td>
<td>Look at purchasing a transportable chemical wash station.</td>
</tr>
<tr>
<td>Collector Tip</td>
<td>Inadequate</td>
<td>Medium</td>
<td>Look at purchasing a transportable chemical wash station.</td>
</tr>
<tr>
<td>Taralga Tip</td>
<td>Inadequate</td>
<td>Medium</td>
<td>Look at purchasing a transportable chemical wash station.</td>
</tr>
</tbody>
</table>

**GENERAL BUSINESS**

- **Sydney Safety Show**
  
  In the past committee members have attended the Sydney Safety Show.  
  **Action:** A report will be presented by the OH&S Coordinator to the Director of Works and management to consider attendance at this year's Sydney Safety Show event.

- **Crookwell Stock Pile**
  
  It has been reported that on various occasions children have been seen using Council's stockpile as a bike ramp with BMX Bikes and Motor bikes.
  
  **Action:** Director of Works to investigate safety issues and report back to next meeting.

- **OH&S Policy**
  
  Council's policy is due for revision.

  **Recommendation No. 2:** That the reviewed OH&S Policy, OH&S Charter and the OH&S Constitution be forwarded to Council for adoption. Moved J Bell Seconded D Dunley. Carried.

- **Chemicals spills at Kennedy Street Bore**
  
  It has been reported that on various occasions there has been evidence of chemical spills at the location. There has been a pink foam type substance and a smell with overflows going straight into creek.
Action: That signage be put in place for no chemicals to be used in area and continue to monitor the area - Director of Works to investigate and action as required.

- Gunning Reservoir

It has been reported that the hatch has been lifted and children have also been gaining access to the reservoir via a hole in the fence and climbing in the area.

Action: That the fence be repaired and further investigation into safety issues be undertaken by the OH&S Coordinator.

- Disposable Overalls

It has been noted that disposable overalls have been made available to staff that have a tighter weave to provide protection whilst using sealants and chemicals.

- Staff leaving Council.

It is noted that there are a few of the OH&S Committee who are leaving the employment of Council. Renae Robertson from Environment and Planning, Ben Campbell from the Depot Workshop - the Committee Chairperson thanked them both for their contributions and wished them well with future endeavours.

It is also noted that with upcoming Council Elections, Clr Charlie Prell who attends meeting as an observer will be standing again for elections. The Committee thanked Clr Prell for his attendance and wished him well with upcoming elections.

Action: That nomination forms go out to all staff to fill vacancies on the OH&S Committee.

Next Meeting

Monday, 13 October 2008 at Council Chambers at Crookwell at 9:30am.

There being no further business meeting closed at 11.15am.

- Occupational Health and Safety Policy

<table>
<thead>
<tr>
<th>Council Resolution</th>
<th>Reason for Amendment</th>
<th>Source of Amendment or Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>30/05</td>
<td>Policy Creation</td>
<td>Council Meeting 20 January 2005</td>
</tr>
<tr>
<td>288/05</td>
<td>Policy Review</td>
<td>Council Meeting 22 September 2005</td>
</tr>
<tr>
<td>237/06</td>
<td>Policy Review</td>
<td>Council Meeting 24 August 2006</td>
</tr>
<tr>
<td>194/07</td>
<td>Policy Review</td>
<td>Council Meeting 28 June 2007</td>
</tr>
</tbody>
</table>
Objective:

Upper Lachlan Shire Council is committed to providing and maintaining the best possible standard of occupational health and safety for everyone at Upper Lachlan Shire Council’s places of work, including employees, contractors, visitors and members of the public.

In realising its commitment, Upper Lachlan Shire Council will comply with all relevant occupational health and safety legislation.

Policy

Upper Lachlan Shire Council recognises that the best way to manage occupational health and safety is through management and staff working together to identify and solve occupational health and safety problems. Upper Lachlan Shire Council is committed to regular consultation with staff, and where necessary with contractors and suppliers of equipment and services to make sure occupational health and safety is being effectively managed.

