

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 AUGUST 2019

PRESENT: Mayor J Stafford (Chairperson), Clr P Kensit, Clr B McCormack, Clr R Opie, Clr D O'Brien, Clr J Searl, Clr J Wheelwright, Mr A Croke (Acting General Manager), Mr D Cooper (Acting Director Finance and Administration), Mr M Shah (Director of Infrastructure), Mrs T Dodson (Director of Environment & Planning), Ms D Crosbie (Media Officer), Ms S Pearman (Executive Assistant - Relief).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

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

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Clr Culhane was absent from the Council meeting.

An apology and Leave of Absence form was received from Clr Cummins.

198/19 **RESOLVED** by Clr Searl and Clr O'Brien that the apology from Clr Cummins be received and the leave of absence granted.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Wheelwright and J Stafford

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

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SECTION 4: DECLARATIONS OF INTEREST

Clr McCormack declared a Pecuniary Interest in Item 12.3 Update on Council Local Bridge Load Limits as he is an owner of a transport company and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

SECTION 5: CONFIRMATION OF MINUTES

199/19 RESOLVED by Clr Searl and Clr Opie

1. That the minutes of the Ordinary Council Meeting held on 18 July 2019 be adopted.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

A motion was moved by Clr Opie and Clr Kensit that:

1. The General Manager takes no action in relation to Part 4 of Council Resolution 179/19 until the General Manager has submitted a report to Council on the availability of funds for implementing Part 4 of Council Resolution 179/19 as adopted.

On being put to the meeting the motion was carried

200/19 RESOLVED by Clr Opie and Clr Kensit

1. That the General Manager takes no action in relation to Part 4 of Council Resolution 179/19 until the General Manager has submitted a report to Council on the availability of funds for implementing Part 4 of Council Resolution 179/19 as adopted.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

201/19

RESOLVED by Mayor Stafford and Clr Searl

1. That Council receive and note the activities attended by the Mayor for July 2019 and August 2019.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Narelle Bulmer – President Peelwood Road Safety Development Association.

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE ITEMS FOR THE MONTH OF AUGUST 2019

202/19

RESOLVED by Clr Wheelwright and Clr Searl

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

1. Peelwood Road Safety Development Association – Timber Bridges Load Limits.
2. Hon. Shelley Hancock MP, Minister for Local Government - Amendments to the Local Government Act 1993.
3. Office of Local Government (OLG) – Council Circular 19-14 – Amendments to Local Government Act 1993.
4. Samantha Stephens - Letter of Thanks – Taralga Toilet Facilities for Travellers.
5. Greg Warren MP - Interim Leader of the Opposition Hon Penny Sharpe MLC - Changes to Fire and Emergency Services Levy Contributions.
6. NSW Government, Hon. John Barilaro MP - \$4.2 Billion Snowy Hydro Legacy Fund.
7. Moree Plains Shire Council - Media Release - Country Mayors demand accountability from Essential Energy CEO over proposed rural job cuts.

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- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2019
203/19 RESOLVED by Clr Searl and Clr McCormack

1. Council receives and notes the reports as information.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEMS 10.2 - INFORMATION ONLY ITEMS
10.8

204/19 RESOLVED by Clr Searl and Clr McCormack

1. Items 10.2 - 10.8, be received and noted.

- CARRIED

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Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 STRATEGIC PLANNING PROGRAM 2019-2021
205/19 RESOLVED by Clr Searl and Clr O'Brien

1. That Council receive and note the information.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 PUBLIC SUBMISSIONS FOR NAMING FOOTBRIDGE IN PAT CULLEN RESERVE - KIAMMA CREEK CROOKWELL
Moved by Clr McCormack and Clr Searl

1. Council make a determination of the naming of the newly constructed footbridge over Kiamma Creek in Pat Cullen Reserve.

Foreshadowed Amendment was moved by Clr Kensit and Clr Wheelwright that:

1. Council create a Policy to set out the processes which should be adopted when naming any public infrastructure.

On being put to the meeting the Amendment became the motion and was carried.

206/19 RESOLVED Clr Kensit and Clr Wheelwright

1. That Council create a Policy to set out the processes which should be adopted when naming any public infrastructure.

- CARRIED

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Councillors who voted against:- Nil

ITEM 12.2 "WALK OF FAME" PROPOSAL

Motion lapsed due to lack of Mover and Seconder in accordance with 10.1 of the Code of Meeting Practice.

1. Council make a determination if they support a proposed "Walk of Fame" pedestrian walkway within Pat Cullen Reserve in Crookwell.

Clr McCormack left the Chamber in accordance with his declaration the time being 7.12pm.

ITEM 12.3 UPDATED ON COUNCIL LOCAL BRIDGE LOAD LIMITS

207/19 RESOLVED by Clr Searl and Clr Kensit

1. Council keep the community informed with progress on repairs and temporary solutions and timeframes for scheduling works for those bridges with temporary load limits, with regular media releases and information published on Council's website and other media channels;
2. Council proceed with installation of bypass and other bridge alternative options as a matter of urgency based on each bridge site inspection and design specification;
3. A further report to Council be prepared detailing the costs associated with the installation of bypass and other bridge alternative options and will outline the source of funding available for that purpose.

- CARRIED

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Councillors who voted for:- Clrs P Kensit, R Opie, D O'Brien,
J Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

Abstained:- Clr B McCormack

Clr McCormack returned to the meeting the time being 7.20pm.

ITEM 12.4 SUBMISSION TO NAME NEW GYMNASIUM AT MEMORIAL OVAL CROOKWELL

Motion lapsed due to lack of Mover and Seconder in accordance with 10.1 of the Code of Meeting Practice.

1. Council seek public submissions for the naming of the newly constructed gymnasium within the Crookwell Memorial Oval building.

ITEM 12.5 MAINTENANCE OF GIBRALTAR ROAD

208/19 RESOLVED by Clr Searl and Clr Opie

1. Council maintain 1.2 kilometres of Gibraltar Road Big Hill, after this road is transferred into Council's control as Public Road at no cost to the Council;
2. Council include the maintenance 1.2 kilometres of Gibraltar Road as a part of the ongoing unsealed local roads maintenance program starting 1 July 2020;
3. Council allocate an additional \$5,000 for the ongoing maintenance of this road in the 2020/2021 Operational Plan.
4. Council will undertake one maintenance grade on this road annually of 1.2 kilometres.

- CARRIED

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Councillors who voted against:- Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 LIBRARY SPONSORSHIP POLICY REVIEW

209/19 **RESOLVED** by Clr Searl and Clr Kensit

1. Council adopts the reviewed Library Sponsorship Policy.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	LIBRARY SPONSORSHIP POLICY
File Reference:	F10/618-09
Date Policy was adopted by Council initially:	24 October 2004
Resolution Number:	266/04
Other Review Dates:	15 October 2009, 19 July 2012, 15 October 2015
Resolution Number:	434/09, 235/12 and 294/15
Current Policy adopted by Council:	15 August 2019
Resolution Number:	208/19

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Next Policy Review Date:	2022
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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

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

OBJECTIVE

This policy is designed to facilitate the receipt of sponsorship by the Council library service.

Council welcomes sponsorship from local business, corporations, community groups, families and individuals. The aim of sponsorship is to obtain funding or in-kind support to provide services and equipment that may not otherwise be available to the library branches.

POLICY STATEMENT

The Upper Lachlan Shire Council libraries play an essential role in the quality of life of our community. Council supports, in principle, sponsorship by outside organisations or individuals provided that:-

1. The project, activity or collection to be sponsored fits within the Council's Code of Conduct, and other Council policies and practices;

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2. The sponsorship is for a particular project, activity or collection which may otherwise be unsupported at the required level; i.e. not in Council's operational budget;
3. The sponsorship may be for a specified period and that the participants may withdraw from the program after giving due notice of the cessation of support;
4. The acknowledgement of sponsors is prominently featured unless the sponsor wishes otherwise.

GUIDING PRINCIPLES

The following principles will guide the library service in the solicitation and acceptance of sponsorship to enhance or develop library programs and services:-

- All sponsorships and/or support must further the library's mission, goals, objectives and priorities as detailed in Council's Integrated Planning and Reporting framework. They must not drive the library's agenda or priorities.
- All sponsorships must safeguard equity of access to library services. Sponsorship agreements must not give unfair advantage to, or cause discrimination against, sectors of the community.
- All sponsorships must protect the principle of intellectual freedom. Sponsors may not direct the selection of collections or require endorsement of products or services.
- All sponsorships must ensure the confidentiality of user records. The library will not sell or provide access to library records in exchange for gifts or support.
- All sponsorships must leave open the opportunity for other potential donors to have similar opportunities to provide support to the library.
- Gifts of books or other library materials will be accepted in accordance with the terms outlined in the Goulburn Mulwaree Council Library Collection Development Policy.

RECOGNITION AND ACKNOWLEDGEMENT

The library service will ensure that each sponsor receives acknowledgement. The following guidelines will be used in providing acknowledgement to and recognition of sponsors:-

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- A letter of acknowledgement for gifts of money and in-kind support will be sent to all sponsors and a copy will be placed on file. Any special recognition agreements will be stipulated in the letter.
- Public acknowledgement of sponsorship in the library's promotional materials will normally be restricted to a statement of the sponsor's name and a display of logo. Such acknowledgement will not take precedence or have prominence over the library's own logo or promotional material.
- For gifts and/or sponsorships valued at over \$1,000, the library may submit a press release to local newspapers and/or publish an article regarding the sponsorship in their own newsletter.

APPROVAL

Council reserves the right to make decisions regarding the acceptance, rejection, and/or implementation of library sponsorships. All sponsorships that have specific requirements and the solicitation of sponsorship by Library staff and/or Friends of the Library valued over \$1,000 must be approved by the Director of Finance and Administration.

LEGISLATIVE PROVISIONS

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993;
- Library Act 1939;
- Library Regulation 2010;
- Independent Commission against Corruption Act 1988 and ICAC Guidelines;
- Work Health and Safety Act 2011 and Regulations;
- Anti Discrimination Act 1977;
- Local Government (State) Award 2017;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Code of Conduct for Councillors, staff and delegates of Council;
- Goulburn Mulwaree Council Collection Development Policy;
- Council Library Membership and Access Policy;
- Council Bribes, Gifts and Benefits Policy;
- Council Purchasing Acquisition of Goods and Services Policy;
- Council Service Delivery Policy; and
- Council Fraud and Corruption Prevention Policy.

VARIATION

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Council reserves the right to vary or revoke this policy.

ITEM 13.2 BORROWING AND LOANS POLICY REVIEW
210/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Borrowings and Loans Policy.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R
Opie, D O'Brien, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

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 and 15 May 2013
Resolution Number:	355/10 and 136/13
Current Policy adopted by Council:	15 August 2019
Resolution Number:	209/19
Next Policy Review Date:	2022

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

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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:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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 STATEMENT

That Council seeks to ensure that the borrowing policy and related procedures 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.

PROCEDURAL GUIDELINES

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, Section 229-230, of the Local Government (General) Regulation 2005, 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.

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All proposed borrowings shall be included in Council's Operational Plan, Delivery Program and Long Term Financial 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. Council's Manager of Finance and Administration is to call for and receive loan interest rate quotations from a minimum three financial institutions (Authorised Deposit Taking Institutions); including the provision of repayment schedules for interest and principal amounts, specifying the term of the loan, and any applicable fees;
2. Council senior management to recommend to the General Manager an approval of a loan;
3. 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
4. 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.

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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.
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;

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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 uncommitted and 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 three financial years 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 Community Strategic Plan, 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 94, Section 94A 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 2005 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:-

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- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Independent Commission against Corruption Act 1988;
- Government Information (Public Access) Act 2009;
- State Records Act 1998;
- Ombudsman Act 1974;
- Public Interest Disclosures Act 1994;
- Ministerial Borrowing Order;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Local Government (State) Award 2017;
- 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;
- Council Internal Controls and Procedures Manual;
- Council Fraud and Corruption Prevention Policy;
- Council Delegations of Authority Policy; and
- Council Complaints Management Policy.

VARIATION

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

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**ITEM 13.3 2018/2019 BUDGET REVOTES TO CARRY FORWARD TO
INTERNAL RESTRICTED RESERVE**

211/19 RESOLVED by Clr McCormack and Clr Wheelwright

1. Council receives the report and approves the 2018/2019 revote of uncompleted works expenditure projects totalling \$1,202,330 to the Council internal restricted reserve.
2. Council approves the 2018/2019 transfer to internal reserves totalling \$2,924,612.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 13.4 SUBSIDISED USE OF PUBLIC HALLS POLICY REVIEW

212/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Subsidised Use of Public Halls Policy.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Subsidised Use of Public Halls Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	25 May 2006
Resolution Number:	122/06
Other Review Dates:	20 September 2012, 16 July 2015
Resolution Number:	308/12 and 185/15
Current Policy adopted by Council:	15 August 2019
Resolution Number:	211/19
Next Policy Review Date:	2021

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:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

OBJECTIVE

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To provide a means by which community, charity and cultural organisations and groups conducting events and activities within the Upper Lachlan Shire Council area may seek Council assistance, through the waiving of fees for the use of Council buildings and facilities, outside of the normal timeframe for the management of Council's annual Section 356 Contributions/Donations Program.

