

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 JUNE 2022

PRESENT: Cr P Culhane, Cr P Kensit, Cr D O'Brien, Cr J Searl, Cr J Marshall, Cr M McDonald, Cr N McDonald, Cr S Reynolds, Ms C Worthy (General Manager), Mr A Croke (Director Finance and Administration), Ms A Waldron (Director of Environment & Planning, Mr D Rowe (Acting Director of Infrastructure) Ms K McCarthy (Executive Assistant) and Mr C Gordon (Communications Officer)

AUDIO VISUAL: Cr L Woodbridge

THE MAYOR DECLARED THE MEETING OPEN AT 13:30pm

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Kensit advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr Reynolds

110/22

That the minutes of the Ordinary Council Meeting held on 19 May 2022 be adopted.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

111/22 **RESOLVED** by Mayor Kensit and Cr Searl

That Council receive and note the activities attended by the Mayor for May and June 2022.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF JUNE 2022

112/22 **RESOLVED** by Cr Searl and Cr N McDonald

That Item 8.1 - [Correspondence/Information] listed below be received:

1. Office of Local Government – Circular 22-12 – Proposed amendments to the standard contract of employment of General Managers.
2. Office of Local Government – Circular 22-13 – Councillor and General Manager Financial Management Responsibilities – Information sessions.
3. Office of Local Government – Circular 22- 15 – Guidance on the publication of Disclosure of Interests Returns.
4. Office of Local Government – Circular 22-16 – Increases to Companion Animal fees for 2022/23.

- CARRIED

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Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

113/22 **RESOLVED** by Cr Searl and Cr M McDonald

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

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ITEM 10.2-10.6 INFORMATION ONLY ITEMS

114/22

RESOLVED by Cr Searl and Cr O'Brien

1. Council receives and notes items 10.2 – 10.6 as information

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 NATURE STRIPS AND TREES POLICY

MOVED by Cr Reynolds and Cr M McDonald

1. Council adopts the Nature Strips and Trees Policy.

A foreshadowed Amendment to the motion was moved by Cr Searl and Cr N McDonald

That Council defer decision on the draft Nature Strips and Trees Policy.

On being put to the meeting the Motion was Carried therefore become the recommendation.

115/22

RESOLVED by Cr Searl and Cr N McDonald that –

1. Council defer decision on the draft Nature Strips and Trees Policy.

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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**ITEM 11.2 REVIEW OF UPPER LACHLAN SHIRE COUNCIL WASTE
TRANSFER STATION OPERATIONS
STAFF RECOMMENDATION That -**

1. Council receives and notes the report as information.
2. Council adopts the recommendation to cease acceptance of waste types other than household/ residential waste and recycling, with the exception of scrap metal, at all remote waste transfer stations located at Taralga, Gunning, Collector, Bigga and Tuena.

116/22 RESOLVED by Cr Reynolds and Cr M McDonald

1. Council cease acceptance of bulky waste items except for the two amnesty days.
2. Household/ residential waste, recycling, and scrap metal will be the only waste types accepted at remote waste transfer stations located at Taralga, Gunning, Collector, Bigga and Tuena with the exception of two days per year as per point 1.
3. Two amnesty days to be allocated a year in Taralga, Gunning, Collector, Bigga and Tuena for collection of bulky waste items with a limit of 2 cubic metres per household.
4. Review costings at Council meeting in 2023 (12 months) and investigate idea o of a re-use facility for the Shire.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
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Councillors who voted against:- Nil

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ITEM 11.3 **ROAD CLOSURE AND SALE OF LAND IN GRABBen GULLEN ADJACENT TO GRABBen GULLEN CREEK LOT 1 DP 1016457, LOT 64 AND 136 DP 754115,**

117/22 **RESOLVED** by Cr Searl and Cr Culhane

1. Council close and sell the unused road through Lot 1 DP 1016457 and Lots 64 DP 754115 and Lot 136 DP 754115.
2. Council advertise the road closure and proposed sale for a period of 21 days, and
3. Council sell the closed road to the adjoining land owners (P and M Lannan) for the price stated in Crown Land valuation.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 11.4 **POST EXHIBITION - DRAFT DCP DOG AND CAT BOARDING AND BREEDING CHAPTER**

118/22 **RESOLVED** by Cr M McDonald and Cr Reynolds

1. Note the submissions received during public exhibition period and provide a response to all submissions.
2. Adopt the revised draft DCP Chapter (as recommended or as amended by Council).
3. Authorise Council Officers to complete all actions to amend Council's DCP and repeal the former Chapter with a notice of Council's decision placed on Council's website within 28 days of the resolution to adopt the plan.
4. Where adopted, the notice shall include a statement that the plan comes into effect on the date the notice of Council's decision is placed on the website.

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Councillors who voted for:- Crs P Culhane, P Kensit, J
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Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

**ITEM 12.1 UPDATE ON COOKS HILL ROAD UPGRADE - TILT RENEWABLES
AND RYE PARK WIND FARM**

119/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council acknowledge that there have been unforeseen delays in the completion of the upgrading of Cooks Hill Road to a bitumen surface related to biodiversity issues and the condition of the existing drainage structures.
2. Council agree to delayed completion of the Cooks Hill Road upgrade from Stage 3 to Stage 4 of the Road Upgrade Program of the Rye Park Wind Farm Staging Report dated November 2021.
3. That a legal Deed of Agreement be undertaken by Council with Tilt Renewables formalising the scope of works for Cooks Hill Road upgrading and the program for road sealing is be completed by 30 November 2022.
4. Upper Lachlan Shire residents along Cooks Hill Road be notified of the proposed works along the road and the indicative construction timetable.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
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Woodbridge

Councillors who voted against:- Nil

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SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 INTEGRATED PLANNING AND REPORTING - ADOPTION OF THE UPPER LACHLAN COMMUNITY STRATEGIC PLAN TOWARDS 2042!

120/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council, in accordance with the Integrated Planning and Reporting Guidelines and requirements of Section 402 and Sections 8A-8C, of the Local Government Act 1993, adopt the Upper Lachlan Community Strategic Plan Towards 2042.
2. Council provide a response to all public submissions to the Community Strategic Plan Towards 2042.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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ITEM 13.2 **INTEGRATED PLANNING AND REPORTING - ADOPTION OF
2022/2023 COUNCIL PLANS**

121/22 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council, in accordance with Sections 8A-8C and Sections 403-406, of the Local Government Act 1993 resolve to adopt the following Strategic Plans:-
 1. Operational Plan 2022/2023;
 2. Delivery Program 2022/2023 – 2025/2026;
 3. Long Term Financial Plan 2022-2031;
 4. Infrastructure Plan 2022-2031; and
 5. Workforce Plan 2022/2023 – 2025/2026.
2. Council approves expenditure and votes money according to the integrated financial budget contained within Council's 2022/2023 Operational Plan.
3. Council make the Revenue Policy, including Fees and Charges, and operational and capital budget as outlined in the 2022/2023 Operational Plan.
4. Council in accordance with Section 506, of the Local Government Act 1993, and the Office of Local Government advice, and in accordance with the Independent Pricing and Regulatory Tribunal of NSW determination, hereby adopt a 2.40% permissible Ordinary (General) Rates Increase for 2022/2023.
5. Council in accordance with Section 566 (3), of the Local Government Act 1993, hereby resolves that the Interest Rate to apply to all overdue Rates and Charges be calculated at the maximum permissible Interest Rate of 6% per annum, calculated on a daily basis, as determined by the Office of Local Government.
6. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0018200 for Farmland Rating Category inclusive of a Base Amount of \$510.00 per Assessment being 26% of the total amount payable for land categorised as Farmland, for the year 2022/2023.
7. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-

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Valorem of 0.0028400 for the Residential Rating Category inclusive of a Base Amount of \$260.00 per Assessment being 42% of the total amount payable for land categorised as Residential, for the year 2022/2023.

8. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0021950 for the Residential – Non Urban Rating Category inclusive of a Base Amount of \$260.00 per Assessment being 34% of the total amount payable for land categorised as Residential – Non Urban, for the year 2022/2023.
9. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0073090 for the Business – Crookwell Rating Category inclusive of a Base Amount of \$260.00 per Assessment being 26% of the total amount payable for land categorised as Business - Crookwell, for the year 2022/2023.
10. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0053970 for the Business – Gunning Rating Category inclusive of the Base Amount of \$260.00 per Assessment being 35% of the total amount payable for land categorised as Business – Gunning for the year 2022/2023.
11. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0045560 for the Business – Taralga Rating Category inclusive of the Base Amount of \$260.00 per Assessment being 34% of the total amount payable for land categorised as Business – Taralga for the year 2022/2023.
12. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0211100 for the Business – General Rating Category inclusive of the Base Amount of \$260.00 per Assessment being 4% of the total amount payable for land categorised as Business – General for the year 2022/2023.
13. Under the Local Government Act 1993, pursuant to Sections 535, 537 and 543 (1), Council make a general ordinary rate Ad-Valorem of 0.0087670 for the Mining Rating Category inclusive of the Base Amount of \$260.00 per Assessment being 12% of the

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total amount payable for land categorised as Mining for the year 2022/2023.

14. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Water Supply Annual Charge subject to a Water Access Fee of \$510.00 and a Water Availability Charge of \$510.00, for the year 2022/2023.
15. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Water Supply Annual Charge subject to a Water Access Fee of \$510.00 and a Water Availability Charge of \$510.00, for the year 2022/2023.
16. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Dalton Water Supply Annual Charge subject to a Water Access Fee of \$510.00 and a Water Availability Charge of \$510.00, for the year 2022/2023.
17. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Water Supply Annual Charge subject to a Water Access Fee of \$510.00 and a Water Availability Charge of \$510.00, for the year 2022/2023.
18. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Access Charge of \$905.00 per Assessment categorised as Residential Occupied and an Access Charge of \$594.00 for Residential Unoccupied, for the year 2022/2023.
19. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$905.00, a Sewer Discharge Factor of 0.77 and a Usage Charge of \$3.54, for the year 2022/2023.
20. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$905.00, a Sewer Discharge Factor of 0.50 and a Usage Charge \$3.54, for the year 2022/2023.

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21. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Gunning Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$905.00, a Sewer Discharge Factor of 0.60 and a Usage Charge of \$3.54, for the year 2022/2023.
22. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Access Charge of \$905.00 per Assessment categorised as Residential Occupied and an Access Charge of \$594.00 for Residential Unoccupied, for the year 2022/2023.
23. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$905.00, a Sewer Discharge Factor of 0.60 and a Usage Charge of \$3.54, for the year 2022/2023.
24. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$905.00, a Sewer Discharge Factor of 0.77 and a Usage Charge of \$3.54, for the year 2022/2023.
25. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Crookwell Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$905.00, a Sewer Discharge Factor of 0.50 and a Usage Charge of \$3.54, for the year 2022/2023.
26. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Access Charge of \$905.00 per Assessment categorised as Residential Occupied and an Access Charge of \$594.00 for Residential Unoccupied, for the year 2022/2023.
27. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Non-Residential and Business of \$905.00, a Sewer Discharge

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Factor of 0.77 and a Usage Charge of \$3.54, for the year 2022/2023.

28. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Commercial of \$905.00, a Sewer Discharge Factor of 0.60 and a Usage Charge of \$3.54, for the year 2022/2023.
29. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), 501 and 552, Council make a Taralga Sewer Supply Best Practice Pricing Access Charge per Assessment categorised as Churches / Schools / Hospitals / Nursing Homes and Parks of \$905.00, a Sewer Discharge Factor of 0.50 and a Usage Charge of \$3.54, for the year 2022/2023.
30. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Service Charge of \$556.00 per service for the year 2022/2023.
31. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496, Council make a shire wide Domestic Waste Management Availability Charge of \$218.00 per Rateable Assessment. This annual charge is for each vacant property that is categorised as Residential and is in the pickup service area, for the year 2022/2023.
32. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 501, Council make a Commercial Waste Service Charge of \$658.00 per service for each rateable Assessment categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2022/2023.
33. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Commercial Waste Availability Charge of \$218.00 per Assessment for Rateable Assessments categorised as Business – Gunning, Business – Taralga and Business – Crookwell, for the year 2022/2023.
34. Under the Local Government Act 1993, pursuant to Sections 535, 543 (1) and 501, Council make a Rural Waste Annual Charge of \$239.80 per Rateable Assessment categorised as Farmland, Residential – Non Urban, and Residential, for properties that do not have a Domestic Waste Management Charge and do not

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have a Domestic Waste Management Availability Charge for the year 2022/2023.

35. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning and Collector of \$25.00 per Rateable Assessment categorised as Residential, for the year 2022/2023.
36. Under the Local Government Act 1993, pursuant to Sections, 535, 543 (1), and 496A, Council make a Stormwater Management Annual Charge for the towns of Taralga, Crookwell, Gunning, and Collector of \$50.00 per Rateable Assessment categorised as Business – Gunning, Business – Taralga, and Business – Crookwell, for the year 2022/2023.
37. Under the Local Government Act 1993, pursuant to Section 502, Council make a Water Supply User Pay Consumption Charge for the towns of Taralga, Crookwell, Gunning and Dalton. The charge Tariff 1 - \$3.54 per kilolitre consumed up to a maximum of 200 kilolitres and charge for Tariff 2 - \$4.68 per kilolitre consumed above 200 kilolitres, for the year 2022/2023.

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
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Councillors who voted against:- Nil

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ITEM 13.3 **MAYORAL AND COUNCILLORS' REMUNERATION - LOCAL GOVERNMENT REMUNERATION TRIBUNAL**

122/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council notes the determination of annual fees by the Local Government Remuneration Tribunal for Councillors and Mayors and resolves to set a Rural category fee structure for the period 2022/2023 being, Councillors Annual Fee of \$12,650 and a Mayoral Fee of \$27,600.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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ITEM 13.4 REVIEW OF PUBLIC INTEREST DISCLOSURES - INTERNAL REPORTING POLICY

123/22 RESOLVED by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Public Interest Disclosures - Internal Reporting Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Public Interest Disclosures – Internal Reporting Policy
File Reference:	F13/618-04
Date Policy was adopted by Council initially:	24 March 2005
Resolution Number:	85/05
Other Review Dates:	23 August 2007, 28 August 2008, 20 August 2009, 19 August 2010, 17 November 2011, 20 March 2014 and 20 April 2017
Resolution Number:	257/07, 258/08, 333/09, 311/10, 444/11, 64/14 and 108/17
Current Policy adopted by Council:	16 June 2022
Resolution Number:	123/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	NSW Ombudsman
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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1. Purpose and context of the Policy

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Upper Lachlan Shire Council and what can be reported and how reports of wrongdoing will be dealt with by Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994 (PID Act)*.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised in accordance with Council Grievance Policy. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Manager Human Resources and dealt with in accordance with the Grievance Policy.

2. Organisational Commitment

Upper Lachlan Shire Council strives to deliver on its Customer Service Charter, community goals and strategic priorities as reflected in the Community Strategic Plan (CSP) and supporting documents.

Under Section 6D, of the *PID Act*, public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures.

Council is committed to the aims and objectives of the *PID Act*. Council is committed to creating a climate of trust, where people are comfortable and confident about reporting wrongdoing and encourage staff to come forward if they are aware of wrongdoing within the Council.

Council will not tolerate and is committed to eliminating corrupt conduct, maladministration or serious and substantial waste of public money. 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.

Council will deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it and provide adequate resources to address issues.

Council shall ensure Directors, Managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, receive appropriate training, are familiar with this policy and aware of the needs of those who report wrongdoing.

Council will properly assess, investigate or otherwise deal with allegations and properly manage any workplace issues that the allegations identify or that result from a report.

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3. Who does this Policy apply to?

This policy will apply to:-

- Both Council staff and Councillors;
- Permanent employees, whether full-time or part-time;
- Temporary or casual employees;
- Contractors, Consultants and their employees working for Council and/or providing services to Council;
- Other people who perform Council functions whose conduct and activities could be investigated by an investigating authority, including volunteers and Section 355 committee members.

The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Upper Lachlan Shire Council.

4. Roles and Responsibilities

a. The role of Council Staff and Councillors

Council staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately.

All Council staff and Councillors are obliged to:-

- Report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- If requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- Treat any staff member or person dealing with a report of wrongdoing with courtesy and respect;
- Respect the rights of any person the subject of reports.

Council staff and Councillors must not:-

- Make false or misleading reports of wrongdoing;
- Victimise or harass anyone who has made a report.

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code of Conduct may result in disciplinary action.

b. The role of Upper Lachlan Shire Council

Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

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Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, the Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must report on our obligations under the *PID Act* and statistical information about public interest disclosures in our Annual Report and to the NSW Ombudsman every six months.

To ensure Council complies with the *PID Act* and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

c. Roles of Key Positions

General Manager

Council's General Manager has ultimate responsibility for maintaining the internal reporting system, workplace reporting culture, implementing this policy and ensuring Council complies with the *PID Act*.

The General Manager can receive reports from staff and Councillors and has a responsibility to:-

- Assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
- Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;
- Ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- Make decisions following any investigation or appoint an appropriate decision-maker;
- Take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
- Refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC);
- Refer any evidence of a reprisal offence under Section 20, of the *PID Act*, to the Commissioner of Police or the ICAC.

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Disclosures Coordinator

The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter.

The Council Disclosures Coordinator is the Director of Finance and Administration. Clause 3.15, of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, requires the Complaints Coordinator to be a Disclosures Coordinator.

The Disclosures Coordinator has a responsibility to:-

- Assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;
- Coordinate the Council's response to a report;
- Acknowledge reports and provide updates and feedback to the reporter;
- Assess whether it is possible and appropriate to keep the reporter's identity confidential;
- Assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- Where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- Ensure Council complies with the *PID Act*;
- Provide six-monthly reports to the NSW Ombudsman in accordance with Section 6CA of the *PID Act*.

Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and this policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Council Disclosures Officers includes; the Manager of Governance, Chief Financial Officer and Manager Human Resources.