RESPONSIBILITIES

Management

Senior management within Upper Lachlan Shire Council acknowledges that there is a primary legal responsibility to all those in management and supervisory positions for the health and safety of the people who work under their direction. Senior management will make sure that occupational health and safety responsibilities are appropriately defined and delegated, and that Directors, Managers and Supervisors receive necessary training and resources to carry out their occupational health and safety responsibilities.

All Directors, Managers and Supervisors have a duty to provide and maintain, as far as is practicable, a working environment that is safe and without risk to health.

To carry out this responsibility Directors, Managers and Supervisors must:

- Make sure that Upper Lachlan Shire Council’s occupational health and safety policy and procedures are effectively implemented
- Make sure occupational health and safety duties are identified and assigned to appropriate employees
- Make sure that regular discussion takes place on occupational health and safety between management and staff
- Make sure that all procedures that relate to occupational health and safety, such as purchasing, training, hazard management, first aid, emergency action and evacuation, are regularly revised and continue to meet Upper Lachlan Shire Council’s occupational health and safety needs and responsibilities
- Provide necessary information, training and appropriate supervision to all Upper Lachlan Shire Council employees to enable them to understand and follow safe working procedures,
• Investigate and report on all occupational health and safety incidents and accidents so that weaknesses in the Council’s occupational health and safety system can be identified and corrected
• Keep up to date with developments in occupational health and safety legislation and standards that impact on their work area
• Make sure that all contractors engaged to carry out work for Council understand the safety standards expected of them and that the equipment meets appropriate standards and legislative requirements
• Monitor current occupational health and safety performance and try to achieve a steadily improving standard of occupational health and safety performance.

Employees

Staff of the Upper Lachlan Shire Council have a legal responsibility to actively contribute towards maintaining a healthy and safe workplace.

To do this staff must:
• Work safely at all times to protect their own health and safety, and the health and safety of everyone with whom they work, and any other person who is at the worksite.
• Report to their supervisor any hazards they encounter in their working day.
• Cooperate with all safety programs being implemented by the Upper Lachlan Shire Council and follow specified safe systems of work.
• Participate in occupational health and safety consultation and training initiatives, and use personal protective equipment and clothing that is specified for their work and supplied by the Upper Lachlan Shire Council.
• Employees are required to cooperate fully with management on health and safety matters and are not to interfere with or misuse anything provided in the interest of OH&S.
• Employees are responsible for their personal safety and that of others who may be affected by their acts or omissions

Upper Lachlan Shire Council seeks the cooperation of all employees in realising our occupational health and safety objectives and in creating a healthy and safe working environment.

This Occupational Health and Safety Policy will be reviewed annually.

**Occupational Health & Safety Charter**

Under the Occupational Health and Safety Act, introduced in 2000, both employers and employees have statutory obligations.

The Occupational Health and Safety policy applies to all employees, visitors to Council's workplaces and where relevant, contractors and their employees.
OBLIGATIONS

Council:

- Comply with all relevant legislation and regulations.
- Incorporate a system of identification, assessment and control of hazards in the workplace using legislation, regulations, codes of practice and Australian Standards as guidelines.
- Provide for workplace participation and consultation by employers and employees through an Occupational Health & Safety Committee.
- Monitor implementation of policies and procedures.
- Review and evaluate policies and procedures annually or earlier if required.

Employees:

- Abide by Council's Occupational Health & Safety policy and associated procedures and cooperate with Council by following safe work instructions and practices.
- Meet legal obligation to comply with legislation and regulations, which require the use of personal protective clothing and equipment.

COMPLIANCE

Breaches of Council's Occupational Health & Safety policy or associated procedures may result in disciplinary action in accordance with Council's Disciplinary Policy.

RESPONSIBILITIES

Health and safety at work is both an individual and shared responsibility of employees and management.

Management (General Manager, Directors and Managers):

- Effectively implement Council's Occupational Health & Safety policy and associated safety procedures and systems in their respective areas of control to ensure the health and safety of all employees and visitors to its workplaces.
- Effect disciplinary procedures for breaches of occupational health and safety where necessary.
- Ensure the provision of suitable personal protective clothing and equipment to employees.
• Support and instruct supervisors of their accountability, responsibility and level of enforcement of safety issues.