ELIGIBILITY

Eligibility will be limited to small community based organisations operating for the direct benefit of the local community. Eligibility will not extend to major fund raising bodies, with a parent body located outside the Council area.

Organisations and groups must be not-for-profit and be based within the Upper Lachlan Shire Council local government area.

POLICY

1. Waiving of fees will apply to fees charged by Upper Lachlan Shire Council and/or the Hall Management Committees for the use of the public hall and other venues that are owned, and/or controlled, and operated facilities by Upper Lachlan Shire Council and/or a Section 355 Committee of Council.
2. Waiving of fees may not apply to requests from individuals or businesses.
3. It is recommended that all requests for the waiving of fees should be lodged on the appropriate application form at least one month prior to the date of the event taking place.
4. Community groups and other organisations may not apply more than once per financial year for fees to be waived, with the minimum amount of reimbursement each financial year being the equivalent of the nominal hall hire fee as per Council's adopted Operational Plan Fees and Charges Schedule.
5. In assessing applications for waiver of fees, consideration will be given to the following:-
 - Financial need for the subsidy and relationship to the viability of the event;
 - Contribution to the community and whether the work is in the public interest; and
 - Demonstration that no alternative funding sources are available.
6. Where an application requests assistance to support an activity wherein the proceeds will go to a charity, acknowledgment by the named charity shall be included in the application form.

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7. All subsidies are made on a one-off basis with no guarantees for on-going Council financial assistance in future years.
8. If approval is granted applicants must acknowledge Council's support in publicity for the event.
9. All applications are subject to payment of a Security Deposit/Bond, as set by Upper Lachlan Shire Council's Operational Plan Fees and Charges, 30 days prior to the function. This payment is insurance against damage to the hall and/or its facilities.
10. The General Manager of Upper Lachlan Shire Council will have the delegated authority to approve the waiving of fees, as and when applications are received.
11. Approvals given by the General Manager for waiving of hire fees will be reported at the end of the financial year in Council's Annual Report.

Upper Lachlan Shire Council is committed to both the development of the community and sound financial management. Due to the nature of the usage of the hall facilities it is not feasible to be cost neutral at this stage. Council also recognises that it has responsibilities under the National Competition Policy to ensure local competitors, such as hotels and clubs are not disadvantaged by Council's provision of a similar service at a reduced fee.

Upper Lachlan Shire Council greatly values the contribution of the fundraising, social and community groups and organisations the contribution and role they play in the Shire community.

RELEVANT LEGISLATION

The following Legislation effects the operation of this Policy:-

Local Government Act 1993;
Local Government (General) Regulation 2005;
Environmental Planning and Assessment Act 1979;
Independent Commission against Corruption Act 1988;
A New Tax System (Goods and Services Tax) Act 1999;
NSW State Records Act 1988;
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 for Councillors, staff and delegates of Council;

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Operational Plan;
Delivery Program;
Tablelands Regional Community Strategic Plan 2016-2036;
Social and Community Plan;
Cultural Plan;
Internal Controls and Procedures Manual;
Plan of Management Crookwell Memorial Hall;
Plan of Management Community Halls and Buildings;
Purchasing and Acquisition of Goods Policy and Procedures;
Delegations of Authority Procedure;
Code of Business Practice;
Service Delivery Policy;
Cash Handling Policy;
Records Management Policy;
Bribes, Gifts and Benefits Policy;
Complaints Management Policy; and
Fraud and Corruption Prevention Policy.

VARATION

Council reserves the right to vary or revoke this policy.

ITEM 13.5 ELECTRONIC SECURITY SYSTEMS POLICY REVIEW
213/19 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council adopts the reviewed Electronic Security Systems Policy.

- CARRIED

Councillors who voted for:- Cllrs P Kensit, B McCormack, R
Opie, D O'Brien, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Electronic Security Systems Policy
File Reference:	F10/618-09
Date Policy was adopted by Council initially:	18 February 2010
Resolution Number:	76/10
Other Review Dates:	21 March 2013
Resolution Number:	65/13
Current Policy adopted by Council:	15 August 2019
Resolution Number:	212/19
Next Policy Review Date:	2022

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:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

Objective

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The purpose of this policy is to provide a framework for the authorisation and control of the electronic security system for the Upper Lachlan Shire Council's Crookwell Administration Office buildings.

The Electronic Security Systems (ESS) is used to increase the general buildings security and limit the access to the Council Administration buildings. The ESS provides a high level of security for the designated buildings and is used as a tool to control, monitor and restrict the flow of persons to certain areas or buildings. This increases compliance with the work, health and safety requirements by providing staff with improved personal safety as well as enhancing the security of cash and equipment.

Scope

This policy applies to the Upper Lachlan Shire Council Administration Office building sites located at 44 Spring Street, Crookwell.

The security measures adopted include, but are not limited, to the following:-

- The security access control system is by security fob issued to individual Council employees and Councillors;
- The security access level and time period specific access is set for individuals, based on the respective position that employee holds with Council; and
- The Council's ESS allows the logging of all security access activity into the designated office buildings.

Responsibilities

Systems Administration and Monitoring Responsibilities

The approval and issuance of all ESS individual security access fobs to Council authorised personnel is the responsibility of the Information Systems Support Officer.

In the absence of the Information Systems Support Officer, the responsibility for the day-to-day building security access requirements will be the Manager of Finance and Administration.

The Information Systems Support Officer will be the electronic security system administrator for the Council buildings and is responsible for:-

- Remotely monitoring the system functions;
- Operate, administer and maintain perimeter entrance access controls for designated buildings;
- Issuing security fobs to individual Council personnel in conjunction with user requirements;
- Validating a security fob for use;
- Maintaining a register or database of all security fob holders;

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- Identification and matching of security fob with the person who was issued a fob;
- Cancelling or deactivation of any security fob reported as missing or lost immediately upon such notice;
- Deleting access of a security fob held by departing personnel when managing the register;
- All unused security fobs will be deactivated and securely stored at the Crookwell Office;
- Retrieving any security fob from the relevant Departmental Manager received from departing personnel; and
- All maintenance responses and liaison with the ESS contractor to correct access faults, register database errors, door lock errors, public holidays and emergency access related issues.

Buildings Security Access

The relevant Council Departmental Director controlling a building is responsible for providing the Information Systems Support Officer with all relevant details relating to security access for each individual employee. This includes:-

- Determining the areas of access within the building;
- Determining the times of access to the building;
- Supplying the Information Systems Support Officer with a detailed access list; and
- Conducting regular audits of security fob issues and returns.

Security Access Levels

The door access level allocated to individual Council personnel; i.e. providing the conditions under which that security fob can be used are created by the Information Systems Support Officer after authorisation from the relevant Departmental Director and / or Manager concerned. The level of access permitted to individual staff members will be as determined by senior management.

Conditions of Usage

The individual employee and individual Councillor are responsible for the safe storage of the security fob issued to them and are accountable for that fob at all times.

Security fobs are issued to the individual for their personal use only and are not to be lent or transferred to anyone else. Any staff member found to have allowed unauthorised use of their security fob will be subject to disciplinary action.

An individual is to immediately report to their Departmental Director if there is a security fob which is lost, missing or has been found. The Departmental Director is to immediately liaise with the Information Systems Support Officer to arrange deactivation or cancelling of a security fob.

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If an individual employee wishes to amend their security fob access rights and conditions they must report to their Departmental Director. The access rights will be amended only after signed approval from the relevant Departmental Director.

Council Departmental Directors, Managers and Supervisors are responsible to ensure the continued understanding of the policy and its protocols by Council staff.

Abuse or Misuse of Security Access

Any user who, in the opinion of the Council's General Manager or by their delegated authority is considered to have abused or misused the security access fob to gain unlawful or improper access to Council facilities, assets and information will have their security access removed and disciplinary procedures shall be instigated. If the incident is deemed serious enough the matter will be referred to the NSW Police for investigation and / or the Independent Commission Against Corruption (ICAC) if necessary.

Relevant Legislative Provisions and Council Policies

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Industrial Relations / Workplace Surveillance Act 2005;
- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Work Health and Safety Act 2011;
- Local Government (State) Award 2017;
- Privacy and Personal Information Protection Act 1998;
- Government Information (Public Access) Act 2009;
- State Records Act 1998;
- Fair Work Act 2009;
- Independent Commission against Corruption Act 1988;
- Anti Discrimination Act 1977;
- Council's Code of Conduct;
- Council's Complaints Management Policy;
- Council's Internet and Email Policy;
- Council's Disciplinary Policy;
- Council's Fraud and Corruption Prevention Policy.

Review of Policy

Council reserves the right to review, vary or revoke this policy.

SECTION 14: GENERAL MANAGER

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ITEM 14.1 **CONSULTATIVE COMMITTEE MEETING MINUTES**
214/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopt the recommendations of the Consultative Committee Meeting Minutes held on 7 August 2019 and adopt the following policies:
 1. Time in lieu of Over time Policy
 2. Staff Training Policy
 3. Call Back Policy
 4. Employee Assistance Program Policy
 5. Higher Grade Pay Policy
 6. Disciplinary Policy

- CARRIED

Councillors who voted for:-

Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	Time in Lieu of Overtime Policy
File reference:	F10/618-09
Date Policy was adopted by Council initially:	22 September 2005
Resolution Number:	288/05
Other Review Dates:	21 April 2011, 21 August 2014
Resolution Number:	250/14
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2022

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resources Co-ordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	Human Resources Co-ordinator
Responsibility for review of Policy:	Human Resources Co-ordinator

OBJECTIVES:

The aim of this procedure is to define the process for arranging and recording Time In Lieu of Overtime.

To enable the consistent application of arrangements for Time in Lieu of Overtime the following procedure is to be followed:

1. Time in lieu can be accrued and taken only with the prior approval of the General Manager or by their delegated authority.
2. Prior to working additional hours, "agreement" needs to be reached between the staff member and their supervisor on whether any time worked is to be paid at overtime rates or as Time in Lieu.
3. Where arrangements have been made for Time in Lieu to apply a record of same is to apply and is to be recorded as follows:
 - the attached form "Application for Time In Lieu of Overtime" is to be completed, approved and forwarded to the Payroll Officer.
 - the Payroll Officer will record the relevant information on Councils' payroll system (as part of leave balances).
4. Requests to take Time in Lieu hours are to be applied for and approved via the leave application process.
5. Employees that are on a Workers Compensation Return To Work Plan cannot accrue Time in Lieu.
6. Time in Lieu due is to be taken prior to any annual leave that has been accumulated.

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7. Time in Lieu due is to be taken prior and in conjunction with any long service leave that has been approved.
8. Employees who have accumulated 7 weeks annual leave cannot accrue Time in Lieu unless authorised by the General Manager
9. The accumulation of Time in Lieu hours is to be monitored by the Payroll Officer and no more than 34 hours are to be accrued at any one time.
10. Time in Lieu must be claimed within the current fortnight being worked or if not claimed then forfeited.

Note: Time in Lieu cannot be accumulated whilst staff are undertaking higher duties relief work.

RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Employee Assistance Program Policy
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth)
- Fraud and Corruption Prevention Policy
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (State) Award 2017
- Local Government (General) Regulations 2005;
- Loss of Drivers License

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- Mobile Phone Policy
- NSW Long Service Leave Act
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth)
- Performance & Misconduct Policy
- Private Works (Projects and Plant Hire) Policy;
- Privacy and Personal Information Protection Act 1998.
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Statement of Ethical Principles;
- Secondary Employment Policy;
- Service Delivery Policy;
- Standards Australia 8000 series;
- Trade Practices Act 1974;
- Trustees Act 1925;
- Workers Compensation Act 1987
- Work Health & Safety Policy
- Work Health & Safety Regulations 2011

Variation:

Council reserves the right to vary or revoke this policy.