Disclosures Officers have a responsibility to:-

- Document in writing any reports received verbally, and have the document signed and dated by the reporter;
- Make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;
- Discuss with the reporter any concerns they may have about reprisal or workplace conflict;
- Carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

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Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:-

- Assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;
- Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct Procedures;
- Refer reports to an investigating authority, where appropriate;
- Liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- Refer actual or suspected corrupt conduct to the ICAC;
- Refer any evidence of a reprisal offence under Section 20, of the *PID Act*, to the Commissioner of Police or the ICAC.

Managers, Supervisors and Coordinators

Managers, Supervisors and Coordinators play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. These roles should be aware of this internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing.

Managers, Supervisors and Coordinators have a responsibility to:-

- Encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do;
- Identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy;
- Implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
- Notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

5. What should be reported?

You should report any suspected wrongdoing within the *Council* or any activities or incidents you see within the Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *GIPA Act*, and local government pecuniary interest contravention – which otherwise meet

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the criteria of a public interest disclosure, will be dealt with under the *PID Act* and according to this policy. See below for details about these types of conduct. More information about what can be reported under the *PID Act* can be found in the NSW Ombudsman's Guideline B2: What should be reported?

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This may include:

- Harassment or unlawful discrimination;
- Practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. Council will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

a. Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this may include:-

- The improper use of knowledge, power or position for personal gain or the advantage of others;
- Acting dishonestly or unfairly, or breaching public trust;
- A Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust. Some examples include; taking or offering bribes, public officials dishonestly using influence, blackmail and fraud.

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this may include:-

- Making a decision and/or taking action that is unlawful;
- Refusing to grant an approval for reasons that are not related to the merits of their application.

The conduct covered by these terms includes:-

- Contrary to law, including:-
 - A decision or action contrary to law;
 - A decision or action ultra vires (i.e. the decision-maker had no power to make the decision or to do the act);

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- A decision or action contrary to lawful and reasonable orders from people or agencies with authority to make or give such orders;
- A breach of natural justice or procedural fairness;
- Improperly exercising a delegated power (e.g. a decision or action not authorised by a delegation or acting under the direction of another);
- Unauthorised disclosure of confidential information;
- A decision or action induced or affected by fraud.

- Unreasonable, including:-
 - A decision or action inconsistent with adopted guidelines or policies or with a decision or action which involves similar facts or circumstances not justified by any evidence, or so unreasonable that no reasonable person could so decide or act (e.g. irrational);
 - An arbitrary, partial, unfair or inequitable decision or action;
 - A policy that is applied inflexibly and without regard to the merits of an individual case;
 - A decision or action that does not take into account all relevant considerations or that takes into account irrelevant considerations;
 - Serious delays in making a decision or taking action;
 - Failing to give notice of rights;
 - Giving wrong, inaccurate or misleading advice leading to detriment;
 - Failing to apply the law;
 - Failing to rectify identified mistakes, errors, oversights or improprieties;
 - A decision or action based on incorrect or misinterpreted information;
 - Failing to properly investigate.

- Unjust, including:-
 - A decision or action not justified by any evidence or that is unreasonable;
 - A partial, unfair, inequitable or unconscionable decision or action.

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- Oppressive, including:-
 - An unconscionable decision or action;
 - Where the means used are not reasonably proportional to the ends to be achieved;
 - An abuse of power, intimidation or harassment.

- Improperly discriminatory, including:-
 - The inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so;
 - Applying a distinction not authorised by law, or failing to make a distinction which is authorised or required by law.

- Based wholly or partly on improper motives, including:-
 - A decision or action for a purpose other than that for which a power was conferred (i.e. in order to achieve a particular outcome);
 - A conflict of interest;
 - Bad faith or dishonesty;
 - Seeking or accepting gifts or benefits in connection with performance of official duties;
 - Misusing public property, official services or facilities.

c. Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this may include:-

- Not following a competitive tendering process for a large scale contract;
- Having bad or no processes in place for a system involving large amounts of public funds.

In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste. The following delineation of the definition of serious and substantial waste may be of assistance to public officials or public authorities:-

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Absolute

Serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant.

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 *PID Act*.)

Waste may 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 may result from such things as:-

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

d. Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009 (GIPA Act)* is a failure to properly fulfil functions under that Act. For example, this may include:-

- Destroying, concealing or altering records to prevent them from being released;
- Knowingly making decisions that are contrary to the legislation;

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- Directing another person to make a decision that is contrary to the legislation.

e. Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council Committee Meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this may include:-

- A senior Council staff member recommending a family member for a council contract and not declaring the relationship;
- A Councillor participating in consideration of a DA for a property they or their family have an interest in.

6. Assessment of Reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

7. When will a Report be treated as a Public Interest Disclosure?

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the *PID Act*. These requirements are:-

- The report must be about one of the following five categories of serious wrongdoing; – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *GIPA Act*, or Local Government pecuniary interest contravention;
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
- The report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see Section 8), an investigating authority or in limited circumstances to an MP or journalist (see Section 9).

Reports by Council staff are not public interest disclosures if they:-

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- Mostly question the merits of government policy (see Section 17);
- Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see Section 18).

8. Who can receive a Report within the Council?

Council staff are encouraged to report general wrongdoing to their Supervisor. However the *PID Act* requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the Council who are authorised to receive a public interest disclosure. Any Supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (Section 4).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

- General Manager (address to PO Box 42, GUNNING NSW 2581 and mark confidential)
- Mayor (address to PO Box 42, GUNNING NSW 2581 and mark confidential)
- Disclosures Coordinator - is the Director of Finance and Administration.
- Disclosures Officers - includes; the Manager of Governance, Chief Financial Officer and Manager Human Resources

9. Who can receive a Report outside of the Council?

Council staff and Councillors are encouraged to report wrongdoing within the Council but internal reporting is not your only option. You can also make a public interest disclosure to:-

- An investigating authorities;
- A Member of Parliament (MP) or a journalist, but only in the limited circumstances outlined below.

a. Investigating Authorities

The *PID Act* lists a number of investigating authorities in NSW that Council staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities for the Council are:-

- The Independent Commission Against Corruption (ICAC) - for disclosures about corrupt conduct.

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- The NSW Ombudsman - for disclosures about maladministration.
- The Auditor-General - for disclosures about serious and substantial waste.
- The Information and Privacy Commissioner (IPC) - for disclosures about a breach of the GIPA Act.
- The Office of Local Government (OLG) - for disclosures about local councils.

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with the Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to Council staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b. Members of Parliament or Journalists

To have the protections of the *PID Act*, Council staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:-

- The General Manager.
- A person nominated in this policy, including the Mayor for reports about the General Manager.
- An investigating authority.

Also, the Council or the investigating authority that received your initial report must have either:-

- Decided not to investigate the matter.
- Decided to investigate the matter, but not completed the investigation within six months of the original report.
- Investigated the matter but not recommended any action as a result.
- Not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly - to be protected under the *PID Act* - if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see Section 19).

c. Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be

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protected under the *PID Act*. This may mean you will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

10. How to make a Report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Upper Lachlan Shire Council's Internal Reporting Form is also available for Council staff or Councillors to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

11. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a Report. Although these Reports will still be dealt with by the Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the Report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

12. Feedback to staff who report wrongdoing

Council staff and Councillors who report wrongdoing will be told what is happening in response to their Report.

a. Acknowledgement

When you make a Report, the Council will contact you, in accordance with timeframes outlined in Council's Customer Service Charter, to confirm that your Report has been received and to advise:-

- The timeframe within which you will receive further updates;
- The name and contact details of the people who can tell you what is happening or handle any concerns you may have.

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After a decision is made about how your Report will be dealt with, the Council will send you an acknowledgment letter, providing:-

- Information about the action that will be taken in response to your report;
- The likely timeframes for any investigation or other action;
- Information about the internal and external resources or services available that you can access for support;
- We will provide this information to you within fifteen working days from the date you make your Report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the *PID Act*.

If you make a Report which meets the requirements of the *PID Act* but the Report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

Note: *PID Act* requires, as part of acknowledgement, a copy of this policy to be provided to a person reporting wrongdoing within 45 days of the report being made.

b. Progress Updates

While your Report is being dealt with, such as by investigation or making other enquiries, you will be given:-

- Information about the progress of the investigation or other enquiries and reasons for any delay;
- Advice of any decision by the Council not to proceed with the matter;
- Advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

c. Feedback

Once the matter has been finalised you will be given:-

- Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;
- Advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

13. Maintaining Confidentiality

The Council realises reporters may want their identity and the fact they have made a Report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

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If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any Council staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

14. Managing the risk of reprisal and workplace conflict

When a Council staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Council may:-

- Relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- Transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;
- Grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

15. Protection against reprisals

The Council will not tolerate any reprisal against Council staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The *PID Act* provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:-

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- Injury, damage or loss;
- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to employment;
- Dismissal from, or prejudice in, employment;
- Disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action.

Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for Council staff and Councillors to understand the nature and limitations of the protection provided by the *PID Act*. The *PID Act* protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.

a. Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

- All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If the Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the Council will:-

- Assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
- If the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;
- If it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
- Take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;

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- Refer any breach of Part 8, of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;
- Refer any evidence of an offence under Section 20, of the *PID Act*, to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the OLG, the Ombudsman or ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a public interest disclosure in accordance with the *PID Act*, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

16. Support for those reporting wrongdoing

The Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process, such as stress management or counselling services. Council has an Employee Assistance Program (EAP) that may be utilised.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

17. Sanctions for making false or misleading statements

It is important all Council staff and Councillors are aware that it is a criminal offence under the *PID Act* to wilfully make a false or misleading statement when reporting wrongdoing. The Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

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18. The rights of persons the subject of a Report

The Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a Report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:-

- Advised of the details of the allegation;
- Advised of your rights and obligations under the relevant related policies and procedures;
- Kept informed about the progress of any investigation;
- Given a reasonable opportunity to respond to any allegation made against you;
- Told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

19. Related Legislation and Council Policies

- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Regulation 2011;
- Ombudsman Act 1974;
- NSW Ombudsman Public Interest Disclosures Guidelines;
- NSW Ombudsman's Guideline B2: What should be reported?
- Independent Commission Against Corruption Act 1988;
- Government Information (Public Access) Act 2009;
- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Environmental Planning and Assessment Act 1979;
- Work Health and Safety Act 2011 and Regulations;
- Anti Discrimination Act 1977;
- Fair Work Act 2009;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Equal Employment Opportunity Act 1987;
- Code of Conduct;
- Code of Meeting Practice;
- Disciplinary Policy;
- Complaints Management Policy;

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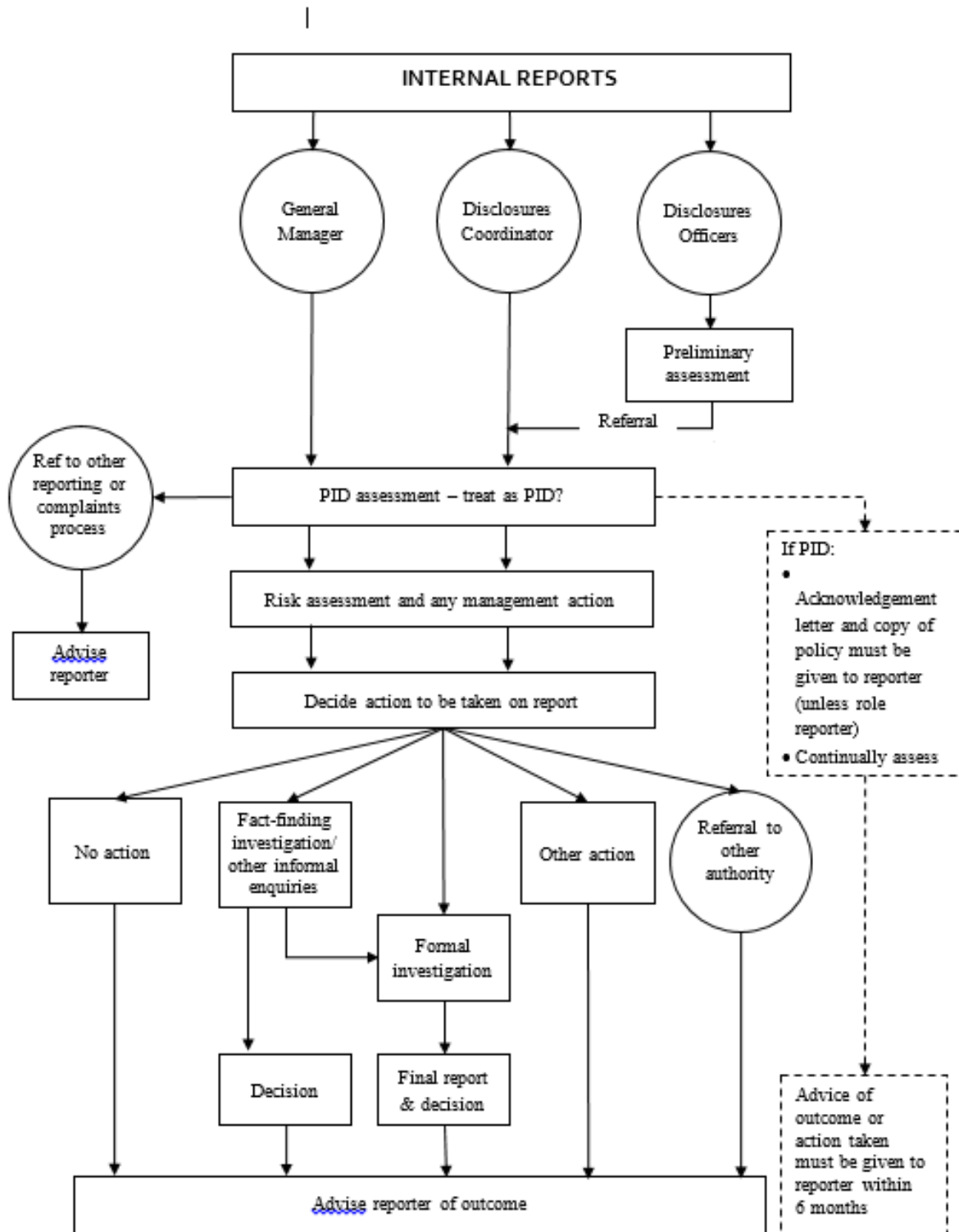
- Fraud and Corruption Prevention Policy;
- Grievance Policy;
- Harassment Policy; and
- Code of Business Practice.

20. Variation

Council reserves the right to vary or revoke this policy.

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21. Flow Chart of Internal Reporting Process



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Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against
Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free: 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and
substantial waste:

Auditor-General of the NSW Audit
Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 19, Darling Park Tower,
201 Sussex Street, Sydney NSW 2000

For disclosures about local councils:

Office of Local Government (OLG)
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra NSW
2541

For disclosures about breaches of the
GIPA Act:

Information & Privacy Commissioner (IPC)
Toll free: 1800 472 679
Facsimile: 02 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 17, 201 Elizabeth Street,
Sydney NSW 2000

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Upper Lachlan Shire Council

INTERNAL REPORTING FORM

Date Received: _____

Name of Employee/Councillor: _____

Confidentiality Requested: Yes/No

Details of Disclosure: _____

Signature of Applicant: _____

Signature of Receiver: _____

Position Title of Receiver: _____

Assessment/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/ Disclosures Coordinator:

_____ **Date** _____

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ITEM 13.5 **REVIEW OF BORROWINGS AND LOANS POLICY**
124/22 **RESOLVED** by Cr Searl and Cr M McDonald

1. Council adopts the reviewed Borrowings and Loans Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Borrowings/Loans Policy
File Reference:	F10/618-03
Date Policy was adopted by Council initially:	27 September 2007
Resolution Number:	267/07
Other Review Dates:	16 September 2010, 15 May 2013 and 15 August 2019
Resolution Number:	355/10, 136/13 and 209/19
Current Policy adopted by Council:	16 June 2022
Resolution Number:	124/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVE

To borrow funds in accordance with relevant legislative requirements and to provide a structured and disciplined approach to the supplementary financing of Upper Lachlan Shire Council's capital infrastructure improvements and asset renewals program over time through the use of loan monies.

POLICY FRAMEWORK

That Council seeks to ensure that the borrowing policy and related guidelines are publicly transparent and meet good business and best practice criteria including controls over identified risks.

This policy applies to all new and old money borrowings from external sources. Upper Lachlan Shire Council borrowings are subject to statutory legal requirements including Sections 621-624, of the Local Government Act 1993 and Ministerial Borrowing Order signed by the Minister for Local Government.

The Local Government Act 1993 sets out the overarching ability to borrow but refers to the ability of the Minister of Local Government to impose restrictions and for security to be in accordance with regulations. Division 9 - Miscellaneous, Section 229-230, of Local Government (General) Regulation 2021, stipulates that the General Manager is to notify the Director-General within seven days of any borrowings. The Regulations also specify that loans will be a charge on Council's income, loans may only be in Australian Currency and excludes offshore borrowing, and sets limits for placement fees.

It is an annual requirement that the Minister determines each NSW Local Government Council's Borrowing Limit in accordance with Section 624, of the Local Government Act 1993. This requirement stipulates that all borrowings are approved by the Minister for Local Government prior to the drawdown of loan funds.

All proposed borrowings shall be included in Council's Operational Plan outlining what is the purpose of the borrowings, the amount to be borrowed and from which fund the loans will be financed.

The procedures to be implemented by Council staff will be as follows:-

1. Councils must apply to the Office of Local Government, completing a loan borrowing request each year. If, during the year, Council is required to increase its proposed borrowings or change the purpose of the initial request, a Council Resolution must be passed prior to drawing down of any funds.
2. Council's Chief Financial Officer is to call for loan interest rate written quotations from a minimum three financial institutions (Authorised Deposit Taking

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- Institutions); including the provision of repayment schedules for interest and principal amounts, specifying the term of the loan, and any applicable fees;
3. Council Chief Financial Officer to recommend to the General Manager an approval of a loan;
 4. All new borrowings are noted by a Council Resolution and where necessary affix the Seal of Council to the relevant loan documentation and be signed by the General Manager and Mayor as required; and
 5. Council staff to ensure filing of all transactions, quotes and decisions for audit and review as specified in Council's Records Management Policy.