• Ensure work method statements are prepared and adhered to and staff appropriately trained.

**Supervisors:**

• Accountable for the safety of employees, and the safety standards of the workplace, under their control.

• Ensure compliance by employees of safety issues.

• Supply employees with accurate and adequate information on safety matters.

• Initiate disciplinary procedures for breaches of occupational health and safety where necessary.

**Employees:**

• Co-operate with Council by following prescribed safe work instructions and practices.

**Occupational Health & Safety Committee:**

• Support all aspects of Council's Occupational Health & Safety policy and associated procedures by way of joint consultation.

**Contractors:**

Whilst engaged by Council:

• Ensure that they and their employees comply with all relevant legislation and regulations.

• Comply with directives issued by Council officers.

• Abide by the terms of contract, including compliance with occupational health and safety responsibilities.

• Ensure that appropriate protective clothing and equipment is provided to their employees.

• Exercise due care in the performance of the contract.
Visitors:

- Comply with health and safety instructions, advice and directives issued by Council officers and abide by all Council safety rules.

**OH&S Constitution**

**COUNCIL COMMITMENT**

Upper Lachlan Council is committed to protecting the health and safety of all employees. Injury and illness is needless, costly and preventable. Council will consult employees in implementing safety practices and systems that will ensure the health, safety and welfare of our employees. Employee involvement at all levels is critical for ensuring a safe workplace.

**OH&S COMMITTEE**

The Committee is to be established and operate within the provisions of the Occupational Health and Safety Workplace Consultation Regulation 2001.

1. **Aim**

   The aims of the Upper Lachlan Shire Council Occupational Health and Safety Committee are:

   (a) to meet legislative obligations in respect of OH&S issues,
   (b) to provide a forum that will allow open discussion on all OH&S issues relating to all persons at the place of work,
   (c) to enable Council management and employees to work together in establishing a safe and healthy working environment.

2. **Scope**

   The OHS Committee will assist with the development and monitoring of safe work practices and systems, and discuss issues that affect the health, safety and welfare of all employees at Upper Lachlan Council.

   The functions of the OH&S Committee include:

   (a) Keeping under review the practices/processes/policies of Council in order to ensure the health and safety of all persons at the place of work,
   (b) To assist in the development of a safe working environment and safe systems of work,
   (c) To assist in the formulation of OH&S policies suitable for the place of work,
   (d) To monitor the measures taken to ensure the proper use, maintenance and, if necessary, replacement of equipment designed to protect employees from hazardous situations,
   (e) To make such recommendations to Upper Lachlan Shire Council as it thinks appropriate to ensure the health and safety of all persons at the place of work,
   (f) To conduct workplace inspections and other activities from time to time in accordance with powers of OH&S Committee members provided in the
OH&S Workplace Consultation Regulation, 2000 and other legislation/regulations,

Clause 30, Chapter 3, Regulations 2001

Note: It is the role of Committee Members to bring to the attention of the OH&S Committee matters of health and safety that should be considered. Following the adoption of the recommendations made by the Committee it is the responsibility of Council/Management to implement these recommendations.

3. Decision Making
The Committee will endeavour to operate on a consultative/consensus basis. In this respect the majority decision will prevail. However in the event of no majority, the Chairman of the Committee has the casting vote.

The OH&S Committee will make recommendations to Council. Council will respond to OHS Committee recommendations within a timeframe agreed by the Committee, set according to the particular issue and its complexity.

Disputes should be identified and resolved at the local level. Failing this, the Chairman should refer the matter to the WorkCover Authority for resolution in accordance with the provisions of relevant legislation/regulations.

4. Membership
The size and composition of the OHS Committee is to be determined by agreement between Council and a representative or representatives:

- appointed jointly by the industrial organisation of employees whose members are engaged at the place of work, or
- appointed at a meeting of the persons employed at the place of work.

The workgroup for the OHS Committee is all employees who work for Upper Lachlan Council.

The membership of the Committee must provide effective representation for all persons employed at the workplace. The maximum number of members is to be twelve (12), or such other number as determined in the manner shown above.