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APPLICATION FOR TIME IN LIEU OF OVERTIME



File: Personnel

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APPLICATION FOR TIME IN LIEU OF OVERTIME

File -
Personnel

DATE	START TIME	FINISH TIME	HOURS	REASON FOR WORKING UP TIME	ALLOCATION
Total					

NAME

SIGNATURE

EMPLOYEE NO

DATE

APPROVED

Yes

No

Supervisor/Coordinator

Department Director

General Manager

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POLICY:-	
Policy Title:	Staff Training
File reference:	
Date Policy was adopted by Council initially:	14 December 2006
Resolution Number:	390/06
Other Review Dates:	28 June 2007, 20 October 2011, 21 August 2014
Resolution Number:	194/07, 411/11, 250/14
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2022
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	
RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resources Coordinator
Committee/s (if any) consulted in the development of this policy::	Consultative Committee
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

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AIM:

Upper Lachlan Shire Council's Staff Training Policy is primarily designed to satisfy and maintain its needs for a workplace, which has the knowledge, skills and potential necessary for the effective and efficient functioning of the organisation. This policy is designed to assist Council to develop the competency of its people and to develop a more highly skilled and flexible workforce.

Competency is defined as the employee's skills, knowledge and attitudes and the fit of those to the requirements of the job. Both personal competence and job requirements are viewed as dynamic – they will evolve over time.

OBJECTIVES:

- * To encourage employees in their personal and professional development and to assist them where necessary to maintain high levels of competence in their respective positions and vocations.
- * To provide development opportunities via a range of sources including training conducted by recognised private providers, training/coaching in specific skills areas provided by designated staff, on the job training by managers and team leaders, and approved tertiary studies.
- * To provide assistance to employees where a course of study can be demonstrated to enhance their competence, and is of demonstrable benefit to the Council's service provision, and the employee's ability to fulfil their position requirements.
- * To facilitate the development of a Training Plan that will match training and development processes to the current and future skill requirements of Council and the career development needs of employees.
- * To ensure that expenditure in training matters is used in an effective manner.
- * To comply with Local Government (State) Award 2017 and other legislative and regulative provisions related to Council.

POLICY:

1. Council Commitment

- 1.1 Council shall develop a Training Plan consistent with the current and future skills relevant to Councils activities.
- 1.2 Council shall provide for training and development purposes each year an amount equivalent to a minimum of 1.5% of its payroll (as adopted in the annual budget).

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- 1.3 The individual training needs will be reviewed in conjunction with the annual performance review / appraisal process.

2. Employees Responsibility

- 2.1 Participation of employees in skills training activities is not always compulsory; however employees are expected to maintain their standard of competence in all areas, which form part of their current role.
- 2.2 Employees participating in skills training activities are to display a high degree of commitment.
- 2.3 Employees are expected to participate in and comply with training requirements in regard to Work Health and Safety and Risk Management training and the like. It is a requirement of the Work Health and Safety Regulation 2011 that employees must co-operate with employers in their efforts to comply with work health and safety requirements.

3. Types of Training/Levels of Assistance

Council shall provide assistance to employees engaged in training at varying levels subject to the type of training being undertaken.

The various degrees of assistance shall reflect not only the benefit to Council of such training but also the benefit to staff in that the training enhances their promotional aspects, job security, and value to an employer both within Council and/or the industry generally.

In the case of tertiary studies (leading to professional qualifications) and attendance of staff at annual conferences conducted by organisations of which they are members, specific assistance arrangements will be determined between Council and the employee prior to each stage of such studies/attendance at conferences. In that respect the levels of assistance outlined in this policy will be used as a guideline and factors such as the “balance” between applicability of the studies to Upper Lachlan Shire Council and / or the career development of the employee will be taken into account.

3.1 Level 1 Training

This applies to those areas of training where an employee is required by Council to participate. It would generally include but not be limited to such training matters as:

- i. *Achievement of a specific formal qualification as may be required by the Position Description.*
- ii. *Be related to a “Work Health and Safety” matter and the like (e.g. First Aid).*

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- iii. *Be considered a necessary “professional development” type training action to enable the employee to maintain competency in the position.*
- iv. *Be a “corporate” requirement such as induction training, familiarisation of relevant Council policies etc.*

Level of Assistance

Council to meet in general terms all costs associated with this type of training.

These costs include but are not limited to such matters as: -

1. Salary/Wages

- a. Where off the job instruction is required as part of the structured program then paid leave shall be granted subject to:-
 - Such time being within ordinary working hours.
 - A maximum of twenty (20) days off the job component over a twelve (12) month period. This covers the following areas only;
 - Leave with pay for examinations on the basis of one day of leave for each day of an examination.
 - For employees to undertake their final unit examination in a given semester to complete the subject
 - Where compulsory attendance at excursions is a course requirement and formal notification of such is received by the Manager from the University / College/TAFE involved, time off with pay may be granted.
 - A maximum of five (5) working days per semester will be available to attend Residential Schools or to undertake a Work Placement. Any further leave requested will be considered, and if approved by the Manager may be taken from the Apprentices, Trainees or Cadets leave entitlement.

Individual circumstances in excess of the above are to be determined by the General Manager and /or Director on an individual basis. Consideration will also be given to flexible work and study arrangements on a case-by-case basis.

It should be acknowledged that training is of mutual benefit to both Council and the employee. In recognition of this fact it is reasonable that both parties make a contribution towards achieving this goal.

Where time is involved outside of ordinary working hours then the following circumstances apply:-

- a. Travelling Time (this is the time required to travel to the destination from your normal place of work)

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- Ordinary working day; time in lieu equivalent to the time outside normal working hours will be granted.
 - Other than ordinary working day; time in lieu equivalent to actual travel time will be granted.
- b. Attendance Time (this is the time when the structural format may extend beyond an employee's ordinary number of hours for that day, or occur on a day other than an ordinary working day).
- Ordinary working day; time in lieu equivalent to the time outside normal working hours will be granted.
 - Other than ordinary working day; time in lieu equivalent to actual course time will be granted.

2. Fees

All registration fees, course fees, cost of permits etc to be paid by Council. This does not include drivers' licence or similar which require a regular payment to keep current.

Council's financial support is conditional on satisfactory completion of stages and subjects of the course. Repeats of subjects shall be carried out at the employee's cost.

A report or Course Documentation Results must be provided to Council at the end of each year by the employee detailing their progress in the course.

3. Travelling Cost

Council to either provide transport or reimburse in accordance with Council's Policy on "Payment of Expenses and Provision of Facilities".

4. Sustenance Costs

Where not included in training course fees and are required, Council shall meet the costs of accommodation and meals in accordance with Councils "Payment of Expenses and Provision of Facilities" Policy.

3.2 Level 2 Training

Level 2 Training requires approval of the General Manager or their delegated authority.

This applies to training matters where an employee may wish to undertake training generally consistent with a career path but not as a requirement of Council.

It may include such matters as:-

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- i. *Achieving a “desirable or preferred” qualification as included in the Position Description.*
- ii. *Participation in training closely related to current position requirements, areas where “relief duties” may be reasonably expected.*

Level of Assistance

Council recognises that an employee may wish to undertake training directly related to but not essential to their position.

A reduced level of assistance may be available in these instances and applies to permanent employees of Council only.

1. Salary/Wages

- i. Where off the job attendance is required as part of a structured program then:-
 - a. Paid Leave shall be granted for:-
 1. Examination time including reasonable travel time to and from the examination centre.
 2. A maximum of ten (10) days off the job component over a twelve (12) month period.
 - b. No payment for any hours worked (attendance or travelling) in excess of ordinary hours and/or on days other than ordinary workdays.
 - c. In the event that attendance is required on a Rostered Day off (RDO) then no payment or replacement will be made for this day. It will not however count towards the maximum ten (10) days component in clause (a) 2 above.
 - d. Leave without pay will be approved for any specific period in excess of (a) above.
 - e. Consideration will be given to flexible work and study arrangements on a case-by-case basis. E.g. one day training course attendance.

2. Fees

Council to pay 50% of course fees only (excludes accommodation and sustenance) upon confirmation and documentation of successful completion. This may be on a subject-by-subject and / or module basis for a staged qualification.

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3. Travelling Costs

Council to either provide transport or reimburse in accordance with Council's "Payment of Expenses and Provision of Facilities" Policy when attending a training course within the maximum ten (10) days per annum period (see clause 1(i) (a) 2 above).

No other travel costs to be reimbursed.

4. Sustenance Costs

Council to meet the cost of accommodation in accordance with Council's "Payment of Expenses to Provisions of Facilities" Policy within the maximum ten (10) days per annum period (see Clause 1(i)(a) 2 above).

3.3 Level 3 Training

This applies to areas of training that:-

- i. Are not directly related to a position but may be of general benefit to both the employee and Council.*
- ii. Are determined to have an imprecise connection to the requirements of Council (eg employee personal interest or ambition).*
- iii. Are adequately covered by other personnel who are either qualified or "in-training" (eg. plant operators etc).*

Levels of Assistance

Council assistance for training in this area will be considered on a case-by-case basis.

It will in general terms be limited to consideration of such matters as: -

- i. Course fee, attendance time for mutually beneficial training.
- ii Examination leave – paid for time of exam only.
- iii Leave without pay – approval for leave without pay for attendance at the course.
- iv. Access to plant or equipment only at Council's discretion.
- v Flexible work and study arrangements only at Council's discretion.

3.4 Repeat Training

When an employee is repeating a subject to obtain a pass then none of the levels of assistance as outlined in Clauses 3.1 to 3.3 inclusive apply unless so determined by the General Manager and / or Director.

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4. Training Arrangements

Note: Training/Development – indicates attendance at public course, seminars, and conferences like training.

1. Attendance at training is to be authorised by the respective Director and / or Manager (or in the case of Directors authorisation to be given by the General Manager) prior to training being arranged. The Staff Training Authority/Record form is to be used for this purpose and is to identify the level of training that is applicable. Priority is to be given to Level 1 training.
2. Travel arrangements are to be part of the approval process and are to be within the following guidelines:
 - * Wherever possible Council vehicles shall be supplied and used for travelling purposes by the employee(s);
 - * If Council vehicles are unavailable then an alternative means of transport such as private vehicle use and / or use of public transport is permissible and reimbursable. The payment of travel and sustenance expenses and the provision of facilities will be in accordance with Council's policy on the same;
 - * When a conference/seminar/course commences after 10.00am and is within two and a half hours travel to the destination then Council will not recognise the previous night's accommodation for reimbursement;
 - * When a conference/seminar/course commences after 8.30am and is within one and a half hours travel to the destination then Council will not meet the accommodation expenses for the night prior where it can be reasonably assumed that the employee(s) would not have to leave their home(s) prior to 7am;
 - * When a conference/seminar/course is held over more than one-day (i.e. consecutive days or more), travelling to and from the venue on a daily basis may be considered a safety issue. Under these circumstances the General Manager and / or Director may instruct the employee(s) that overnight accommodation be taken at Council's expense;
 - * Other factors such as the course nature and travel route will also be considered. The determination of whether accommodation costs will be met will be made by the General Manager and / or Director in each circumstance.
3. Accommodation (when approved) and travelling arrangements are the responsibility of the employee and supervisor who is attending or arranging the training.

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5. Roles and Responsibilities

5.1 Consultative Committee:-

- i. To be consulted in the process of establishment of Council's Training Plan.
- ii. To advise of areas of training they consider are needed within Councils' workforce in consultation with Human Resource Coordinator and Senior Management.

5.2 Human Resources/Management:-

- i. To identify areas of training needs especially in response to legislative and regulation changes.
- ii. To investigate appropriate means by which training may be accomplished.
- iii. Management to release wherever possible the staff to participate in training programs.
- iv. To prepare annual budgets in regard to training requirements as part of Council's Training Plan.
- v. To advise Council of training needs and the resources required to meet these needs.
- vi. To determine the category of training – Level 1, 2 or 3.
- vii. In conjunction with employees:-
 - preview the training and development objectives prior to attendance.
 - review the outcomes following attendance and at the next annual performance review.

5.3 Employees:-

- i. To participate in creation of their individual training plan.
- ii. To demonstrate a level of personal responsibility in regard to training matters.
- iii. To be aware of the increasing number of skills and competences being required in their position descriptions.
- vi. To advise the employer should any change occur to the status of any licence, permit, certificate and accreditation held by the employee and arrange for the same to be placed on their personnel file.
- v. To participate in previews and review of development training and where required provide a written summary of attendance.

6. Training Plan

The employees' training plan, developed as part of the annual performance review process, will identify immediate and medium term development needs (including renewal of competency certificates etc). Individual training plans will be aggregated into Council's organisational Training Plan for budgeting and scheduling purposes.

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Whilst it is ideal that all training and development needs be programmed into individual training plans, there will still be a need for ad-hoc or “spontaneous” training requirements.

The development of Councils’ Training Plan each year will include amounts allocated for Departmental training needs and individual training needs.

