

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA
ON WEDNESDAY, 26 NOVEMBER 2008 COMMENCING AT 1.25PM**

PRESENT: Councillor WJ Heazlett (Chairman) Mayor, together with Councillors DJ Cross, JM Archdale, KW Ferrier, L Levingston, RS Thomson, MJ Woods and SJ Schmutter.

IN ATTENDANCE: Mr J G O'Hara (General Manager) Mr SC McCoy (Director – Engineering Services) and Mr GA Moran (Director – Environmental Services).

APOLOGIES:

NIL.

**CONFIRMATION OF THE ORDINARY MEETING MINUTES OF THE
WALCHA COUNCIL HELD ON TUESDAY 28 OCTOBER 2008:**

81 **RESOLVED** on the Motion of Councillors Levingston and Schmutter that the Minutes of the Ordinary Meeting of the Walcha Council held on Tuesday, 28 October 2008, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

DECLARATIONS OF INTEREST

Late Report 1 – DA For Brian Smith Timber Transport
Councillor Lloyd Levingston declared a pecuniary interest in this matter as the applicant is his son-in-law.

Late Report 4 – Request for Financial Assistance from Walcha Central School for a student to travel overseas.
Councillor Scott Schmutter declared a pecuniary interest being an employee of the school.

MAYORAL MINUTE

The Mayor congratulated Councillor Levingston on behalf of Council on receiving the “Harry Hession Award”, Achievement of Work Award from the District Governor of Lions International Club. The Mayor advised the Meeting that the General Manager’s performance appraisal was completed prior to the meeting and the performance was judged above average.

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SENIOR OFFICERS' REPORTS

82 **RESOLVED** on the Motion of Councillors Woods and Cross that the Senior Officers' Reports be received for further consideration.

Item 3 was considered first to allow the Auditor to attend the Meeting prior to consideration of items 1 & 2.

3. STATE OF THE ENVIRONMENT REPORT 2007-08 WINT/08/2164

The Report was **NOTED** by Council.

4. PUBLIC GATE APPLICATION – BROOKLYN ROAD WINT/08/2146

83 **RESOLVED** on the Motion of Councillors Cross and Thomson that Council agree to advertise the proposal to erect a public gate on the Brooklyn Road **AND FURTHER THAT** if no objections are received in the specific time, grant a permit to the owner of Lot 123, DP756477 to erect the gate subject to the following conditions:

1. The gate and ramp are installed, maintained and administered in accordance with the requirements of Section 128 to 137 of the Roads Act 1993, and Section 67 to 70 of the Roads (General) Regulation 2000).
2. A gate with a clear opening of at least 4.0 metres shall be erected to one side of the existing road alignment.
3. A stock grid/ramp shall be installed with its centreline corresponding to the centreline of the existing road.
4. The grid shall be certified by a structural engineer as being capable of carrying normal highway loading.
5. The grid shall have a clear opening of at least 4.0 metres.
6. The pavement and adjacent areas on Brooklyn Road shall be properly restored.
7. The road pavement 10 metres either side of the ramp shall be sealed with a 2-coat bitumen seal.
8. All costs associated erection of the public gate shall be met by the owner.

5. REVIEW OF COUNCIL POLICIES – VARIOUS WO/08/1062

84 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council adopt the following policies as amended:

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- ❖ Internal Reporting Policy/Procedure Protected Disclosures Act 1994.
- ❖ Christmas Decorations Incentive Grant Programme Policy.
- ❖ Access to Information Held by Council including Access to Information Guidelines.
- ❖ Complaints Handling Policy.
- ❖ Statement of Business Ethic Policy.
- ❖ Council – Councillors.
- ❖ D Division of the Shires Association of NSW.
- ❖ Debtors – Ready Mix Concrete.

**Internal Reporting Policy/Procedure
Protected Disclosures Act 1994.**



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1. Support for persons who make disclosures.
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8. Alternative avenues for disclosures.
9. Rights of persons the subject of disclosures.
10. Protection available under the Act.
11. Notification of action taken or proposed.
12. Review.

1. Support for persons who make disclosures

The Walcha Council does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.

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

The Walcha Council will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

2. Purpose of the policy

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

- an investigating authority;
- the General Manager; or
- the Mayor.

This policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious or substantial waste of public money by Walcha Council, its staff or councillors. The system enables such internal disclosures to be made to the appropriate external authorities, the General Manager or the Mayor as an alternative to the General Manager.

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

3. Object of the Act

The *Protected Disclosures Act, 1994* commenced operation on 1st March, 1995. The purpose of the Act is to make sure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

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

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

4. Definitions

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

(1) *Corrupt Conduct*

"*Corrupt conduct*" is defined in the *Independent Commission Against Corruption Act, 1988* (Sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a

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public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

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

(2) *Maladministration*

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

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

(3) *Serious and substantial waste.*

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

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

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

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

Types:

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

Systemic - *the waste indicates a pattern which results from a system weakness within the public authority.*

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

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Material By Nature Not Amount - the serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate . Alternatively this type of waste may constitute "maladministration".

5. What disclosures are protected under the Act

(1) What disclosures are protected ?

Disclosures are protected under the Act if they:

(a) are made -

- in accordance with this Internal Reporting Policy; or
- to the General Manager; or
- to one of the investigating authorities nominated in the Act;
- the Mayor; **AND**

(b) show or tend to show corrupt conduct, maladministration or serious or substantial waste of public money by the Walcha Council or any of its staff or councillors; **AND**

(c) are made voluntarily.

(2) What disclosures are not protected ?

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

Protection is also not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

6. Reporting under the internal reporting system

The people to whom internal disclosures can be made in accordance with the Internal Reporting System are:

- the General Manager - Phone 6774 2505(w) and 6777 2326 (h).
- the Mayor - Phone 6777 2564 (h).

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

7. Roles and responsibilities

This Internal Reporting Policy places responsibilities upon people at all levels within the Walcha Council.

(1) Employees

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

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

(2) The General Manager

Disclosures concerning the Mayor, councillors or all other staff are to be made to the General Manager. The General Manager will:

- (a) impartially assess each disclosure to determine:
- whether the disclosure appears to be a protected disclosure within the meaning of the Act.
 - the appropriate action to be taken in relation to the disclosure, for example -
 - ^ no action/decline.
 - ^ the appropriate person to take responsibility for dealing with the disclosure.
 - ^ preliminary or informal investigation.
 - ^ formal investigation.
 - ^ prosecution or disciplinary action.
 - ^ referral to an investigating authority for investigation or other appropriate action.
 - ^ referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- (b) take all necessary and reasonable steps to ensure that the identity of the persons who make disclosures, and the persons the subject of the disclosures, are kept confidential.
- (c) have primary responsibility for protecting staff and councillors who make disclosures, or provide information to any external investigation of a disclosure, from victimisation, harassment or any other form of reprisal.

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- (d) be responsible for implementing organisational reform identified as necessary following investigation of a disclosure, and
- (e) report criminal offences to the Police and actual or suspected corrupt conduct to the ICAC (under Section 11 of the ICAC Act).

3. The Mayor

The Mayor may receive internal disclosures from any member of Council's staff or from any councillor concerning the General Manager. The Mayor will:

- (a) impartially assess each disclosure made to him about the General Manager to determine -
 - whether the disclosure appears to be a protected disclosure within the meaning of the Act;
 - the appropriate course of action to be taken in relation to the disclosure (in consultation with any external agency or authority if appropriate), for example -
 - ^ no action/decline.
 - ^ the appropriate person to take responsibility for dealing with the disclosure.
 - ^ preliminary or informal investigation.
 - ^ formal investigation.
 - ^ prosecution or disciplinary action.
 - ^ referral to an investigating authority for investigation or other appropriate action.
 - ^ referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- (b) protect/maintain the confidentiality of:
 - (1) the identity of the person(s) who make disclosures (unless the criteria of Section 22 of the Act apply); and
 - (2) the identity of the General Manager (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).

8. Alternative avenues for disclosures

Alternative avenues available to staff and councillors for making protected disclosures under the Act (other than by means of the Internal Reporting System created under this policy) are as follows:

- to the Ombudsman; or
- to the Independent Commission Against Corruption.