The number of employer’s representatives will not exceed the number of employees’ representatives.

Representation on the Committee will be as follows: -

**Employee Representatives:**
- Seven Employee Representatives from across the various Departments.

**Management Representatives:**
- General Manager
- Director of Works
- OH&S Coordinator
Employee representatives will be elected for a term of two (2) years. Candidates must be a permanent staff member and be nominated by two employees of their respective work-group. Nominations will be placed on noticeboards a minimum of seven (7) days before the election day. Election of representatives will be by an Ordinary ballot voting system.

**Note:** Should only one (1) valid nomination be received for each vacant position, that person shall be automatically elected. In the event that no nominations are received for a vacant position, the vacancy is to be readvertised within one (1) year. The term of office for a person so elected will terminate on the common term date.

If any position becomes vacant, an extraordinary election will be called to elect a representative to fill the vacancy for the rest of the term of the Committee.

5. **Support Services**
Council will make adequate support services available to the Committee to ensure its effective operation (including meeting venue/facilities, minute taking, stationery, etc)

6. **Chairperson**
The Chairperson of the Committee will be an employee representative elected by the Committee. A Deputy Chairperson will also be elected to fill the position in the absence of the Chairperson. The positions of Chairperson/Deputy Chairperson will be ongoing and subject to re-election every two (2) years.

7. **Meetings**
Meetings will be held at least once every Two (2) months. The Council will give notification of meetings at least one (1) week in advance together with a copy of the proposed agenda.

The Chairperson has the power to convene a meeting of the Committee irrespective of whether a meeting is scheduled.

A quorum for a meeting will be five (5) members, with at least three (3) being employee representatives.

Where an employee representative fails to attend three (3) consecutive meetings and does not furnish an explanation that is satisfactory to the Chairperson, that member will be asked and required to resign from the Committee. The ensuing vacancy will be filled by an extraordinary election.

8. **Attendance of Non-members at Committee Meetings**
Persons other than Committee members will be allowed to attend meetings at the discretion of the Chairperson. Such persons may have special knowledge, advice or information that benefits members, or may come as observers. These people have no voting rights at the meeting.
9. Agenda
Agenda items should be provided (in writing) to the Chairperson at least nine (9) days prior to the scheduled meeting date. Items must be considered in sufficient detail so as to enable all members to understand the issues raised.

Each agenda will allow for “Business without Notice”. It will be at the discretion of the Chairperson to determine whether items raised are of a sufficiently urgent nature to warrant determination at the meeting.

10. Minutes
Minutes of OH&S Committee meetings are to be kept by Council. Minutes will be presented to the monthly Council meeting immediately following the OH&S Committee meeting.

11. How employees will be consulted about OH&S
Employees, in the first instance, should report to their supervisor any health and safety concerns that they have about the workplace so the issue can be investigated and appropriate action taken. A copy of this report should be forwarded to the OH&S Coordinator who is then to report to the OH&S Committee on any action taken. Should the committee not receive a response within an appointed timeframe, the matter should then be referred to the General Manager.

The outcome of issues raised by Council, an employee or the OH&S Committee will be recorded in OH&S Committee minutes, a copy of which will be placed on the Depot and Administration Office noticeboards.

Where appropriate, consultation with specific work groups and/or all employees will be undertaken on OH&S issues.
As part of the Office and Depot staff meetings, the opportunity will be given to employees to raise OH&S issues. Council’s Staff Newsletter and documentation on noticeboards will also be utilised to communicate OH&S issues.

12. Training
All members of the OH&S Committee will be required to undergo appropriate accredited training and education to enable their affective participation in the Committee.

13. Amendment to Constitution
This constitution may only be amended by a 60% vote of the Committee members present at a meeting agreeing to the proposed changes. At least seven (7) days notice of the proposed amendments must be given to all OH&S Committee members.