CIRCUMSTANCES WHERE BORROWING WILL BE CONSIDERED

The Council will give consideration to borrowing money for the acquisition or construction of an asset where:-

- The asset to be acquired is a new addition to Council's asset base or replaces an existing asset with one that is significantly upgraded and has an Economic Life of greater than 20 years; or
- All alternative financing options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council; or
- The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset; or
- Loan repayments will be met by a third party i.e. self supporting loans; or
- The index of the cost of acquisition or construction is increasing at a rate that exceeds the cost of borrowing i.e. to "save" for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today.

As a general rule the benefits received from undertaking the borrowing should be greater, over the life of the borrowing, than the costs of borrowing.

Where the cost of using external funds acquired through borrowing, is greater than the forgone investment earnings on these funds that are surplus to current requirements, such funds should be used prior to seeking external funds.

POLICY GUIDELINES

1. Council under their charter are to have regard to long term and cumulative effects of their decisions. Accordingly, Council must exercise reasonable care and diligence that a prudent person would exercise when borrowing funds;

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2. The Council recognises that loan borrowings play an important part in the local government financial structure for financing infrastructure projects, capital asset renewals and expansions;
3. The Council also recognises that it is equitable to the ratepayers that the liability for the capital costs of infrastructure should be distributed over the period during which the people enjoy the benefits derived thereof. The principle of intergenerational equity may be applied;
4. The Council adopts the principle of using loan moneys as a resource to fund the replacement and creation of infrastructure assets that have a long life expectancy;
5. The use of loan moneys shall be limited to the construction and alteration of buildings, the acquisition of income producing assets and new infrastructure assets which have a life expectancy greater than twenty years. In particular debt may be used to fund capital expenditure that provides future service benefits. The principle of improving the valuation and pricing of social and ecological resources applies - the users of goods and services should pay prices based on the full life cycle costs, this particularly applies to the matching of debt profiles to infrastructure asset profiles;
6. In no circumstances shall Council borrow funds for recurrent expenditure or to fund operating budget expenditure maintenance activities;
7. Loan borrowings will be limited to a level where the ratio of net debt service costs (principal and interest) to operating income does not exceed 10%;
8. Council shall ensure there is appropriate working capital available to carry out its strategic plans as outlined in Council's Delivery Program and any related borrowings program will be included within Council's identified Long Term Financial Plan and align with the Infrastructure Plan – Asset Management Plans;
9. Borrowings are to be used in a manner consistent with competitive neutrality policy requirements;
10. Procedures and controls are to address risks and meet good business and best practice requirements;
11. The Council will only raise debt, by way of borrowings, after receiving the Minister for Local Government's approval, and after having first ascertained that there are no readily available unrestricted Council cash reserves;
12. Given the Council's preference for certainty, interest rate risk / exposure shall be managed by ensuring that the term of the loan will span at least 10 financial years

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with a preference for longer terms and varying the maturities so that no more than 15% of debt will mature in any one financial year;

13. Liquidity risk management refers to the timely availability of funds to the Council when needed without incurring penalty costs. Liquidity risk will be minimised by:-
- Avoiding a concentration of debt maturity dates;
 - Adherence as far as possible to the adopted Council Delivery Program and Operational Plan; and
 - Maintaining an appropriate amount of accessible cash and investments or uncommitted credit lines to cover working capital requirements as they fall due.
14. The Council will ensure that debt is maintained at prudent levels in accordance with Ministerial Approvals and the funding principle of ensuring that the costs of any expenditure can be recovered at the time that the benefits of that expenditure accrue;
15. Where appropriate the General Manager may determine internal debt arrangements. Internal loans will normally only be in relation to expenditure of a capital (or one-off) nature related to any activity that would normally be funded by external loan. Internal debt may include borrowing against future Section 7.11, Section 7.12 and / or Section 64 Development Contributions Plans;
16. In no circumstances shall Council borrow funds from the Trust Fund;
17. The accounting for borrowings must be in accordance with the Local Government Code of Accounting Practice and Financial Reporting Guidelines. Costs of borrowing will be allocated to the specific funds to which the borrowing directly relates;
18. Council is to adhere to the Local Government (General) Regulation 2021 which states that loans to Council are to be a charge on the Council's income. The repayment of money borrowed by a Council (whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the Council.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Independent Commission against Corruption Act 1988;
- Government Information (Public Access) Act 2009;

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- State Records Act 1998;
- Ombudsman Act 1974;
- Ministerial Borrowing Order;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Australian Taxation Office legislation and determinations;
- Council Code of Conduct;
- Council Code of Meeting Practice;
- Council Long Term Financial Plan;
- Council Delivery Program;
- Council Operational Plan;
- Council Investment Policy and Strategy;
- Council Internal Controls and Procedures Manual;
- Council Fraud and Corruption Prevention Policy;
- Council Delegations of Authority Policy;
- Council Records Management Policy; and
- Council Procurement Policy.

VARIATION

That Council reserves the right to vary the terms and conditions of this policy.

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ITEM 13.6 **REVIEW OF CORPORATE CREDIT CARD POLICY**
125/22 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Corporate Credit Card Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Corporate Credit Card Policy
File Reference:	F10/618 -08
Date Policy was adopted by Council initially:	22 December 2005
Resolution Number:	357/05
Other Review Dates:	28 June 2007, 20 May 2010, 18 August 2011, 16 August 2012, 20 August 2015 and 19 July 2018
Resolution Number:	182/07, 191/10, 305/11, 279/12, 224/15 and 211/18
Current Policy adopted by Council:	16 June 2022
Resolution Number:	125/22
Next Policy Review Date:	2025
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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INTRODUCTION

Corporate credit cards are a routine aspect of accounts payable management and procurement for local government councils and public sector organisations.

Corporate credit cards are a valuable tool for the efficient and effective operation of Council business. The use of corporate credit cards will create savings in staff administration time in matters such as arranging transport, accommodation and conference registration.

The Local Government Act 1993 (Section 8B) and the Local Government (General) Regulation 2021 (Clause 209) require all councils to establish effective internal control mechanisms for financial management, expenditure and accounting records.

Credit cards must be subject to appropriate controls in order to protect council funds, maintain the integrity of governance processes and maintain public confidence in Council operations. Council credit card program, shall be in accordance with the Office of Local Government (OLG) Guideline on the Use and Management of Credit Cards to address the significant risks of fraud and misuse of corporate credit cards.

The use of credit cards is not intended to avoid or bypass established governance and procurement procedures, but is to be used in accordance with the policy conditions and guidelines established to complement the procurement procedures.

CORE RESPONSIBILITY 1

The General Manager is responsible for the proper management and administration of credit cards within the Council. This responsibility includes:-

1.1 The Chief Financial Officer shall ensure that an internal approval process is established for Council senior management and Councillors (the Cardholder) to obtain and use credit cards. This process is to be consistent with the requirements of the Card Issuer.

1.2 Council's internal approval process shall ensure the Cardholder has the appropriate financial and operational delegations to incur expenditure on behalf of the Council.

1.3 The internal approval process ensures Cardholder has appropriate credit card limits set (monthly spend limit and transaction limit). This process is to ensure Council is not exceeding its total borrowing limit or budget limits by issuing the credit card to the Cardholder.

1.4 The Director of Finance and Administration shall establish and implement this policy as well as guidelines to support this policy.

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1.5 Establish internal control by the independent reconciliation and sign off of the General Manager and Mayor's credit cards by the Chief Financial Officer.

1.6 A credit card register will be maintained by the Chief Financial Officer detailing approval records for credit card issuance, credit limit and individual Cardholder details and credit card numbers.

1.7 The Chief Financial Officer shall ensure Council's credit card program is subject to a regular risk assessment.

CORE RESPONSIBILITY 2

Cardholders understand and are accountable for the responsible use of credit cards.

2.1 Cardholders must use credit cards for business purposes only and in a manner compliant with Council's Corporate Credit Card Policy and related policy conditions and guidelines outlined.

2.2 Cardholders must comply with terms and conditions of credit card issuer and ensure credit limits are not exceeded.

2.3 Cardholders to ensure all credit card transactions are substantiated with an official tax invoice or receipt regardless of the amount.

2.4 Cardholders to advise Chief Financial Officer on awareness that an unauthorised credit card transaction has occurred, at time of occurrence or at end of month reconciliation (whichever is the earliest).

POLICY CONDITIONS AND GUIDELINES

The following will apply to the use of credit cards by Council employees:-

- Council will only use credit cards in circumstances where there is a clear business case to support their use (purchases from providers at which Council does not have account facilities where Council business expenditure is valid in accordance with Council policy and budget allocations).
- Corporate credit cards will only be provided to the following position holders in Council; the Mayor, General Manager and Departmental Directors.
- Credit limits available on credit cards are a maximum of \$10,000 per month for Council Departmental Directors and the General Manager.
- Credit limit on credit card is a maximum of \$5,000 for the Mayor.