Disclosures made to a journalist or a member of Parliament will **only** be protected if **certain conditions are met**. These are:

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- (1) the person making the disclosure to a journalist or member of Parliament must have already made substantially the same disclosure through the Internal Reporting System, or to an investigating authority in accordance with the Act.
- (2) the information provided in the disclosure is substantially true: and
- (3) the investigating authority, public authority or officer to whom the disclosure was originally referred has -
 - decided not to investigate the matter; or
 - decided to investigate the matter but not completed the investigation within 6 months of the original disclosure; or
 - investigated the matter but not recommended any action in respect of the matter; or
 - failed to notify the person making the disclosure, within 6 months of the disclosure, of whether the matter is to be investigated.

9. Rights of the person the subject of disclosures

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

- (1) the confidentiality of the identity of the persons the subject of disclosures will be protected/maintained (where this is possible and reasonable).
- (2) disclosures will be assessed and acted on impartially, fairly and reasonably.
- (3) responsible officials who receive disclosures in accordance with this policy are obliged to -
 - protect/maintain the confidentiality of the identity of the persons the subject of the disclosures.
 - assess disclosures impartially; and
 - act fairly to persons the subject of the disclosures.
- (4) disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality both as to identity of persons making protected disclosures and the persons the subject of the disclosures.
- (5) where investigations or other enquiries do not substantiate disclosures, the fact the investigation/enquiry has been carried out, the results of the investigation/enquiry, and the identity of persons the subject of the disclosures will be kept confidential, unless the persons the subject of the disclosures requests otherwise.
- (6) the persons the subject of the disclosures (whether protected disclosures under the Act or otherwise) which are investigated by or on behalf the Council, have a right to -
 - (a) be informed of the substance of the allegations.
 - (b) be informed as to the substance of any adverse comment that may be included in a report/memorandum/ letter or the like arising out of any such investigation; and

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- (c) be given a reasonable opportunity to put their case (either orally or in writing) to the persons carrying out the investigation for or on behalf of the Council.
- before any decision/determination/report/memorandum/letter or the like is made or finalised.
- (7) when the allegations in a disclosure have been investigated by or on behalf of the Council, and the person the subject of the allegations is aware of the substance of the allegations, the substance of any adverse comment, or the fact of the investigation, he or she should be formally advised as to the outcome of the investigation, regardless of the outcome; and
- (8) where the allegations contained in a disclosure are clearly wrong or unsubstantiated, the person the subject of the disclosure is entitled to the support of the Council and its senior management (the nature of the support that would be reasonable and appropriate would depend on the circumstances of the case, but could include a public statement of support or a letter setting out the Council's views that the allegations were either clearly wrong or unsubstantiated).

10. Protection available under the Act.

(1) Protection against reprisals

The Act provides protection by imposing penalties on a person who takes "*detrimental action*" against another person substantially in reprisal for a protected disclosure.

Penalties can be imposed by means of fines or imprisonment. "*Detrimental action*" means action causing, comprising or involving any of the following:

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

Any member of staff or a councillor who believes that "*detrimental action*" is being taken against them substantially in reprisal for the making of an internal disclosure in accordance with this policy should immediately bring the allegations to the attention of the General Manager or Mayor (as appropriate).

If a member of staff or a councillor who made an internal disclosure feels that such reprisals are not being effectively dealt with, they should contact the ICAC or the Investigations and Review Branch of the Department of Local Government.

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

(2) Protection against actions etc.,

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

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

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

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

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

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

(4) Freedom of Information exemption

Under the *Freedom of Information Act, 1989*, a document is exempt from release if it contains matter the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act.

11. Notification of action taken or proposed

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A person who makes a protected disclosure must be notified, within 6 months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

If a disclosure is made in accordance with this policy, the General Manager is responsible for the 6 month notification to the person who made the disclosure unless the disclosure is made to the Mayor, in which case the 6 month notification to the person who made the disclosure is the responsibility of the Mayor.