7. RELEVANT LEGISLATION AND COUNCIL POLICIES

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

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council’s Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Employee Assistance Program Policy
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (State) Award 2017;
- Local Government (General) Regulations 2005;
- Loss of Drivers License;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth);
- Performance & Misconduct Policy;

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- Private Works (Projects and Plant Hire) Policy;
- Privacy and Personal Information Protection Act 1998;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Statement of Ethical Principles;
- Secondary Employment Policy;
- Service Delivery Policy;
- Standards Australia 8000 series;
- Trade Practices Act 1974;
- Trustees Act 1925;
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Regulations 2011.

8. Variation

Council reserves the right to vary or revoke this policy.

POLICY:-	
Policy Title:	Call Back Policy
File reference:	
Date Policy was adopted by Council initially:	28 June 2007
Resolution Number:	194/07
Other Review Dates:	21 June 2012, 15 December 2016
Resolution Number:	198/12, 357/16
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	28 June 2007

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Procedure/guideline reference number:	
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RESPONSIBILITY:-	
Draft Policy Developed by:	Director of Infrastructure
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Human Resource Coordinator

POLICY OBJECTIVES:

Council recognises that to help provide a high level of service to the people of the Upper Lachlan Shire Council it is necessary for employees or groups of employees to be available for call back to work, outside of normal working hours.

Employees who are called back to attend work during a period will receive payment as per the Local Government (State) Award 2017. Alternatively staff may choose to take time off in lieu.

This policy aims to ensure that the employees are compensated when called back and that there is uniformity in the way that employees are called back.

Relevant Legislation:

The following Legislation affects the operation of this Plan:-

Time in Lieu of Overtime Policy
Local Government Act 1993;
Local Government (General) Regulations 2005;
Local Government (State) Award 2017;
Work Health and Safety Act 2011 and Regulations;
Anti Discrimination Act 1977;
Industrial Relations Act 1996;
Independent Commission against Corruption Act 1988;
Workplace Relations Act 2008;
Fair Work Act 2009;
Equal Employment Opportunity Act 1987;
Government Information (Public Access) Act 2009
Privacy and Personal Information Protection Act 1998;
Civil Liabilities Act 2002;
Environmental Planning and Assessment Act 1979;

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NSW State Records Act 1998;
Trade Practices Act 1974;
Public Interest Disclosures Act 1994; and
Crimes Act 1900.

Related Council Policies and Procedures

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

- Code of Conduct for Councillors, staff, contractors and delegates of Council;
- Council's Code of Meeting Practice;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Human Resource Training Plan;
- Staff Training Policy;
- Human Resource Succession Plan;
- Equal Employment Opportunity (EEO) Management Plan;
- Public Interest Disclosures Policy;
- Recruitment and Selection Policy;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- Harassment Policy;
- Secondary Employment Policy;
- Service Delivery Policy;
- Interaction between Councillors and Staff Policy;
- Bribes, Gifts and Benefits Policy;
- Fraud and Corruption Prevention Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Drug and Alcohol Policy;
- Rehabilitation Procedure and Practice Policy;
- Manual Handling Policy;
- Child Protection Policy;
- Delegations of Authority Policy;
- Employee Assistance Program (EAP) Policy;
- Trauma Management Policy;
- Employment and Retention Policy;
- Higher Grade Pay Policy;
- Time in Lieu of Overtime Policy;
- First Aid Policy;
- Work Health and Safety Policy;
- Injury Incident Management Procedures;
- Protective Clothing and Equipment Policy;
- Mobile Telephone Policy;
- Smoking in the Workplace Policy;
- Salary Sacrificing Policy;
- Private Use of Council Motor Vehicles Policy;

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Sun Protection - Council Employees Policy;
Volunteers Policy; and
Payment of Expenses and Provision of Facilities Policy.

Variation:

Council reserves the right to vary or revoke this policy.

POLICY:-	
Policy Title:	Employee Assistance Program (EAP) Policy
File reference:	F10/618-05
Date Policy was adopted by Council initially:	19 February 2009.
Resolution Number:	46/09
Other Review Dates:	18 October 2012, 20 August 2015
Resolution Number:	345/12, 229/15
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2022

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resources Coordinator
Committee/s (if any) consulted in the development of this policy::	Consultative Committee

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Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Human Resource Coordinator

Aim

The Employee Assistance Program (EAP) provides employees with access to the help they need to identify and resolve problems influencing their wellbeing and effectiveness at work.

To provide appropriate, consistent, equitable assistance and support to all employees experiencing problems and/or difficulties be they personal or work related.

Policy:

Council has a long term interest in the welfare and wellbeing of its employees and recognises that solutions to employee problems can be assisted. It should also be recognised that the employee also has a role to play and cannot regard Council as the first medium of assistance and should only approach Council if the problem is beyond their capabilities to address.

Scope:

This policy applies to all permanent and permanent part time employees. Casual Employees are generally not eligible to access the EAP, however assistance will be considered in extenuating circumstances and will be reviewed on a case-by-case basis.

1. Confidential discussions with the Human Resource Coordinator will initially be offered to all employees seeking assistance.
2. If problems are of a complicated and/or specialised nature professional external assistance may be sought with the written approval of the employee.
3. Problems may be personal or work related and may include but not limited to:
 - a. Physical illness
 - b. Alcohol and/or drug dependence
 - c. Emotional problems
 - d. Marriage and/or family problems
 - e. Financial and/or legal worries
 - f. Interpersonal conflicts
4. Support given will be determined on a case by case basis and reflect the needs of the individual and/or their situation.
5. In ALL cases the use of the program is VOLUNTARY.
6. Strict confidentiality will be observed.
7. No details of employee assistance will be made available without the WRITTEN AUTHORISATION of the employee involved.
8. The decision to seek employee assistance will not jeopardise the job security or status of the employee.
9. Council officers will, in accordance with this policy, endeavour to advise employees of the most appropriate way to organise their finance.
10. If an employee is seen to be abusing the assistance program the General Manager has the right to refuse any further assistance.

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Responsibility:

1. Managers – of areas affected by critical incident stress
 - Notify Human Resources Coordinator as soon as a critical incident occurs which may result in an employee's need to use the Employee Assistance Program (EAP).
 - Ensure incident investigation is carried out as soon as possible after incident, as required.
 - Ensure incident report is filled out and sent through to Human Resources Section.
 - Monitor employees for several weeks following critical incident to detect adverse reactions that may require use of the (EAP).
 - Notify Human Resources Coordinator if in any doubt or if needing assistance with employees following critical incident.
2. Human Resources Coordinator
 - Ensure Council's Employee Assistance Program (EAP) is operating and effective to adequately manage critical incident events affecting employees, volunteers, sub-contractors (as per scope of this procedure).
 - Along with Manager of affected area, ensure Council's (EAP) is enacted in a timely manner and as required to deal with critical incident stress
 - Ensure Council's Workers Compensation process incorporates and manages critical incident response
3. Employees, Volunteers, Sub-Contractors
 - Report all incidents
 - Look out for fellow workers
 - Notify their section Manager or the Human Resources Coordinator if they suspect a fellow worker may be in need of assistance

Travelling to counselling sessions:

Travelling to counselling sessions will be at the employee's expense and in their own time. Council will not supply a vehicle for an employee to attend counselling sessions or pay a travelling allowance, or any accommodation costs.

Counselling session limits:

Employees are able to access the EAP for up to three (3) free one (1) hour sessions per financial year.

Crisis and Helpline Providers (Free – call anytime):

- *Access line: Ph. 1800 800 944*

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Free and confidential service provided to those who are affected by alcohol and drug use. Available 24 hrs a day / 7 days a week.

- *Lifeline: Ph. 13 11 14*

Lifeline telephone counsellors are ready to talk and listen no matter how big or how small the problem might seem. They are trained to offer emotional support in times of crisis or when callers may be feeling down.

- *Mensline: Ph. 1300 78 99 78*

Mensline is a dedicated service for men with relationship and family concerns. When you feel like it's all getting too much, help is as close as the phone. All men, all relationships, Counselling, information and referral, Staffed by trained professionals, Confidential, Anonymous, Australia-wide, 24/7, Cost of a local call (mobiles excluded).

- *Quit line: 131 484 or 137 848*

Quitline is a telephone information and advice or counselling service for people who want to quit smoking. You can phone the Quitline on 131 848 confidentially from anywhere in Australia for the cost of a local call only.

- *Alcoholics Anonymous (A.A.): Neill - 0428 544 339, Jenny - 0407 494458*

A.A is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is a desire to stop drinking.

- *G-Line: 1300 633 635*

G-line (NSW) is a 24-hour, 7 days a week, statewide telephone helpline offering crisis counselling for problem gamblers, their families, friends and others.

- *Beyond Blue: 1300 22 4636*

Beyond Blue is a 24-hour, 7 days a week statewide telephone helpline offering crisis counselling for all Anxiety and Depression

<https://www.beyondblue.org.au/get-support/national-help-lines-and-websites>

COUNCIL EAP PROVIDER

- Relationships Australia, CANBERRA. Ph. 6122 7100

Services: individual counselling services and workplace mediation.

Qualifications: Tertiary qualifications in psychology, social work or relevant social science fields.

<https://racr.org.au/locations/canberra>

Definitions:

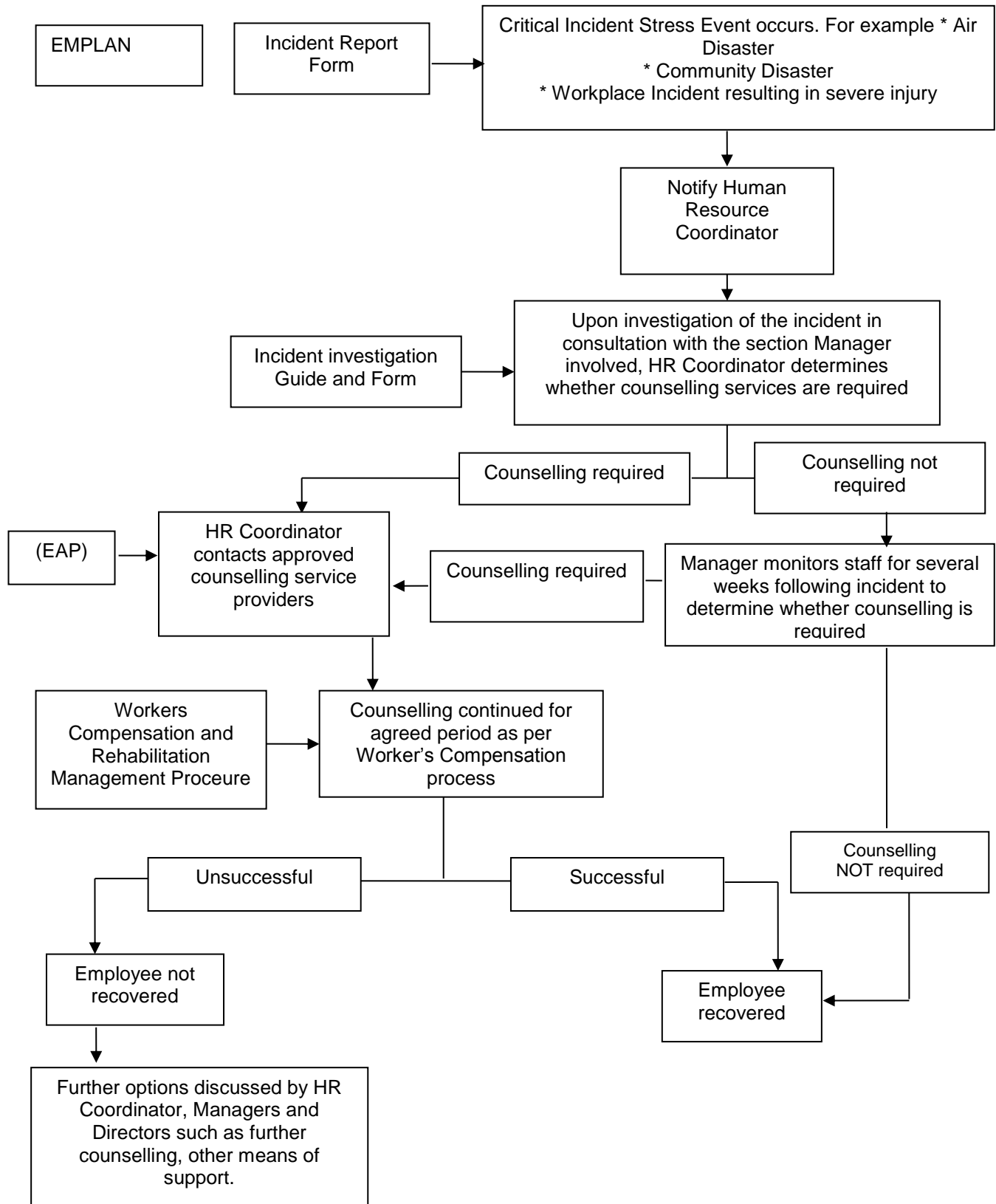
Employee Assistance Program (EAP)

NSW State Emergency Management Plan (EMPLAN)

Alcoholics Anonymous (A.A.)