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- Each individual credit limit must be strictly adhered to, each month, with no over expenditure.
- Credit cards shall not to be used for cash advances.
- Council credit cards shall not be used for private or personal expenditure.
- Credit cards are to be maintained in a secure manner by the cardholder and guarded against improper use.
- The General Manager is to authorise the establishment of all Council corporate credit cards. Applications for credit cards are to include details of the need for the facility and proposed use of the credit card.
- Council employees will not be entitled to any rewards program or access to rewards that may be offered as part of Council incurring expenditure.
- Cardholders will be required to formally acknowledge policy conditions.
- Use of a corporate credit card for business purchases over the internet should be restricted to trusted secure sites.
- Corporate credit cards are to be used with a unique PIN for each card and the PIN is to remain confidential.
- Authorisation of monthly credit card bank statements is to include the signature of the relevant Director and counter signed by the General Manager approving payment. Each corporate credit card will be automatically debited to Council's General Fund bank account at the end of each month.
- Cardholders are to retain purchase documentation, tax invoices and reconcile with bank statements at the end of each month (including allocation of costing numbers to each transaction and authorisation of expenditure). Types of approved expenditure may include; accommodation, meals, petrol and other travel expenses, conference fees, and professional membership subscriptions.
- The Chief Financial Officer will review credit card limits, usage patterns, internal controls and risk management relating to credit card usage. A summary of the review will be reported to the General Manager.
- Lost, stolen and / or damaged cards are to be reported immediately to the financial institution and to the Chief Financial Officer.
- Credit cards will be returned to Council a minimum of two (2) weeks prior to the cessation of employment (of a cardholder) with Council. This will include a reconciliation of expenditure incurred on the card.
- The use of corporate credit cards is only to be in accordance with this policy and adherence to the financial institution's conditions of use.

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PROCUREMENT PROCEDURES AND FORMAT

- I. Council's credit card application form for the issuing of a corporate credit card is completed and signed by the applicant and authorised by General Manager.
- II. Council's credit card application form for the issuing of a corporate credit card is completed and signed by the General Manager as the applicant and counter signed and delegated authority for use by the Mayor.
- III. The financial institutions corporate credit card application is completed and has been signed by the applicant.
- IV. The Chief Financial Officer is to initial that the forms have been completed and that signatures have been checked.
- V. The bank's Corporate Credit Card application is completed (including the appropriate credit card facility number) and countersigned by two authorised signatories of the Council's General Fund bank account.
- VI. The Corporate Credit Card may be issued directly to the cardholder and / or forwarded to Council's Finance and Administration Department.
- VII. A copy of the signed and authorised 'Policy and Procedures for the Issue and Control of Corporate Credit Cards' is to be returned to the applicant and the original is placed on the individuals personnel file.

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Applicant Statement for the issue of a Corporate Credit Card

I hereby apply for a corporate credit card for use on Council authorised expenses. The applicant acknowledges that they have read and will abide by the conditions of the policy and procedures for the issue and control of corporate credit cards, as stated within.

..... Signature – Applicant

..... Name – Applicant

..... Date

Authorisation for the issue of a Corporate Credit Card

I hereby authorise the person described above to be issued with a corporate credit card with a credit limit of \$.....

..... Signature - General Manager

..... Name – General Manager

..... Date

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1. Tax Invoices

- a) All documents (tax invoices, receipts and transaction slips) supporting transactions on the credit card must be returned to the Chief Financial Officer at the end of each month.
- b) Cardholders must obtain a tax invoice for all purchases subject to Goods and Services Tax (GST).
- c) Cardholders should be aware that if they do not obtain or are not able to provide a tax invoice for expenditure, Council would not be able to recover any GST that may be applicable on that expenditure.
- d) In the event that GST is deemed payable by the cardholder, Council will issue a tax invoice to the cardholder equal to the amount of GST forfeited.

2. Fringe Benefits Tax

When the cardholder uses a Corporate Credit Card to provide food or drink at a social function or corporate lunch, the number of people attending and the number of those who are employees must be advised on the monthly documentation returned to the Chief Financial Officer.

3. Misuse of Credit Cards

Any misuse of credit cards will result in future use by the cardholder being withdrawn and / or reviewed. In addition, action in respect to Council's Code of Conduct and / or award provisions will be pursued.

Credit cards are issued to Council senior staff members that are in a position of trust in regard to the use of public funds. Improper use of the credit card facility may render the cardholder liable to disciplinary / legal action, and / or criminal prosecution if deemed appropriate.

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RELEVANT LEGISLATION

The following Legislation effects the operation of this Policy:-

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- OLG Guideline on the Use and Management of Credit Cards 2021;
- Environmental Planning and Assessment Act 1979;
- Independent Commission against Corruption Act 1988;
- Local Government (State) Award 2020;
- Ombudsman Act 1974;
- Public Interest Disclosures Act 1994;
- Crimes Act 1900;
- Fringe Benefits Tax Assessment Act 1986;
- A New Tax System (Goods and Services Tax) Act 1999;
- State Records Act 1998;
- Government Information (Public Access) Act 2009; and
- Privacy and Personal Information Protection Act 1998.

RELATED COUNCIL POLICY AND PROCEDURES

The following Council policies and documents that are relevant to this Policy include:-

- Code of Conduct;
- Internal Controls and Procedures Manual;
- Procurement Policy and Procurement Procedure and Guidelines;
- Delegations of Authority Procedure;
- Code of Business Practice;
- Records Management Policy;
- Public Interest Disclosures - Internal Reporting Policy;
- Bribes, Gifts and Benefits Policy;
- Grievance Policy;
- Fraud and Corruption Prevention Policy;
- Disciplinary Policy; and
- Government Information (Public Access) Policy.

VARIATION

Council reserves the right to vary the terms and conditions of this policy.

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ITEM 13.7 **REVIEW OF INVESTMENT POLICY**
126/22 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Investment Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Investment Policy
File Reference:	F10/618-03
Date Policy was adopted by Council initially:	28 April 2005
Resolution Number:	111/05
Other Review Dates:	22 March 2007, 27 September 2007, 16 June 2009, 22 September 2010, 8 March 2011, 15 December 2011 and 19 December 2013, 15 October 2015, 20 July 2017 and 18 July 2019
Resolution Number:	84/07, 280/07, 258/09, 407/10, 104/11, 489/11, 413/13, 303/15, 226/17 and 187/19
Current Policy adopted by Council:	16 June 2022
Resolution Number:	126/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	Audit, Risk and Improvement Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Chief Financial Officer

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OBJECTIVES

To provide a framework for the investing of Council's funds at the most favourable market rate of interest available at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration shall be given to the preservation of capital, liquidity, and the return on investment. Objectives include:-

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters. In setting these limits Council is determining the general level of risk that is acceptable for public monies managed for the Upper Lachlan Shire community;
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due; and
- To establish a framework for monitoring the investments and comparing performance to appropriate benchmarks. Investments are expected to achieve a rate of return in line with the Council's risk tolerance.

POLICY STATEMENT

An Investment Policy is a governing document that guides a Council's investment process including; risk philosophy, investment strategy, and investment objectives and expectations.

It is essential that a policy be adopted to promote good governance and prudent decision making, incorporating the provisions of *Section 625, of the Local Government Act 1993*, the Local Government Regulations, and the Ministerial Investment Order.

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LEGISLATIVE REQUIREMENTS

The following legislation, Council policies, and other documents relevant to the operation of this policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Ministerial Investment Order;
- Local Government Code of Accounting Practice and Financial Reporting Guidelines;
- Government Information (Public Access) Act 2009;
- State Records Act 1998;
- Trustee Act 1925;
- Council's Internal Controls and Procedures Manual; and
- Office of Local Government (OLG) Circulars.

DELEGATION OF AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's Investment to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Council Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The Council Officers with delegated authority to invest funds on the behalf of the Council are the General Manager, the Director of Finance and Administration and the Chief Financial Officer.

PRUDENT PERSON STANDARD

Councils have a fiduciary responsibility when investing. The investment will be managed with the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

For any Term Deposits, the Council Officer shall obtain not less than two (2) quotations from authorised institutions whenever an investment is proposed.

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ETHICS AND CONFLICTS OF INTEREST

Council Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

The Council Audit, Risk and Improvement Committee members and the independent investment advisors are required to declare that they have no actual or perceived conflicts of interest.

APPROVED INVESTMENTS

New investments are limited to those allowed by the most current Ministerial Investment Order and include:-

- a) Any public funds or securities issued by or guaranteed by, the Commonwealth, any state of the Commonwealth or a Territory;
- b) Any debentures or securities issued by a Council (within the meaning of the *Local Government Act 1993 (NSW)*);
- c) Interest bearing deposits with, or any debentures or bonds issued by an authorised deposit-taking institution (as defined in the *Banking Act 1959 (Cwth)*). But excluding subordinated debt obligations;
- d) Any bill of exchange which has a maturity date of not more than 200days, and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority; (< 200 days duration), guaranteed by an authorised deposit-taking institution;
- e) A deposit with the New South Wales Treasury Corporation or Investments Hour-Glass Investment facility of the New South Wales Treasury Corporation.

All investments instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Note: All investments must be denominated in Australian Dollars.

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PROHIBITED INVESTMENTS

All investments outside the Ministerial Investment Order guidelines are prohibited.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

RISK MANAGEMENT GUIDELINES

When exercising the power of investment Councils should consider, but not be limited by, the risk of capital or income loss, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, anticipated market changes and interest rate movements, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment (*from Ministerial Investment Order 12 January 2011*).