The notification provided to the person who made the disclosure should contain sufficient information to demonstrate that adequate and appropriate action was taken, or is proposed to be taken, in respect of the disclosure. **This should include a statement of the reasons for the decisions made or action taken in response to the disclosure.**

The notification should include sufficient information to enable the person who made the disclosure to make an assessment as to whether the circumstances listed in section 19(3)(a) - (c) of the Act (relating to disclosures to members of Parliament and journalists) apply, ie., whether:

- (1) a decision was made not to investigate the matter; or
- (2) a decision was made to investigate the matter, but the investigation was not completed within 6 months of the original decision being made; or
- (3) a decision was made to investigate the matter, but the investigation has not been completed within 6 months of the original decision being made; or
- (4) the matter was investigated but no recommendation was made for the taking of any action in respect of the matter.

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

12. Review

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

Adopted by Council on 28 January 1998 - Minute No. 186/98.

Reviewed 25/11/98

Reviewed by Staff Consultative Committee – March 2005 – Minute No.:178/0405

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Christmas Decorations Incentive Grant Programme Policy

Objective: To enhance and beautify the central business area with Christmas decorations.

Aims: To encourage local business houses to install Christmas decorations prior to Christmas.

Policy: Council has agreed to operate an incentive scheme to encourage businesses to install Christmas decorations in their shop windows with the following conditions:

- ❖ The maximum grant to be 50% of the cost of the decorations up to a maximum of \$250 in any one year.
- ❖ Only window or external decorations will attract a grant.
- ❖ The cost of the decorations to be substantiated.
- ❖ The grants will apply principally to premises in the central business area or other area as Council may determine.
- ❖ Grants will be paid retrospectively that is, after the decorations have been purchased.

The authority to approve the Business Christmas Decorations Incentive Grant Programme applications for assistance, in accordance with adopted guidelines, is delegated to the General Manager.

Approved Council Meeting 27 July 2005 Minute No.:4/2005-2006

Reaffirmed Council Meeting 26 November 2008 Minute No.: 84/0809

Access to Information held by Council



1.0 Objective

The objective of this policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines.

2.0 Principles

Walcha Council is committed to the following principles regarding public access to documents and information:

- ❖ Open and transparent government,
- ❖ Consideration of the public interest in relation to access requests and
- ❖ Respect for the privacy of individuals.

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3.0 Implementation

- ❖ The 'Access to Information Guidelines' document associated with this policy identifies the documents and types of information that are available for public access and any restrictions that may apply.
- ❖ Council will assess all requests for access to documents and information in a timely manner and in accordance with the 'Access to Information Guidelines' and relevant legislation.
- ❖ Depending upon the nature of the request and the form of access requested charges may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.
- ❖ Council will assess requests for access to information with reference to:
 - Section 12 of the Local Government Act 1993,
 - The Privacy and Personal Information Protection Act 1998,
 - The Freedom of Information Act 1989,
 - The Environmental Protection & Assessment Act 1979, and
 - The Health Records and Information Privacy Act 2002.

*Adopted Council Meeting 23 April 2008 – Minute No.: 369/2007-08
Reaffirmed Council Meeting 26 November 2008 Minute No.: 84/0809*

Access To Information Guidelines



1. Accessing Information

Walcha Council is subject to NSW legislation that requires it to be open and accountable in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the need to protect the privacy of others, commercially sensitive information and information the disclosure of which would not be in the public interest.

These guidelines set out the documents and types of information that are available to members of the public as a matter of routine, and those that will not generally be available for inspection and copying. Where practicable, Council will deal with requests to inspect documents in accordance with the NSW Local Government Act 1993 free of charge but a reasonable photocopying fee may be payable under the Act and for access to versions of documents that are neither current nor immediately preceding versions of the document and are not reasonably accessible. All charges are detailed in Council's Schedule of Fees and Charges.

There is a right of access under the Local Government Act 1993 to documents held by Council subject to the restrictions outlined in section 12A of the Act.

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There are additional rights of access to documents held by the Council under the NSW Freedom of Information (FOI) Act 1989. Any FOI applications will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the exemption provisions in the Act. Charges for FOI applications are in accordance with the FOI Fees and Charges Order 1989 and include a \$30 application fee. In some circumstances processing charges may also be applied.

Under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998 and the NSW Health Records and Information Privacy Act (HRIPA) 2002, an individual also has a right to access and amend records held by Council which contain their personal details, matters related to their business affairs and any records containing information about their health. Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under the FOI Act. The Act provides for consultation with other affected parties prior to disclosure of information concerning their personal or business affairs.