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Procedure:



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Reference Documents:

Relevant Legislation

The following Legislation affects the operation of this Plan:-

Local Government Act 1993;
Local Government (General) Regulations 2005;
Local Government (State) Award 2017;
Work Health and Safety Act 2011 (NSW);
Work Health and Safety Regulations 2011 (NSW);
Anti-Discrimination Act 1977;
Industrial Relations Act 1996;
Independent Commission against Corruption Act 1988;
Workplace Relations Act 2008;
Fair Work Act 2009;
Equal Employment Opportunity Act 1987;
Government Information (Public Access) Act 2009
Privacy and Personal Information Protection Act 1998;
Civil Liabilities Act 2002;
Environmental Planning and Assessment Act 1979;
NSW State Records Act 1998;
Trade Practices Act 1974;
Public Interest Disclosures Act 1994; and
Crimes Act 1900.

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Code of Conduct for Councillors, staff, contractors and delegates of Council;
Council's Code of Meeting Practice;
Upper Lachlan Shire Council Community Strategic Plan;
Upper Lachlan Shire Council Resourcing Strategy documentation;
Upper Lachlan Shire Council Delivery Program and Operational Plan;
Human Resource Training Plan;
Staff Training Policy;
Human Resource Succession Plan;
Equal Employment Opportunity (EEO) Management Plan;
Public Interest Disclosures Policy;
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Service Delivery Policy;

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Interaction between Councillors and Staff Policy;
Bribes, Gifts and Benefits Policy;
Fraud and Corruption Prevention Policy;
Purchasing and Acquisition of Goods Policy and Procedures;
Drug and Alcohol Policy;
Rehabilitation Procedure and Practice Policy;
Time in Lieu of Overtime Policy;
Manual Handling Policy;
Child Protection Policy;
Delegations of Authority Policy;
Trauma Management Policy;
Employment and Retention Policy;
Higher Grade Pay Policy;
First Aid Policy;
Work Health and Safety Policy;
Injury Incident Management Procedures;
Protective Clothing and Equipment Policy;
Mobile Telephone Policy;
Smoking in the Workplace Policy;
Salary Sacrificing Policy;
Sun Protection - Council Employees Policy;
Volunteers Policy;

Variation:

Council reserves the right to vary or revoke this policy.

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Attachments:

Employee Assistance Program Handout



EMPLOYEE ASSISTANCE PROGRAM

Council recognises that their staffs are important and that occasionally there are personal or work place issues that may impact on health and well-being of staff. These may be work related, health, family or emotional concerns.

The EAP targets the early identification and resolution of workplace or personal issues that may impact adversely on work performance, productivity and general well-being.

What Is So Good About EAP?

- It's Free
- Independent
- Strictly Confidential
- All counselling is conducted by registered psychologists
- You can choose between telephone counselling or face to face counselling during work hours.



What to Expect

- An initial response from a counsellor within 24 hours
- A meeting or phone counselling session to occur within 48 hours
- Quick and confidential assessment
- Short-term counselling and/or external referral if you require ongoing support

How to Access the EAP

EAP appointments can be made by simply telephoning your Manager/Supervisor or the Human Resources Coordinator. They may suggest the use of EAP but the decision is always voluntary.

You may use the EAP in your own time. In this case no one will know. You may request through your manager, to attend in work time or may just ask to take some sick leave. Remember, when taking leave during work hours please request approval from your manager/supervisor beforehand. You don't need to divulge the nature of the problem but you do need to get approval to take leave.

Council contact for appointment:

Kevin Kara
Human Resource Coordinator
0428 271 648



COUNCIL EAP PROVIDER

- Relationships Australia, CANBERRA. Ph. 6122 7100
<https://racr.org.au/locations/canberra>

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POLICY:-	
Policy Title:	Higher Grade Pay Policy
File reference:	F10/618-06
Date Policy was adopted by Council initially:	16 April 2009
Resolution Number:	138/09
Other Review Dates:	19 August 2010, 15 August 2013, 15 December 2016
Resolution Number:	318/10, 255/13, 357/16
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2022

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

RESPONSIBILITY:-	
Draft Policy Developed by:	Human Resources Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Human Resources Coordinator

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Aim

This policy applies to all employees of Upper Lachlan Shire Council and has been prepared to ensure a consistent approach to the application of higher duties payments across all sections of Council.

Policy

Upper Lachlan Shire Council staff who are required to relieve another staff member classified at a higher grade in council's salary system are to be paid as per the attached procedures.

Higher Grade pay does not apply to staff on the same grade regardless of personal rates of pay.

The Council may direct the employee to carry out such duties that are within the limits of the employee's skill, competence and training. Council reserves the right to allocate duties in accordance with operational necessity and within budget.

Payment of higher grade duties in the absence of an employee is not automatic. The Directors and Managers of Council must assess relief positions in accordance with the provisions of the following procedure. The Directors and Manager have a duty to their employees to ensure that extra duties required to be performed by their employees during periods of staff absences are paid accordingly and that time allows during normal working hours for these extra duties to be performed.

Procedure

The aim of this procedure is to clearly define the process of payment to Upper Lachlan Shire Council employees when acting in a higher grade position other than their current classification. This procedure should be followed by all Departments within Council.

An employee who is assessed and is required to perform extra duties outside their normal daily duties or is required to relieve in a position which is at a higher grade in Council's Salary System, shall be paid for the time spent relieving in that position, with a minimum payment of one day.

At the commencement of each relieving "period" a determination will be made on whether the relief will be for a defined period of absence and/or if it is expected that the relieving employee will be acting as a replacement for the position being relieved. Alternatively the relief may be on an intermittent basis. In the case of a defined period of relief the Award provisions in regard to aggregation of a varying rate of pay will apply to annual leave.

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All claims for higher grade pay should be made within the current fortnightly pay period. The payment of higher grade duties is to be recorded on the appropriate Higher Duties Form and authorised by the relevant Director/Manager/Supervisor. Any claim for higher grade pay made after the current pay period will not be paid unless authorised by the General Manager.

The rate to be paid shall be determined by considering the skills/experience applied by the employee relieving in the position but shall be at least the minimum entry grade rate for that position and must be at least 5% more than the employee's normal hourly rate of pay, in accordance with the salary system except in the following two instances:-

- (a) Where the higher level skills have been taken into account within the salary of the relieving employee.
- (b) That the relieving employee cannot receive any payment higher than the maximum Step in the grade that they are relieving in.

Long Term Higher Duties

Where long term higher duties are undertaken by an employee a review of higher duties payment rates will be undertaken in conjunction with the annual review processes.

It should also be noted that a Present Occupant Position is excluded from the above procedure.

The Local Government State Award states as follows:-

Refer to Clause 8 of the Award – “Use of Skills”.

- (i) The parties are committed to improving skill levels and removing impediments to multi skilling and broadening the range of tasks that the employee is required to perform.
- (ii) The employer may direct the employee to carry out such duties that are within the limits of the employee's skill, competence and training.
- (iii) An employee shall be paid the salary system rate of pay that recognises the skills the employee is required to apply on the job.
- (iv) (a) The skills paid for shall not be limited to those prescribed by the job description and may, where appropriate, include skills possessed by the individual which are required by council to be used as an adjunct to the employee's normal duties.

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- (b) Subject to subclause (xii) and (xiii) of Clause 15, Allowances, Additional Payments and Expenses, employees who are required by the employer to use such additional skill(s) in the performance of their duties shall have the use of these skill(s) considered in the evaluation of the position.

As provided by the Award, Council may direct an employee to carry out such duties that are within the limits of the employee's skill, competence and training.

Refer to Clause 10 of the Award – "Payment for Relief Duties/Work".

- (i) An employee required to relieve in a position which is at a higher level within the salary system shall be paid for that relief. The rate to be paid shall be determined by considering the skills/experience applied by the employee relieving in the position but shall be at least the minimum rate for that position in accordance with the salary system except where the higher level skills have been taken into account within the salary of the relieving employee.
- (ii) Payment for use of skills relieving in a higher grade position shall be made for the time actually spent relieving in the higher position and is not payable when the relieving employee is absent on paid leave or an award holiday. An employee on annual leave may be entitled to a higher rate of pay in accordance with the provisions of Clause 21 D (ix) of this Award.
- (iii) An award employee who is required to relieve in a senior staff position, so designated under the Local Government Act 1993 (NSW), shall be paid an appropriate rate of pay commensurate with the duties and responsibilities of the relief work undertaken."

Reference Documents:

Relevant Legislation

The following Legislation affects the operation of this Plan:-

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Local Government (State) Award 2017;
- Work Health and Safety Act 2011 and Regulations;
- Anti Discrimination Act 1977;
- Industrial Relations Act 1996;
- Independent Commission against Corruption Act 1988;
- Workplace Relations Act 2008;
- Fair Work Act 2009;
- Equal Employment Opportunity Act 1987;
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998;

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- NSW State Records Act 1998;
- Trade Practices Act 1974;
- Public Interest Disclosures Act 1994; and
- Crimes Act 1900.

Related Council Policies and Procedures

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

- Code of Conduct for Councillors, staff, contractors and delegates of Council;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Human Resource Training Plan;
- Staff Training Policy;
- Human Resource Succession Plan;
- Equal Employment Opportunity (EEO) Management Plan;
- Public Interest Disclosures Policy;
- Recruitment and Selection Policy;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- Harassment Policy;
- Service Delivery Policy;
- Interaction between Councillors and Staff Policy;
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- Fraud and Corruption Prevention Policy;
- Drug and Alcohol Policy;
- Rehabilitation Procedure and Practice Policy;
- Manual Handling Policy;
- Child Protection Policy;
- Employee Assistance Program (EAP) Policy;
- Trauma Management Policy;
- Employment and Retention Policy;
- Time in Lieu of Overtime Policy;
- Work Health and Safety Policy;
- Injury Incident Management Procedures;
- Protective Clothing and Equipment Policy;
- Mobile Telephone Policy;
- Smoking in the Workplace Policy;
- Salary Sacrificing Policy;
- Private Use of Council Motor Vehicles Policy;
- Volunteers Policy; and
- Payment of Expenses and Provision of Facilities Policy.
- ULSC Salary System Operating Procedure

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VARIATION

Council reserves the right to vary or revoke this policy.

The Local Government (State) Award continues to constitute the conditions of employment for all employees at Council.

POLICY:-	
Policy Title:	Disciplinary Policy
File reference:	F10/618-06
Date Policy was adopted by Council initially:	24 August 2006
Resolution Number:	238/06
Other Review Dates:	15 October 2009, 19 June 2014, 16 June 2016
Resolution Number:	439/09, 180/14, 170/16
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2022

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	24 August 2006
Procedure/guideline reference number:	Included in Disciplinary Policy

RESPONSIBILITY:-	
Policy Developed by:	Human Resources Co-ordinator

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Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Human Resources Co-ordinator

Objectives

The aim of this policy is to establish a fair, equitable and consistent process for addressing unsatisfactory work performance and behaviour.

Scope

This policy applies to all employees of Council except the General Manager. Where this policy differs from the Grievance and Dispute Procedures set out in the Local Government (State) Award 2017, the Local Government (State) Award 2017 takes precedent.

A. *Employee's Rights*

Notwithstanding procedures below, an employee shall:

- (i) Have access to their personal files and may take notes and/or obtain copies of the contents of the file;
- (ii) Be entitled to sight, note and/or respond to any information placed on their personal file which may be regarded as adverse;
- (iii) Be entitled to make application to delete or amend any disciplinary or other record mentioned on their personal file which the employee believes is incorrect, out-of-date, incomplete or misleading;
- (iv) Be entitled to request the presence of a representative and/or the involvement of their union at any stage;
- (v) Be entitled to make application for accrued leave for whole or part of any suspension during the investigation process.

(See the Local Government (State) Award 2017 Clause 36. Disciplinary Procedures, A. Employees Rights).