Investments obtained are to be considered in light of the following key criteria:-

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification of Financial Institution – the requirement to place investments in a broad range of institutions so as not to be over exposed to a particular organisation within the investment market and to reduce credit risk;
- Credit Risk - the risk that an investment that Council has made fails to pay the interest and/or repay the principal of an investment;
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

INVESTMENT STRATEGY

An Investment Strategy will run in conjunction with the Investment Policy. The Investment Strategy will be reviewed by the Audit, Risk and Improvement Committee of Council.

The Investment Strategy will outline:-

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- Council's cash flow expectations;
- To identify the most appropriate mix of investment classes for the next reporting period;
- Optimal target allocation of investment types, credit rating exposure of financial institutions and funding instrument and term to maturity exposure; and
- Appropriateness of overall investment types for Council's portfolio; i.e. term deposit and call accounts.

INVESTMENT ADVISOR

If an investment advisor is engaged they must be approved by Council and licensed by the Australian Securities and Investment Commission (ASIC). The NSW Government has provided a waiver to certain provisions within OLG's Investment Policy Guidelines to allow councils to engage NSW Treasury Corporation (TCorp) in the provision of investment advice.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended. The investment advisor may recommend the most appropriate product within the terms and conditions of the Investment Policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

MEASUREMENT AND DIVERSIFICATION

The investment return for the portfolio is to be reviewed on a monthly basis and reported to Council by the Responsible Accounting Officer and / or delegate.

The features of an investment security are to be consistent with the time horizon, risk and liquidity parameters of Council as set out in its Investment Strategy. The maximum percentage that may be held with a financial institution is 25% of Council's total investment portfolio at a point in time.

The investment portfolio is to be invested within the following term to maturity constraints. The Council Investment Portfolio Term to Maturity targets are:-

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Investment Portfolio

Portfolio %	Maximum At Call 15%
Portfolio %	< 3 Months 40%
Portfolio %	> 3 Months < 1 Year 60%
Portfolio %	> 1 Year < 3 Years 25%
Portfolio %	> 3 Years < 5 Years 10%
Portfolio %	> 5 Years 0%

CREDIT QUALITY

Due to significant developments in the range and complexity of available investments in recent years, credit ratings cannot be considered a consistent indicator of risk across different investment types.

BENCHMARKING

Performance benchmarks are to be provided for comparative purposes only. The benchmark is not an investment return target. The rate of return on Council investments will be dependent on Council's risk tolerance.

The 90 day ASX BBSW Rate is considered an appropriate benchmark for this purpose.

REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register, which shall be available for public viewing.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register. The documentary evidence must provide Council legal title to the investment.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of interest returns, maturity date and changes in market value. Any material deterioration in investment portfolio is to be reported to Council at the next available Council Ordinary Meeting

This Investment Policy will be reviewed as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of that Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council Resolution.

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VARIATION

Council reserves the right to vary or revoke this policy.

APPENDIX A

Ministerial Investment Order date 12 January 2011 issued under the *Section 625, of the Local Government Act 1993.*

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

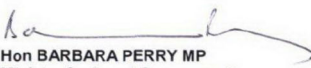
An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011 
Hon BARBARA PERRY MP
Minister for Local Government

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ITEM 13.8 **REVIEW OF DELEGATIONS OF AUTHORITY POLICY**
127/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council adopts the reviewed Delegations of Authority Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Delegations of Authority Policy
File Reference:	F10/618-06
Date Policy was adopted by Council initially:	27 October 2005
Resolution Number:	296/05
Other Review Dates:	21 May 2009, 19 May 2011, 20 March 2014, 17 March 2016 and 17 October 2019
Resolution Number:	169/09, 178/11, 68/14, 63/16 and 293/19
Current Policy adopted by Council:	16 June 2022
Resolution Number:	127/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	19 May 2011
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy developed by:	General Manager
Committee/s (if any) consulted in the development of this Policy:	Nil
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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OBJECTIVE

To establish policy to ensure that Council complies with the provisions of Section 378(2) and 381, of the *Local Government Act 1993*, and other appropriate Acts and that staff are delegated the necessary authority to act on behalf of Council to ensure compliance with all relevant legislation.

SCOPE

This policy relates to the responsibilities of the General Manager and all staff delegated to carry out certain duties.

RESPONSIBILITIES

All Council staff issued with a Delegation are responsible for ensuring this policy is understood and adhered to.

Council staff and the General Manager must not exercise a Delegation if there is an actual or perceived conflict of interest. A breach of this policy or of a Delegation may be regarded as misconduct and may result in disciplinary action.

Delegations are a key element in effective governance and management of the Council and provide formal authority to the delegated staff member to commit the Council and/or incur liabilities on behalf of Council.

DEFINITIONS

"Delegation of Authority" means a written authorisation issued by the General Manager giving authority to a suitably qualified staff member to carry out certain duties on behalf of Council.

DELEGATIONS OF AUTHORITY POLICY STATEMENT

1. Delegations are to be exercised within the framework of the *Local Government Act 1993*, Council policies, procedures and local laws and any other applicable legislative requirements.
2. Delegated authority must be exercised by the most appropriate senior staff member in terms of the level of decision making, financial, asset, information and human resource management.
3. Financial, Approval, consent, procurement and facilities management delegations must be exercised within specified delegated financial thresholds, budget allocations and in accordance with the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979*, Council policies, procedures, local laws and any other Act and legislative requirements.

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4. When a new staff member is appointed to a position for which a previous "Delegation of Authority" had been issued it will be the responsibility of the relevant Director to ensure that the former staff member's delegation is checked and corrected if need be and sent to the Executive Assistant to prepare it for the General Manager's signature.
5. Following checking by the Director and signing by the General Manager, the original Delegation of Authority will be placed in the current "Delegations of Authority Register" maintained by the Executive Assistant.
6. A signed original of the Delegation of Authority will be supplied to the employee for use whilst carrying out their official duties. A copy will also be placed on the employee's personnel file. Should the Director so require, a copy will also be supplied to the relevant Director to maintain records within the Division.
7. If a new responsibility is required to be added to a delegation, the same procedure is to be followed.
8. There is also an Archival Register of Delegations being maintained by the Executive Assistant. The Executive Assistant will replace the old delegation with the new one in the current Register and then file the previous delegation in the Archival Register. It is essential that this process be undertaken as the Delegations of Authority can become evidence in Court cases, which often does not take place until several years later.

Relevant Legislation and Council Policies

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General Regulation) 2021;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Environmental Planning and Assessment (EPA) Act 1979;
- Public Interest Disclosures Act 1994;
- Independent Commission Against Corruption Act 1998;
- Code of Conduct;
- Code of Meeting Practice;
- Statement of Ethical Principles;
- Government Information (Public Access) Policy;
- Corporate Credit Card Policy;
- Procurement Policy
- Interaction between Councillors and Staff Policy;
- Complaints Management Policy; and
- Public Interest Disclosures Policy.

VARIATION

Council reserves the right to vary or revoke this policy.

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ITEM 13.9 **REVIEW OF CODE OF MEETING PRACTICE**
128/22 **RESOLVED** by Cr Searl and Cr N McDonald

1. Under Section 361, of the Local Government Act 1993, Council gives public notice of its intention to adopt and amend the Code of Meeting Practice allowing 28 days public exhibition and provide members of the community 42 days in which to make submissions.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

Refer to Council website for Exhibition Documents

ITEM 13.10 **REVIEW OF COUNCILLOR TRAINING AND DEVELOPMENT**
POLICY
129/22 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Councillor Training and Development Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Councillor Training and Development Policy
File Reference:	F13/618-04
Date Policy was adopted by Council initially:	25 November 2007
Resolution Number:	366/07
Other Review Dates:	20 November 2008, 19 November 2009, 19 May 2011, 20 March 2014 and 18 April 2019
Resolution Numbers:	343/08, 477/09, 183/11, 67/14 and 86/19
Current Policy adopted by Council:	16 June 2022
Resolution Number:	129/22
Next Policy Review Date:	2025

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy developed by:	General Manager
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Director of Finance and Administration

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Purpose

The purpose of this policy is to demonstrate Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the Local Government Act 1993.

Scope

This policy applies to all Councillors of Upper Lachlan Shire Council, including the Mayor.

Policy

Council is committed to developing an induction and ongoing professional development program for councillors to ensure they can fulfil their statutory roles and responsibilities.

The Local Government Act 1993 (the Act), under Section 232, has seen the inclusion in the prescribed role of Councillors the responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".

Councils' induction and professional development programs are to consist of three elements:-

1. Pre-election candidate sessions – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged);
2. Induction program – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff;
3. Professional development program – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective Mayor or Councillor.

Training and Development Program

Upper Lachlan Shire Council will develop a training and development program each year so as to ensure that activities available to all Councillors contribute to the achievement of the strategic and good governance objectives of Council.

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In preparing the training and development program a range of strategies will be utilised to identify the needs of Council and match these needs against its strategic and good governance objectives.

Particular emphasis will be given to the training needs of new Councillors joining Council following a general local government election or by-election.