14. References
OH&S Act, 2000
OH&S Regulation, 2001
OH&S Workplace Consultation Regulation 2001
Model Rules for Incorporated Associations, 1984; Part 3-The Committee
MINUTES OF THE ORDINARY MEETING OF UPPER LACHLAN SHIRE COUNCIL HELD ON THURSDAY 28 AUGUST 2008 AT GUNNING

ESTABLISHMENT OF CONSULTATION ARRANGEMENTS

Employees considered these consultation arrangements initially at the Consultative Committee meeting on 12 September 2005.

REVIEW OF CONSULTATION ARRANGEMENTS

It is agreed by Council and employees that these OH&S consultation arrangements will be monitored and reviewed on an on-going basis to ensure that consultation with all employees is effective and that all safety issues are being addressed.

The OH&S Committee will review this constitution on an annual basis.

Signed: (General Manager)
Date:

Signed: (OHS Committee Chairman)
Date:


Present: David Scott (Acting Chairman), Belinda Handley, Danny Fahey, Richard Cooper, Tom Vost, John Bell, John Coombs (Clr), Alan Lawrance, Sandra Francis and Kevin Kara

Apology: Phillip Cramp

CONFIRMATION OF MINUTES

Resolved that the Minutes from the meeting held 10 June, 2008 be confirmed.

BUSINESS ARISING FROM PREVIOUS MINUTES

No business Arising

VACANT COMMITTEE REPRESENTATIVE POSITIONS

Because of the resignation of Col Davis from Council a vacant position now exists on the Committee.

It was advised that Committee vacancy applications were posted to all staff on Friday 8th August, 2008. Closing date for nominations is 22nd August, 2008.
2007/08 REVIEWS

The meeting was advised that 97% of employees have had their Salary Reviews completed. There are only 3 Work staff reviews that are yet completed. It is envisaged that these should be finalised by the end of August, 2008.

INFORMATION SYSTEMS OFFICER POSITION

A report was submitted by the Director of Finance and Administration in relation to the above position.

Action

The Consultative Committee endorse the position description subject to the clarification of Authority and Accountability roles being clarified so that responsibility is defined to enable both Information Systems Officers to know which areas of the IT systems are their responsibility.

INTERNAL ADVERTISEMENTS – ADMINISTRATION DEPARTMENT

The meeting was advised that the following maternity leave internal appointments had been made in the Administration department:-

Maternity Relief Rates Officer – Crookwell – Mrs Donna Cramp
Maternity Relief Finance Officer – Gunning – Miss Eboni Tate

Concerns were raised in relation to the Grades the positions were advertised on. The grades advertised were lower than the current position descriptions. The position descriptions had not changed but the grades had.

Action

That the correct procedures be followed by Management when grading any future internal or external advertisements.

EXECUTIVE ASSISTANT WORKS

The Director of Works, Alan Lawrance reported verbally on the need for an Executive Assistant in the Works Department. A copy of the Position Description was attached to the Agenda.

Action

That the Consultative Committee endorse the position description and that expressions of interest from internal staff be called as soon as practical for the position of Executive Assistant Works Department. If suitable applicants were not forthcoming then an advertisement be placed externally to fill the position.
STAFF VACANCIES

It was advised that the following positions were vacant.

Works Department – Construction Supervisor.
Administration Department – Receptionist Crookwell (Part time) (37.5hrs per fortnight).
Administration Department – Cashier Gunning.

The meeting was advised that all staff had been given a copy of the advertisement for the Construction Supervisors position. It was also advised that advertisements for the other two positions would take place as soon as possible, because staff shortages in the administration section needed to be addressed.

STAFF LEAVE ACCRUALS

The meeting was advised that annual leave accruals for some Upper Lachlan Shire Council staff had become a liability to Council. All staff that have accrued more than the allowable leave hours (8 weeks) will be notified to take annual leave to bring the accrual liability with Council back to an acceptable working level.

At present Long Service Leave accruals are at an acceptable level, but the meeting was advised by the General Manager, John Bell that these accruals will be an ongoing liability to Council and Council will have to take action in the future in relation to the progressive reduction of Long Service Leave accruals.