B. *Employer's Rights and Obligations*

Notwithstanding the procedures contained in the Local Government (State) Award 2017 Clause 36. Disciplinary Procedures, B. Employers Rights and Obligations: Notwithstanding the procedures contained below, the employer shall:

- (i) Be entitled to suspend an employee with or without pay during the investigation process, provided that:

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- (a) The suspension shall not be for longer than is reasonably necessary to conduct a proper investigation.
- (b) the suspension shall be limited to circumstances where suspected unsatisfactory work performance or conduct, if substantiated, would constitute a serious breach of the employer's code of conduct, policies, procedures, or the employee's contract of employment.
- (c) suspension without pay during an investigation shall be for a period of not more than two weeks, except where the progress of the investigation is delayed due to the unavailability of the employee and/or their representative in which case the period of suspension without pay may be extended for a further period of up to 7 days or such greater period by agreement.
- (d) if, after investigation, the reasons for the suspension are found to be inappropriate, the employee shall not suffer any loss of pay for the period under suspension;
- (e) the suspension shall not affect the employee's continuity of service for the purposes of accruing leave entitlements;
- (f) the employee shall not unreasonably refuse an application for paid leave under this provision;
- (g) by agreement an employee may be transferred to another position or place of work;
- (ii) Be entitled to request the presence of an Association and/or union representative at any stage.

(See Local Government (State) Award 2017 Clause 36, Disciplinary Procedures, B. Employer's Rights and Obligations)

C. Workplace Investigations

- (i) The parties to the Award have agreed on guidelines ("guidelines") concerning workplace investigations.
- (ii) Failure to comply with the guidelines may be used as evidence that a person or employer has failed to properly conduct or speedily conclude a workplace investigation. However, a person or employer cannot be prosecuted only because of a failure to comply with the guidelines.
- (iii) Upon becoming aware of possible unsatisfactory work performance or conduct by an employee the employer may decide to investigate.
- (iv) Workplace investigations are a process by which employers gather information to assist the employer to make an informed decision. Workplace investigations typically involve enquiring, collecting information and ascertaining facts.
- (v) When deciding whether to investigate possible unsatisfactory work performance or conduct, factors that the employer should consider include:
 - The seriousness of the possible unsatisfactory work performance or conduct;
 - How recent the possible unsatisfactory work performance or conduct occurred;
 - Potential implications in not undertaking an investigation; and

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- Whether there are any mitigating factors (for example drug/alcohol dependency, health issues including mental health issues, or family/domestic violence issues).
- (vi) Employers shall properly conduct and speedily conclude workplace investigations concerning possible unsatisfactory work performance or conduct.
(See Local Government (State) Award 2017 Clause 36, Disciplinary Procedures, C. Workplace Investigations)

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include but are not limited to:

- Access to Information Policy;
- Australian Audit Standard AUS210 / ASA240;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Cash Handling Policy;
- Code of Business Practice;
- Code of Conduct for Councilors, staff and delegates of Council;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Drug & Alcohol Policy;
- Employee Assistance Program Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009 (Cwth);
- Flexible Work Arrangements Policy & Procedure;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Grievance Policy;
- Harassment Policy;
- Human Resource Training Plan;
- Human Resource Succession Plan;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Internal Reporting – Protected Disclosures Policy;
- Internet and Email Policy;

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- Local Government Act 1993;
- Local Government (State) Award 2017;
- Local Government (General) Regulations 2005;
- Loss of Drivers Licence Policy & Procedure;
- Manual Handling Policy;
- Mobile Phone Policy;
- NSW Long Service Leave Act;
- NSW State Records Act 1998;
- Paid Parental Leave Act 2010 (Cwth);
- Payment of Expenses and Provision of Facilities Policy;
- Performance & Misconduct Policy;
- Private Works (Projects and Plant Hire) Policy;
- Privacy and Personal Information Protection Act 1998;
- Protective Clothing and Equipment Policy;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Public Interest Disclosures Policy;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Recruitment and Selection Policy;
- Rehabilitation Procedure and Practice Policy;
- Sun Protection – Council Employees Policy;
- Statement of Ethical Principles;
- Secondary Employment Policy;
- Service Delivery Policy;
- Standards Australia 8000 series;
- Time in Lieu of Overtime Policy;
- Trade Practices Act 1974;
- Trauma Management Policy;
- Trustees Act 1925;
- Upper Lachlan Shire Council Community Strategic Plan;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Volunteers Policy;
- Workforce Plan 2016-2020
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Workplace Relations Act 2008.

Variation

Council reserves the right to vary or revoke this policy.

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Procedure

Local Government (State) Award 2017 Clause 36 D Procedures states;

PROCEDURES

- (i) Where an employee's work performance or conduct is considered unsatisfactory, the employee shall be informed in the first instance of the nature of the unsatisfactory performance or conduct and of the required standard to be achieved, by the employee's immediate supervisor or other appropriate officer of the employer. The employer and employee will discuss the reason(s) for the unsatisfactory work performance or conduct including matters external to the workplace, and, where appropriate, measures to assist the employee to improve their work performance or conduct. Such measures may include, for example, training, counselling and provision of an Employee Assistance Program (EAP).
- (ii) Unsatisfactory work performance or conduct shall include, but not be limited to, neglect of duties, breach of discipline, absenteeism and non-compliance with safety standards. A written record shall be kept on the appropriate file of such initial warning. The employee shall be entitled to sight and sign such written record and add any notations regarding the contents of such record.
- (iii) Where there is re-occurrence of unsatisfactory work performance or conduct, the employee shall be warned formally in writing by the appropriate officer of council and counseled. Counselling should reinforce the standard of work or conduct expected and, where the employee is failing to meet these required standards, a suitable review period for monitoring the employee's performance; the severity of the situation; and whether disciplinary action will follow should the employee's work performance or conduct not improve. A written record shall be kept of such formal warning and counselling. The employee shall be entitled to sight and sign such written record and add any notations regarding the contents of such record.
- (iv) If the employee's unsatisfactory work performance or conduct continues or resumes following the formal warning and counselling, the employee shall be given a final warning in writing giving notice of disciplinary action should the unsatisfactory work performance or conduct not cease immediately.
- (v) If the employee's work performance or conduct does not improve after the final warning further disciplinary action may be taken.
- (vi) All formal warnings shall be in writing.
- (vii) Delegates shall be provided reasonable time without loss of pay, to represent members in disciplinary matters at the local level, provided prior approval is sought. Such approval shall not be unreasonably withheld.

1. Reasons for disciplinary action

Disciplinary action may be taken in a number of different circumstances.

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Normally the grounds for disciplinary action will relate to misconduct or a failure to perform tasks and requirements of the position to an acceptable standard.

Gross misconduct will normally lead to dismissal without notice for a first offence. This is a list of examples of conduct that will be treated as gross misconduct, but this list is not exhaustive:

- (a) Wilful omission of information or provision of false information to gain employment;
- (b) Infringement of statutory duties, for example loss of professional registration or driving license where required for employment;
- (c) Being unfit for duty because of misuse/consumption of drugs or alcohol;
- (d) Misuse/consumption of drugs during working hours or on work premises;
- (e) Consumption of alcohol during working hours or on work premises other than occasions when authorised by the General Manager or senior member of staff;
- (f) Physical/verbal abuse of members of the public, visitors or staff;
- (g) Incompetence, failure to apply sound professional judgment or neglect of duties resulting in serious, or potentially serious, consequences for the safety of visitors and staff, compromises the business or security of the Council, the functions within it or the reputation of the Council;
- (h) Theft, including unauthorised possession of property belonging to the Council, members of the public, visitors and staff;
- (i) Theft/fraud involving Council finances by the falsification of records or any other means;
- (j) Discrimination, harassment or bullying that contravenes the Council Equal Employment Opportunity Policy, or victimization of an employee who makes an informal or formal complaint of discrimination, bullying or harassment;
- (k) Wilful or neglectful disclosure of confidential information to unauthorized persons;
- (l) Wilful or neglectful contravention of the Council policies and procedures that results in serious or potentially serious consequences for the safety of visitors and staff, or compromises the business or security of the Council, or the functions within it;
- (m) Refusal to carry out a reasonable management instruction which is within the individual's capabilities and which would be seen to be in the interests of the Council;
- (n) Wilful damage to the Council property;

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2. Suspension

Suspension in itself is not a disciplinary act and does not prove that there has been any misconduct. It is a neutral act enabling the individual to be released from her/his place of work, pending an investigation of allegations made. If it is undesirable for the employee to remain on the premises in a case of serious misconduct, or other cause, e.g. health and safety, then she/he should be suspended.

Staff may be redeployed by mutual agreement, until the results of inquiries are known.

Normally the authority to suspend will be given only to those managers who have authority to dismiss, but during their absence the most senior manager on duty will have the authority to suspend an employee on full-pay in consultation with Human Resources Section wherever possible.

The suspension must be confirmed in writing to the employee or their nominated representative and the reason(s) for the suspension stated (see Appendix 2).

The suspended employee is not allowed to return to the Council premises without the prior authorisation of the suspending manager, and should also notify the manager prior to contacting any Council employees they intend to use as witnesses.

3. Procedure for formal investigation

The suspending manager should carry out the formal investigation. If the General Manager determines it is not appropriate for the suspending manager to carry out the formal investigation, an alternative manager may be appointed. This manager may involve others to assist with the investigation process (e.g. a Human Resources Coordinator). All the relevant facts should be gathered promptly as soon as is practicable.

If required, statements should be taken from the employee and witnesses at the earliest opportunity. All statements should be signed and dated. Any physical evidence should be retained if reasonable to do so.

The investigating manager should meet with the employee and all witnesses, and notes of these meetings should be taken. The employee and witnesses are entitled to be accompanied by a representative, union official or equivalent professional representative at these meetings. A representative from the Human Resources Section may accompany the investigating manager.

At the end of the investigation a report should be prepared that outlines the facts of the case and a chronology of the investigation. The report should outline the investigating manager's recommendations, which may be to:

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- a) Take no further action against the employee;
- b) Recommend counselling for the employee;
- c) Issue a verbal warning;
- d) Proceed to a disciplinary hearing where formal disciplinary action shall be considered. The investigating manager should meet with the employee to inform them of the outcome of the investigation. If a meeting were not possible, it would be acceptable to notify the employee in writing.

4. Rights of employees at all formal stages

The employee will have the right to be accompanied by a union representative or equivalent professional representative at all formal stages of the procedure.

An employee will be given the opportunity to state his/her case at a formal hearing, before any decision is made. They may do so with the assistance of a union representative or equivalent professional representative.

To ensure consistency, a member of the Human Resources Section may be present at all formal hearings.

5. Police or legal proceedings

The General Manager may report an employee to the police if it is felt that the misconduct is also potentially illegal.

Where the Council is aware of an employee being charged or convicted of a criminal offence and considers that the offence has a bearing on the employee's job, it may be necessary to instigate an investigation under this procedure. Convictions for offences not connected with employment, nor affecting the employee's ability to carry out his/her duties will not normally provide grounds for disciplinary action. If however, the employee is subsequently sentenced to a period of detention, this may be grounds for the termination of employment.

In the event that an employee is under police or legal proceedings the Council reserves the right to take appropriate action in accordance with Council procedures, prior to the outcome of those external proceedings being reached. This means that internal investigations may continue and where there is found to be a case to answer, disciplinary proceedings may be instigated and the appropriate disciplinary penalty imposed.

In some cases an employee's solicitor or legal adviser may advise not to answer any questions or provide statements for the internal investigation due to the matter being under police investigation. In this situation the Council reserves the right to follow its internal procedures, if necessary, in the absence of the employee. Any decision taken regarding the future employment of that employee would be based on the information

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available to the Council at that time. The employee will be kept informed of all meetings/hearings and given the opportunity to attend or, if this is not possible, to send a representative who is acceptable to the Council. The employee will be notified in writing of the outcome of the investigations and any disciplinary proceedings.

6. Formal disciplinary hearings

The employee and their union or professional representative should where possible receive a copy of the investigation report including witness statements at least five working days before the date of the hearing.

The relevant representative of the Human Resources Section should where possible receive the employee's response to the management statements at least two days before the hearing. It should also include details of any witnesses who will be called at the hearing and witness statements.

Every effort should be made to agree a mutually convenient date and time for the hearing. When a date has been arranged a request from the employee for the hearing to be adjourned will only be considered once and may lead to the hearing proceeding in the employee's absence.

At each stage of the procedure a formal hearing will be held. The appropriate manager, accompanied by a representative of the Human Resources Section, will chair the hearing. In cases that may lead to dismissal the appropriate manager will be a member of the Senior Management Team.

The formal disciplinary procedure consists of four stages.

7. Stages within the procedure

7.1. Stage 1 – Verbal Warning

A verbal warning is appropriate when it is necessary for the manager to take action against an employee for any minor failing or minor misconduct. The employee will be advised of the reason for the warning, the improvement required, that it is the first stage of the Disciplinary Procedure and the manager will confirm the fact that further disciplinary action may follow if there is no satisfactory improvement within an agreed timescale. The manager will keep a file note of the verbal warning.