This policy is in addition to the Office of Local Government's Councillor Information Seminars, which all Councillors are required to attend following a local government general election.

Induction Program

The induction program will cover:-

- An orientation to Council facilities and the local government area.
- An overview of the key issues and tasks for the new council including; Council's Community Strategic Plan, Delivery Program, Operational Plan, resourcing strategy and community engagement plan.
- The legislation, rules, principles and political context under which councils operate.
- The roles and responsibilities of Councillors and the Mayor.
- Council's organisational structure, Workforce Plan and the roles and responsibilities of the General Manager and Council staff.
- What Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, financial management and asset management by Council.
- Key Council policies and procedures Councillors must comply with including the Code of Conduct.
- The role of Council Meetings and how to participate effectively in them.
- The support available to the Mayor and Councillors.
- Information on the process for taking the oath of office and electing the Mayor at the first Council Meeting

The induction program may also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals

Methodology

Council will collect information regarding the training and development needs of Councillors and will plan for the delivery of professional development training by utilising the following methodology:-

1. Survey/questionnaire;
2. Interviews; and

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3. Workshops.

The General Manager is to ensure an induction program is delivered for newly elected and returning Councillors and a specialised supplementary induction program for the Mayor within six months of their election.

The General Manager is to ensure an ongoing professional development program is delivered for the Mayor and each Councillor over the term of the Council for the purposes of assisting them to acquire and maintain the skills necessary to perform their role.

The content of the ongoing professional development program to be delivered to the Mayor and Councillors is to be determined in consultation with the Mayor and each Councillor and is to have regard to the specific skills required by the Mayor, each individual Councillor and the governing body as a whole to perform their roles.

Specific Training Needs

Council recognises that some of the training needs of Councillors will be specific to their legislative and governance roles and functions such as:-

1. Role and Responsibilities of Councillors;
2. Working Together - relationship between Councillors and Staff;
3. Code of Conduct;
4. Conflict of Interest
5. Code of Meeting Practice;
6. Good Governance;
7. Accounting and Financial Reporting;
8. Integrated Planning and Reporting;
9. Strategic Planning.

The list included above may be altered to include specific areas of training and development deemed to be appropriate as situations arise, e.g. media training.

Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the community.

Delivery Methods

It is recognised that a range of delivery methods will be required to support the training needs of Councillors, including:-

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1. Workshops, seminars and on-line webinars conducted by Office of Local Government;
2. Workshops, seminars, on-line webinars and informal (briefing) sessions conducted by Council with appropriate guest speakers and accredited trainers;
3. Attendance at workshops, seminars and conferences offered by organisations such as Local Government Learning Solutions (Local Government NSW), Australian Local Government Association and other private providers that provide an opportunity for Councillors to gain new skills, network with other Councillors and staff from within and outside of NSW;
4. Purchase of training booklets and discussion papers that could be distributed to Councillors for information; and
5. On-line training delivery.

Upper Lachlan Shire Council's training program will include agreed delivery methods to respond to the needs of Councillors identified during the development of the annual Councillor Training and Development Program.

Implementation

1. Training and professional development opportunities will be made available to all Councillors on a continual basis throughout their term of office.
2. Preliminary induction training will take place as soon as practicable following the declaration of the polls. Depending on the timing and specific circumstances of the election, the full induction training may be completed within two months of the polls being declared.
3. The Code of Conduct and Code of Meeting Practice training will be delivered prior to the first meeting of the new Council.
4. The Mayor and General Manager will determine the most appropriate method of training delivery, whether in-house or by external agency.
5. Council's annual budget will need to reflect the level of Councillor professional development as required by this training plan.
6. Reimbursement for expenses relating to a Councillor's attendance at training will be determined in accordance with Council's adopted Payment of Expenses and Provision of Facilities Policy.

Procedure

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Training and educational opportunities for Councillors will be classified as:-

- Imperative
- Desirable
- Development

Imperative Training

1. Training or educational opportunities considered vital to the role of Councillor.
2. This training should be attended by all Councillors.
3. It relates to legislative and governance roles and functions and includes, but is not limited to:-
 - Roles and responsibilities of Councillors (including induction programs for new Councillors);
 - Working Together - relationship between Councillors and staff;
 - Integrated Planning and Reporting;
 - Code of Conduct;
 - Pecuniary Interest and Conflict of Interest;
 - Code of Meeting Practice.

Desirable Training

1. This training is considered important and therefore in the best interests of a Councillor to attend.
2. It relates to the maintenance of good governance and includes, but is not limited to, community issues, environmental issues, infrastructure, social and economic challenges, such as:-
 - Accounting and Financial Reporting;
 - Planning legislation;
 - Strategic Planning;
 - Performance management of senior staff;
 - Community leadership;
 - Handling difficult people;
 - Media skills;
 - Internal Audit.

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Development Training

1. This training is discretionary but Councillors are encouraged to accept this training or educational opportunity.
2. It relates to further developing the skills or professional expertise of Councillors, and includes, but is not limited to:-
 - Attendance at Local Government NSW workshops and on-line webinars, whether public, in-house or regional;
 - Seminars and informal sessions conducted by Council with appropriate guest speakers and trainers;
 - Distribution of training booklets or discussion papers for information;
 - Online training;
 - Mentoring.

Notification to Councillors

Any appropriate training or educational opportunities will be notified to Councillors through the Executive Assistant on behalf of the General Manager. The Executive Assistant is responsible for planning, scheduling and facilitating induction and professional development activities in conjunction with the General Manager.

Every effort will be made to provide Councillors with as much notice as possible of training and educational opportunities.

Councillors are encouraged to notify the Mayor or General Manager if they become aware of any training or educational opportunity that they wish to attend.

Responsibilities

The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the training and development program.

The Mayor and all Councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of the Council.

Attendance requirements

The minimum requirements for Councillors' attendance will be all training courses classified as "Imperative".

Councillors will not be expected to attend training or educational opportunities which they have attended in the preceding 12 months.

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Responsible Officer

The General Manager is responsible for ensuring that the opportunities for induction, ongoing training and professional development are implemented in accordance with this policy. Council funds are to be approved by the General Manager in accordance with Council's Payment of Expenses and Provision of Facilities Policy. All training is to be authorised by the General Manager prior to enrolment.

Reporting obligations

Details of the total cost of training and provision of skill development for Councillors are required by legislation to be included in the Annual Report.

Council will publish the following information in the Annual Report:-

- The name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year);
- The name of the Mayor and each Councillor who participated in any ongoing professional development program during the year;
- The number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program; and
- The total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year.

This database will be used to identify gaps in the Councillors' training requirements and will be used to assist in determining the most appropriate method of delivery for formal training and will include an evaluation of the training and development program effectiveness at the end of the term of the Council.

Annual Budget Allocation

A budget allocation will be provided to support the training and development activities undertaken by Council, and progress against expenditure of the budget allocation will be reported on an annual basis.

Council will need to determine the size of its budget allocation, which may change annually, depending on the nature of issues for which training and development activities may be required to be offered. For example, when a new Council is elected there will be specific issues required to be addressed such as induction training for all new Councillors.

Relevant Legislation and Council Policies

The following legislation and Council policies that are relevant to this Policy include:

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- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Local Government Amendment (Governance and Planning) Act 2016;
- State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Independent Commission against Corruption Act 1988;
- Ombudsman Act 1974;
- Office of Local Government, NSW Premier and Cabinet – Councillor Induction and Professional Development Guidelines 2018;
- Councillor Handbook 2021;
- Code of Conduct Policy and Procedure;
- Code of Business Practice;
- Code of Meeting Practice;
- Delegations of Authority Policy;
- Records Management Policy;
- Government Information (Public Access) Policy;
- Interaction between Councillors and Staff Policy;
- Payment of Expenses and Provision of Facilities Policy.

Variation

Council reserves the right to vary or revoke this policy.

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SECTION 14: GENERAL MANAGER

ITEM 14.1 DELEGATION – GENERAL MANAGER

130/22 **RESOLVED** by Cr O'Brien and Cr Searl

1. Council resolves to adopt the delegation to the General Manager and affixes the common seal of the Upper Lachlan Shire Council to this delegation.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 15: LATE REPORTS

Nil

SECTION 16: REPORTS FROM OTHER COMMITTEES, SECTION 355 COMMITTEES AND DELEGATES

Nil

SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

CLOSED COUNCIL ITEMS

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) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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

131/22 **RESOLVED** by Cr O'Brien and Cr Searl

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 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) (2d(i)) and 10A (2d(ii)) 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.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Council closed its meeting at 3:16pm and the public, staff and press left the chambers and live streaming ceased.

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132/22 **RESOLVED** by Cr Searl and Cr O'Brien

That Council move out of closed Council and into open Council.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

Open Council resumed at 3:20pm

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.

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 PROCUREMENT OF NEW GARBAGE TRUCK

133/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council purchase one new Volvo side loading garbage truck with Superior Pak body for the sum of \$409,448 (EX GST) from Southern Truck Centre financed by the Domestic Waste Management Fund.
2. Council sell existing garbage truck (Plant 693) through auction.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
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Councillors who voted against:- Nil

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THE MEETING CLOSED AT 3:20pm

Minutes confirmed 21 JULY 2022

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Mayor