VEHICLE PARKING COUNCIL OFFICES CROOKWELL

The Director of Works, Alan Lawrance advised the meeting that safety issues are being addressed in relation to the car park at the Council Chambers, he advised that there will only be 6 parking spots. This parking is available for – the General Manager, The Mayor, The Director of Works, The Director of Environment & Planning, The Director of Finance and Administration and The Manager of Finance & Administration. He also advised that the back parking area will be fenced off from the corner of the Human Resources Office to the corner of the toilet block.

BUSINESS WITHOUT NOTICE

Procedures – Higher Grade Pay

Action

The Human Resource department will create a draft policy/procedure in relation to staff working in a higher grade position, when the draft is created it will be presented to the Consultative Committee for endorsement.
Payment of Allowances Outside the Award

Action

That a working party be formed comprising of Kevin Kara, David Scott, Alan Lawrance and Ted Alchin in relation to the payment of certain allowances that were in place when the Gunning Shire Council and the Crookwell Shire Council was amalgamated to form the Upper Lachlan Shire Council in February 2004.

DATE OF NEXT MEETING

The next meeting will be held on Monday 13 October, 2008 at 1.30pm.

Meeting closed at 3.30pm.

262/08 RESOLVED by Clr Bill and Clr McCormack that Council receives and notes the reports as information and adopts the following recommendations contained within the OH&S Committee Meeting Minutes:

1. That Council purchase Lite Guard shoring or shoring of similar nature that meets AS 4744.1 – 2000 (Steel shoring and trench lining equipment).

2. That the reviewed OH&S Policy and OH&S Constitution and OH&S Charter be adopted.

7. Country Mayors Association of NSW

263/08 RESOLVED by Clr Prell and Clr Coombs that Council joins the Country Mayors Association of NSW as a financial member at the current fee of $750.00.

8. “H” Division Meeting

264/08 RESOLVED by Clr Prell and Clr Bill that Council receives the report and notes the information.

9. NSW Electoral Commission – Authorisation and Registration of Explanatory material for Referendums and Polls

265/08 RESOLVED by Clr Wheelwright and Clr Martin that Council does not undertake a separate mail out of the "For and Against" Windfarms cases leaflet, as the Electoral Commission guidelines have been met.

**266/08** RESOLVED by Cllr McCormack and Cllr Martin that Council receives the report and notes the information.

**SECTION 355 & OTHER COMMITTEES**

**267/08** RESOLVED by Cllr Prell and Cllr Bill that Council receives the reports and notes the information.

2. Collector Pumpkin Festival minutes from general meeting and crisis meeting held 29 June, 2008.
3. Crookwell Memorial Management minutes from meeting held 5 August 2008.

**LATE REPORTS**

**268/08** RESOLVED by Cllr Bill and Cllr Wheelwright that the Late Reports be accepted.

1. **Replacement of structure on Fish River Road over the Lachlan River**

**269/08** RESOLVED by Cllr Wheelwright and Cllr McCormack that Council provides financial assistance up to the amount of $30,000 conditional upon the Department of Primary Industries (Fisheries), the Lachlan Catchment Management Authority, South West Slopes RFS Zone, the Southern Tablelands RFS Zone and the Boorowa Council making appropriate contributions to the projects.

2. **Maintenance of Public Roads**

**270/08** RESOLVED by Cllr Prell and Cllr Wheelwright that Council receives the report and notes the information.

3. **Gullen Range Wind Farm**

**271/08** RESOLVED by Cllr Moloney and Cllr Wheelwright that Council receives the report and notes the information.

**BUSINESS WITHOUT NOTICE**

Nil
CLOSED COUNCIL ITEMS

The Mayor advised the meeting that upon review of the information contained in this report there was no need to close the meeting to the public and the item was dealt with in open council.

1. **Depot and Plant Security**

272/08 **RESOLVED** by Clr Wheelwright and Clr Moloney that the information in regard to a spate of thefts at Council depots and worksites be noted and that the appropriate security measures be investigated and implemented subject to available funding.

The next Ordinary Meeting of Council is to be held on Thursday 25 September 2008 at Crookwell commencing at 9.00 am.

There being no further business the Mayor closed the meeting at 2.50pm.

John Shaw
Mayor