7.2 Stage 2 – First Written Warning

A first written warning is appropriate when:

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- a) A verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed; or
- b) An offence is of a more serious nature for which a written warning is more appropriate.

The warning will give details of the improvement required and the timescale for review and the manager will confirm the fact that further disciplinary action may follow if there is no satisfactory improvement.

7.3 Stage 3 – Final Written Warning

A final written warning is appropriate when:

- a) An employee's offence is of a serious nature falling short of one justifying dismissal; or
- b) An employee persists in the misconduct or performance that previously warranted a lesser warning.

The warning should give details of the complaint and warn that dismissal may result if there is no satisfactory improvement within a notified timescale. A copy of the final written warning will be kept on the employee's record of employment.

7.4 Stage 4 – Dismissal

Dismissal is appropriate when:

- a) An employee's actions are considered to be gross misconduct.
- b) An employee's misconduct/performance has persisted, exhausting all other lines of disciplinary procedure.

8. Rights of appeal

An employee who wishes to appeal against formal disciplinary action should do so within ten working days of receiving details of the penalty in writing. The basis of an appeal should address why the resulting disciplinary action was inappropriate.

Appendix 1

Suspension Guidelines

1. Introduction

These guidelines have been produced for employees who have been suspended from work and aims to provide them with relevant information about the suspension and the support available to them.

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This document should be read in conjunction with the Council Disciplinary Policy and Procedure.

2. What is suspension?

Suspension is the temporary removal of an employee from his/her place of work. Staff can be suspended from duties for a variety of reasons, the most common being to allow an investigation to take place following an allegation of misconduct, usually of a very serious nature.

3. Outline of Suspension Process

An employee can be suspended at the outset of an investigation following receipt of an allegation, or during an investigation where it becomes apparent that the allegation is more serious than initially thought, or where the employee's presence is causing difficulty in the investigation being carried out effectively. Whatever the situation is which has resulted in the suspension, the following provides a guide to the process that should be followed.

At the suspension meeting the employee should have the opportunity to be accompanied by a union representative or equivalent professional representative. However, in an emergency where the immediate removal of the employee is required, this may not be possible.

If the employee has not already done so, they are advised to consult their representative from the union or professional body at the earliest opportunity.

The suspension will be confirmed in writing and should be sent to the employee within 3 days of the suspension taking place.

The employee will be given the opportunity to meet with the investigating manager to discuss the circumstances surrounding the allegation(s) and state their case. The investigating manager may also request that the employee submit a written statement confirming their version of events.

The employee will be expected to make themselves available to attend any investigation meeting that may take place and to co-operate in the investigation process whilst they are on suspension.

The employee will be notified, in writing, of the outcome of the investigation and any subsequent actions that are proposed.

The length of the suspension will be kept under regular review and the employee will be notified of any circumstances that may affect the continuation of the suspension.

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4. Police involvement

In the event that an employee is under police or legal proceedings the Council reserves the right to take appropriate action in accordance with Council procedures, prior to the outcome of those external proceedings being reached. This means that internal investigations may continue and where there is found to be a case to answer, disciplinary proceedings may be instigated and the appropriate disciplinary penalty imposed.

In some cases an employee's solicitor or legal adviser may advise not to answer any questions or provide statements for the internal investigation due to the matter being under police investigation. In this situation the Council reserves the right to follow our internal procedures, if necessary, in the absence of the employee. Any decision taken regarding the future employment of that employee would be based on the information available to the Council at that time. The employee will be kept informed of all meetings/hearings and given the opportunity to attend or, where this is not possible, to send a representative acceptable to the Council, and will be notified in writing of the outcome of the investigations and any disciplinary proceedings.

5. Employee support & information services

It is recognised that suspension can be a very stressful time for employees and the Council endeavours to provide employees with the necessary support and information required during this period. There are a number of sources from where you can obtain support or information. Council has an Employee Assistance Program Provider (EAP) that can be contacted through Council's Human Resource Section.

5.1 The Human Resources Department

Where health problems are considered to be a contributing factor to difficulties with conduct this may result in a referral to the Human Resources Section. The Human Resources Coordinator will refer the employees to the Council's Doctor for an assessment of the extent of the health problems and any treatment used that may have contributed to the employee's behaviour or actions.

Where violent or abusive actions have been the circumstances that have resulted in the suspension, the Human Resources Section and Management will be notified at the earliest opportunity.

The employee should contact the Human Resources Coordinator if they have any queries regarding the procedure to be followed or the application of Council procedures.

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5.2. Other External Contacts

If the employee belongs to a union or professional organisation, it is advisable that the employee contact them at the earliest opportunity. Most unions/professional organisations have a range of support and advice services available to their members.

Further, Council has an adopted Employee Assistance Program (EAP) that also provides support and advice to all Council employees.

Appendix 2

Suspension Letter

Private & Confidential

Dear [***name***],

Council is writing to confirm the outcome of the disciplinary meeting of [***date***], attended by [***name, job title of each attendee***]. It was explained that disciplinary action was being taken regarding the following matters:

- (i)
- (ii)
- (iii)

[following sentence is not applicable if meeting attended by representative, union official or equivalent professional representative]

You were informed that you were entitled to be accompanied by a representative, union official or equivalent professional representative and you confirmed that you were willing to go ahead with the meeting without a representative.

This is a very serious matter and Council has decided that you should be suspended from duty with effect from [***date***], until an investigation has been carried out in accordance with Council Disciplinary Policy & Procedure, a copy of which was given to you at the meeting

Council would like to emphasise that suspension is not a disciplinary act and does not prove that there has been any misconduct. It is a neutral act enabling you to be released from your place of work, pending an investigation into an allegation made or an investigation into conduct that resulted in disciplinary action being instigated.

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Council reminds you that whilst on suspension you are not allowed to return to the Council premises without the prior authorisation of the suspending manager, and you should also notify the manager prior to contacting any Council employees you intend to use as witnesses.

As explained at our meeting, Council wants to ensure that this matter is resolved as quickly as possible and also that the ***[allegations/concerns raised]*** are thoroughly investigated.

You may therefore be required to attend an investigation meeting and Council will inform you of a date for this meeting and subsequently the outcome of the investigation at the earliest opportunity.

Your attention is directed to Clause 32 of the Local Government (State) Award 2017, which deals with Disciplinary Procedures, rights and obligations and penalties under the Award. The Local Government (State) Award 2017 applies in full and its application is not limited to the sections specifically referred to in this letter ***(optional)***

During your suspension, please feel free to contact Council's [insert officers position title and name] if you have any queries.

Alternatively you may contact [Council's EAP Provider] for basic support and guidance. The Human Resources Coordinator is also available to provide additional support.

Yours faithfully

Manager's Name & Job Title

cc: All Attendees

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Appendix 3

Incident Investigation Form

Employee Name: _____ Date: _____

Department: _____

Venue: _____ Time: _____

In Attendance: _____

Reason for attendance:

Employer's statement:

Supervisors Signature: _____

Employee's statement:

Employees Signature: _____

Recommendations:

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Placed on personal file?

Yes	No
-----	----

Is there a suspension period established?

Yes	No
-----	----

Length of suspension period?

	Weeks / Months
--	-------------------

Is there to be a follow up review?

Yes	No
-----	----

Date of next review.

Date	
------	--

Supervisor Signed: _____ Date: _____

I agree/disagree that the above content is an accurate reflection of all the issues that were discussed

Employee Signed: _____ Date: _____

Director/General Manger Signed: _____ Date: _____

Independent/H R Coordinator Signed: _____ Date: _____

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ITEM 14.2
215/19

WORK, HEALTH AND SAFETY COMMITTEE MEETING MINUTES

RESOLVED by Cllr Searl and Cllr O'Brien

1. Council adopt recommendations 4.1 – 4.4 of the Work, Health and Safety Committee Meeting Minutes from 5 August 2019 as listed below.

Item 4.1 Communication Issue, After Hours and Call Outs

1. The WHS Committee recommends Council install a mobile phone system interfaced to Redground Heights hub repeater at the cost of \$6,000.
2. All Council vehicles be fitted with a two way radio that has the keypad attached.

Item 4.2 Incident Report

1. The Committee discuss workplace incidents and provide or approve recommendations for the future development of Council's procedures, policies and systems;
2. Committee members discuss and review current work practices within their work group(s) to ensure that reasonable, practicable controls are in place to prevent or minimise the risk of these incidents from re-occurring;
3. All incidents to remain open until controls have been implemented;
4. An inspection of the Crookwell Caravan Park be undertaken by Council staff and reported back to the Committee.

Item 4.3 Correspondence

1. The Committee receive and note that correspondence as information.

Item 4.4 Action List

1. The Committee receive and note the report as information.
2. The Committee organise training in regards to conducting internal incident occurrences investigations.
3. The Committee recommends to Council not to install dash cam in Council vehicles.

- CARRIED

Councillors who voted for:-

Cllrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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ITEM 14.3 REVIEW OF COUNCIL'S MEDIA POLICY
216/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Media Policy.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, D
O'Brien, J Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Clr Opie

POLICY:-	
Policy Title:	Media Policy
File Reference:	F10/618-06
Date Policy was adopted by Council initially:	25 May 2006
Resolution Number:	137/06
Other Review Dates:	20 August 2009, 16 December 2010, 16 May 2013
Resolution Number:	340/09, 486/10, 138/13
Current Policy adopted by Council:	15 August 2019
Resolution Number:	215/19
Next Policy Review Date:	2022
PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	25 May 2006
Procedure/guideline reference number:	N/A

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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:	General Manager

1 Purpose

To establish protocols and consistent methods for managing communication between Council and the media, to ensure consistent, accurate and reliable information is provided to the community.

The purpose of this policy is to foster best practice by Upper Lachlan Shire Council in regards to media relations.

2 Objective

A key objective of this policy is to promote a positive, progressive and professional image of Council in line with its corporate objectives and mission statement through media interactions with internal and external stakeholders.

The key objective of the Media Policy is to ensure information is provided to the media in a coordinated and professional manner through the establishment of protocols for both Councillors and Council staff, to avoid confusion and misinformation within the community.

Upper Lachlan Shire Council encourages open communication with the community via the media.

This policy will ensure that comment made publicly is done so only by authorised spokespersons, ensuring information made public by Council is accurate, reliable and in accordance with necessary privacy provisions and confidentiality requirements. As such, there are limits on who can provide information, and the level of information those persons can provide.

Upper Lachlan Shire Council will respond to media enquiries in a timely manner, with all media enquiries to be directed to the General Manager and Media Officer. The Mayor and the General Manager are the Council's authorised spokespeople, unless otherwise determined by the General Manager.

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3 Media Releases

In regards to dealing with and preparing information for media the following guidelines must be adhered to:

- 3.1** The Media Officer has the key responsibility for writing, coordinating relevant fact checking and approvals, and distributing media releases on behalf of the Mayor and General Manager.
- 3.2** All media releases are to be written and distributed on the official Upper Lachlan Shire Council media release template.
- 3.3** All media releases are to be authorised by the General Manager prior to distribution via the Media Officer.
- 3.4** For media releases concerning matters of policy, the Mayor or General Manager are Council's official spokespersons, unless otherwise determined by the General Manager.
- 3.5** In media releases, which deal with matters of an administrative or operational nature the spokesperson will be the General Manager, unless otherwise determined by the General Manager.
- 3.6** All Councillors and Council staff, contacted by the media, in reference to a media release or any other matter concerning Council, should refer the media outlet to the General Manager and Media Officer and advise the General Manager and Media Officer about the enquiry via e-mail or phone.
- 3.7** Directors, Managers and Council staff are to be aware of potential media opportunities within their Department and notify the Media Officer in a timely manner.

4. Statements to the Media

- 4.1** Councillors are free to make personal comments to the media as private individuals but not to speak on behalf of Council or Council matters, and in doing so must ensure that their comments are not perceived as representing official Council position or policy.
- 4.2** Council employees may speak to the media as private individuals, with the following restrictions:
 - they do not comment on Council business or policy; and
 - they are identified as Council employees
 - they should specifically state that their comments are not representing

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the official Council position or policy and are presented to the General Manager for approval before publication.

- 4.3** All media statements issued by Council must be approved in writing by the General Manager, prior to issue.
- 4.4** Any Letters to the Editor generated from within the organisation which are determined necessary to inform the community on a particular matter, are to be issued through the Media Officer and subject to the approval of the General Manager.
- 4.5** All statistics and claims of fact contained in media statements **must be accurate and verifiable**.

5. Media Enquiries

All media enquiries received by Councillors and Council staff should be directed to the Media Officer and General Manager to ensure Council can provide a consistent, accurate and coordinated response, in a timely manner.

6. Crisis Communication

Council recognises that ill considered and uninformed comments can cause significant consequences and legal implications in the event of an emergency, disaster, crisis, or sensitive issue.

Accordingly, only the Mayor and General Manager are authorised to speak to the media on these occasions with the exception of the Local Emergency Management Officer (LEMO) in the event the emergency operation centre is raised. All media enquiries in these situations should be directed to the Council LEMO, General Manager and Media Officer.

7. Breaches

Unauthorised release of Council documents by employees or Councillors will be subject to disciplinary action in accordance with the adopted Code of Conduct.

8. Variation

Council reserves the right to vary or revoke this policy.

9. Associated Legislation, Council Policies and Documents

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

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- Council Code of Conduct;
- Access to Information Policy;
- Anti Discrimination Act 1977;
- Bribes, Gifts and Benefits Policy;
- Code of Business Practice;
- Complaints Management Policy;
- Corporate Credit Card Policy;
- Council's Code of Meeting Practice;
- Crimes Act 1900;
- Delegations of Authority Procedure;
- Employee Assistance Program Policy;
- Environmental Planning and Assessment Act 1979;
- Equal Employment Opportunity Act 1987;
- Equal Employment Opportunity (EEO) Management Plan;
- Fair Work Act 2009;
- Fraud and Corruption Prevention Policy;
- Government Information (Public Access) Act 2009;
- Government Information (Public Access) Amendment Act 2012;
- Government Information (Public Access) Policy;
- Government Information (Public Access) Regulation 2009;
- Grievance Policy;
- Harassment Policy;
- Independent Commission against Corruption Act (ICAC) 1988;
- Industrial Relations Act 1996;
- Injury Incident Management Procedures;
- Interaction between Councillors and Staff Policy;
- Internal Reporting – Public Interest Disclosures Policy;
- Internet and Email Policy;
- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- State Records Act 1998;
- Payment of Expenses and Provision of Facilities Policy;
- Performance and Misconduct Policy;
- Privacy and Personal Information Protection Act 1998;
- Privacy Management Plan;
- Public Access Policy;
- Public Interest Disclosures Act 1994;
- Purchasing and Acquisition of Goods Policy and Procedures;
- Records Management Policy;
- Recruitment and Selection Policy;
- Service Delivery Policy;
- Trauma Management Policy;
- Upper Lachlan Shire Council Community Strategic Plan;

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- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Upper Lachlan Shire Council Delivery Program and Operational Plan;
- Workers Compensation Act 1987;
- Work Health & Safety Policy;
- Work Health & Safety Act & Regulations 2011;
- Any other relevant legislation and guidelines as applicable.

ITEM 14.4 REVIEW OF ADVERTISING IN COUNCIL'S NEWSLETTER POLICY
217/19 RESOLVED by Cllr Searl and Cllr O'Brien

1. Council adopts the reviewed Advertising in Council's Newsletter Policy.

- CARRIED

Councillors who voted for:-

Cllrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

POLICY:-	
Policy Title:	Advertising in Council Newsletter Policy
File reference:	F10/618-03
Date Policy was adopted by Council initially:	10 July 2008
Resolution Number:	207/08
Other Review Dates:	18 June 2009, 16 December 2010, 16 May 2013,
Resolution Number:	230/09, 486/10, 139/13
Current Policy adopted by Council:	15 August 2019
Resolution Number:	216/19
Next Policy Review Date:	2022

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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:	General Manager

OBJECTIVE

To define the appropriate process for advertising within Council's newsletter.

POLICY

All businesses wishing to advertise in 'The Voice' must:

- (a) be a registered business within the Upper Lachlan Shire local government area, or
- (b) be a registered business wishing to do business within the Upper Lachlan Shire local government area, or
- (c) be a government agency wishing to inform the Upper Lachlan Shire community with respect to issues relevant to the Upper Lachlan Shire community.

Regardless of the location, all businesses wishing to advertise in 'The Voice' must supply an ABN number for invoicing purposes.

The advertisement must be directly related to the commercial activities of the business which is supplying the ABN number.

Council will include a disclaimer for advertisements that states the publisher accepts no responsibility for any of the advertisement notices. All such advertisements are published at the risk of the contributor who by forwarding advertisements agrees to indemnify the publisher and warrant that the information is accurate and is neither

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deceptive nor misleading, in breach of copyright, or in breach of any laws or regulations”.

The promotion of community events and information may be free, subject to the approval of the General Manager.

The acceptance of paid advertising is at the discretion of the General Manager.

VARIATION

Council reserves the right to vary the terms and conditions of this policy to ensure it continues to meet Council’s requirements.

RELEVANT LEGISLATION AND COUNCIL POLICY AND PROCEDURES

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

1. Government Information (Public Access) Regulation 2009;
2. Government Information (Public Access) Act 2009;
3. Government Information (Public Access) Amendment Act 2012;
4. Local Government Act 1993;
5. Local Government (General) Regulations 2005;
6. Government Information (Public Access) Policy;
7. Records Management Policy.
8. Code of Conduct for Councillors, staff and delegates of Council;
9. Service Delivery Policy and
10. Any other relevant legislation and guidelines as applicable.

SECTION 15: LATE REPORTS

Nil

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

ITEM 16.1 REPORTS FOR THE MONTH OF AUGUST 2019

218/19 **RESOLVED** by Cllr Searl and Cllr McCormack

That Item - [Minutes of Committee/Information] listed below be received:

1. Economic Development Task Force – Minutes from Meeting held 8 July 2019.

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219/19 **RESOLVED** by Clr Wheelwright and Clr McCormack that:

1. The minutes from the Economic Development Task Force Committee meeting held 8 July 2019 be received and noted.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

220/19 **RESOLVED** by Clr Opie and Clr Kensit that:

Council receive a report from Environment & Planning detailing the opportunities for planting indigenous appropriate trees in single and larger developments across the Shire.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

221/19 **RESOLVED** by Clr Kensit and Clr Opie that:

Council receive a report from Environment & Planning detailing how Council can adopt a strategy for public open space within our Shire in larger developments.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

222/19 **RESOLVED** by Clr Opie and Clr Kensit that:

The EDTF supports the promotion of the 2020 commemoration with the planting of trees at the entrances of the towns and villages in the Crookwell district area- Crookwell, Binda, Laggan & Grabben Gullen

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and encourage Council to support this initiative across the whole shire in the format as proposed by the 2020 group.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

Motion was Moved Clr Opie and Clr Kensit that:

The Environment & Planning please provide a breakdown of development costs attributed to the Shire e.g. Section 94's and assoc. contributions for all developments?

Can they please advise whether this is the most appropriate model of changing to meet today's standards and to encourage Economic Development?

Can you provide a model that would make it more economically appealing to encourage development in our Shire?

- LOST

Councillors who voted for:- Clrs P Kensit and R Opie

Councillors who voted against:- Clrs B McCormack, D O'Brien, J Searl, J Stafford and J Wheelwright

2. Pool Review Committee – Minutes from Meeting held 20 June 2019.
3. Crookwell District Arts Council (CDAC) – Minutes from Meeting held 27 June 2019.
4. Traffic Committee – Minutes from Meeting held 1 August 2019.

RESOLVED by Clr McCormack and Clr Searl that:

223/19

The recommendations 4.1- 4.4 listed below of the Traffic Committee minutes from meeting held 1 August 2019 be adopted.

Item 4.1 Relocation of 50KPH signs on Grabben Gullen Road, Crookwell

1. Council relocate 50km/h speed signs 2 metres from the pavement edge (lateral relocation);

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2. Council re-assess the safety concerns in this area in the future if needed.

Item 4.2 Gunning Fireworks September 2019

1. Council approve the event on the provision of a TMP and TCP be submitted and approved at least 2 weeks prior to the event.

Item 4.3 Taralga 200 Celebrations October 2019

1. Council approve the event subject to the provision of appropriate TMP and TCP be received and approved, at least 2 weeks prior to the event.

Item 4.4 Saxby Lane and Nelanglo Street, Gunning

1. Council not install a Give Way sign at the intersection of Saxby Lane West and Nelanglo Street Gunning.

- CARRIED

Councillors who voted for:-

Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

5. Country Mayors Association of New South Wales - Minutes from Meeting held 2 August 2019.
6. Upper Lachlan Tourist Association – Minutes from meeting held 6 August 2019.

224/19

RESOLVED by Clr Searl and Clr Opie that:

The recommendation listed below of the Upper Lachlan Tourist Association minutes from meeting held 6 August 2019 be adopted.

11. Cultural Grant Round

The Upper Lachlan Tourist Association recommends to the Upper Lachlan Shire Council that the balance of funds from the Grant Round be retained for potential support of future cultural activities that align with the Cultural Policy's objective.

- CARRIED

Councillors who voted for:-

Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

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7. Tony Foley Memorial Gunning and District Community Centre Committee – Minutes from meeting held 1 August 2019.

225/19

RESOLVED by Clr Searl and Clr McCormack that:

The recommendations listed below of the Tony Foley Memorial Gunning and District Community Centre Committee minutes from meeting held 1 August 2019 be adopted.

Recommendation:

That the Committee advises the Council that it supports the Gunning District Community and Health Service taking over the management of the Community Room in the Tony Foley Memorial Gunning and District Community Centre subject to the service continuing to make the Community Room available to community groups, and to any necessary transitional arrangements arising from the section 355 Committee set up to manage the Centre.

Recommendation:

That the Terms and Conditions document be adopted subject to inclusion of the Treasurer's name and contact details and some minor amendments.

- CARRIED

Councillors who voted for:-

Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

8. Gunning Shire Hall and Showground Advisory Committee – Minutes from Extraordinary meeting held 25 July 2019.

- CARRIED

SECTION 17: NOTICES OF MOTION

ITEM 17.1

ESSENTIAL ENERGY RESTRUCTURE

226/19

RESOLVED by Clr O'Brien and Clr McCormack

1. That the Upper Lachlan Shire Council further clarify its priorities in writing to Essential Energy regarding its recently announced restructure and express concern in regards to loss of local employment in Crookwell and subsequent impacts this will then

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have on Essential Energy service level and response times to electricity outages in a large geographical service area. Council request Essential Energy to reconsider any local job losses earmarked for the Crookwell Depot as this will heavily impact the local economy and community.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R Opie, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 LEP REVIEW AND LOCAL GOVERNMENT APPROVAL

Refer to the Business Paper for 15 August 2019 Council Meeting for the General Managers comments.

CLOSED COUNCIL ITEMS

Mayor Stafford announced that the meeting would now be moving into Closed Session and read the statement below

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

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

227/19 **RESOLVED** by Clr Searl and Clr Kensit

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: 10A (2) (a), (c), (d(i)) and (d(iii)) the press and public be excluded from the meeting on the basis that the business to be considered is

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classified confidential under the provisions of section 10A (2) as outlined above.

3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 8.26pm and the public and press left the chambers.

The meeting adjourned for a short break the time being 8.26pm.

The meeting resumed the time being 8.39pm.

228/19 **RESOLVED** by Clr Searl and Clr Kensit

That Council move back into Closed Council after the adjournment.

- CARRIED

Councillors who voted for:- Clrs P Kensit, B McCormack, R
Opie, D O'Brien, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

229/19 **RESOLVED** by Clr Searl and Clr Kensit

That Council move out of Closed Council and into Open Council.

- CARRIED

Open Council resumed at 8.49pm.

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.

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SECTION 19: CONFIDENTIAL SESSION

**ITEM 19.1 TENDER ASSESSMENT - HARLEY ROAD CROOKWELL BRIDGE
DESIGN AND CONSTRUCTION**

230/19 RESOLVED by Cllr McCormack and Cllr Wheelwright

1. Council allocate an additional \$72,465 from Works Contingency Reserve to fund the replacement of Harley Road Bridge over the Kiamma Creek in Crookwell;
2. Council note the engagement of Bridging Australia Pty Ltd for the total project expenditure of \$272,465 (GST Exc.) based on quoted price to fund the replacement of Harley Road bridge over Kiamma Creek Crookwell;
3. Council note that Bridging Australia Pty Ltd has been engaged in accordance with the provisions of Section 55, of the Local Government Act 1993.

- CARRIED

Councillors who voted for:- Cllrs P Kensit, B McCormack, R
Opie, D O'Brien, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

ITEM 19.2 FINALISATION OF GENERAL MANAGERS KPI'S

Refer to the Business Paper for 15 August 2019 Council Meeting for the General Managers comments.

ITEM 19.3 RECRUITMENT OF GENERAL MANAGER

Refer to the Business Paper for 15 August 2019 Council Meeting for the General Managers comments.

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THE MEETING CLOSED AT 8.49pm.

Minutes confirmed 19 SEPTEMBER 2019

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Mayor