2. Documents Available

The types of documents that are available and may be accessed under section 12(1) of the Local Government Act 1993 include but are not limited to:

Management Plans;
Budget information;
Development Applications and associated documents;
Council's Business Papers;
Annual Reports;
Council Policies;
Statement and Summary of Affairs.

Some of the abovementioned information is also available on the Council website at www.walcha.nsw.gov.au and at Council's library. An 'Access to Information' Request Form is not required to access these documents.

Some documents are available to be viewed but cannot be copied under State legislation. These include:

- ❖ The Residential Roll of Electors (as of the last election)
- ❖ The resumes of candidates for election
- ❖ Building Certificates (without building owner's consent)
- ❖ Plans of buildings and developments unless the copyright owner approves or unless part of a development application (see copyright exemption in clause 57 of the *Environmental Planning and Assessment Regulation 2000* during Development

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Application notification period. Also see Question 10 and appendix 3 of the FAQs)

Section 12(6) of the Local Government Act 1993 allows inspection of documents in addition to those referred to above unless inspection is deemed by Council to be contrary to the public interest or a restriction applies as listed in section 3 below. Other documents available for view and copy under this clause may include but are not limited to:

- ❖ Home owner warranty insurance documents;
- ❖ Building essential certification documents;
- ❖ Construction certificates;
- ❖ Occupation certificates;
- ❖ Structural certification documents;
- ❖ Town Planners (DA) reports;
- ❖ DA submission letters (excepting where submitter requests confidentiality on the basis of personal safety);
- ❖ DA Heritage consultants reports;
- ❖ DA Traffic consultants reports;
- ❖ Tree inspection consultants reports;
- ❖ Acoustics consultants reports and
- ❖ Consultants' Land Contamination Reports.

Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document. The copyright-owner's consent is required if any part of the document is used for any other purpose.

3. Exemptions To Access

Under section 12 (7) and 11(3) of the Local Government Act, access to some documents and information held by Council may be restricted if the document or part thereof contains the following types of information:

- ❖ Personnel matters concerning particular individuals (other than Councillors);
- ❖ The personal hardship of any resident or ratepayer;
- ❖ Trade secrets;
- ❖ A matter the disclosure of which may:
 - be contrary to law, or
 - give rise to action for breach of confidence;
- ❖ That part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA; or
- ❖ Documents which were submitted to or are to be submitted to a
- ❖ 'Closed Session' of a Council or Committee Meeting.

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Section 12(1A) of the Local Government Act 1993 restricts access to internal configurations of residential developments but allows access to the height and external configuration of a building and other plans such as shadow diagrams and landscape plans.

While each application for access to information will be assessed on its merits, access to some documents may be contrary to the public interest under section 12 or may otherwise be specifically exempt from access. Examples of such documents may include:

- ❖ Legal advice*;
- ❖ Personnel (individual staff) matters;
- ❖ Complaints;
- ❖ Individual's details on DA submissions where they claim personal safety issues;
- ❖ Council Lease documents;
- ❖ Council Contracts;
- ❖ Council Tenders; and
- ❖ Insurance claims.

*Legal professional privilege may apply to communications between Council and its legal advisers for the purpose of obtaining legal advice, or third parties for the purpose of obtaining legal advice relating to pending or threatened legal action by or against Council.

4. Making an Application

To request access to information under section 12 of the Local Government Act 1993, please complete the 'Access to Information' Request Form shown attached as Appendix 1.

If a fee for photocopies of documents provided under section 12 of the Local Government Act 1993 is payable, it will be listed in Council's adopted Fees and Charges and is GST inclusive.

To request access to information under the Freedom of Information Act 1989, please complete the Freedom of Information Application Form shown attached as Appendix 2.

The Freedom of Information Application fee is \$30.00 and processing charges may be applicable (there is no GST in relation to these charges).

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5. Rights of Review and Appeal

If access to any document(s) is refused you will be advised of the reasons for the refusal and, where appropriate, other means of access will be suggested (such as submitting a Freedom of Information Application).

Where a member of the public is refused access under section 12 of the Local Government Act 1993, staff will provide details of the reasons for refusal to the member of the public in writing. The member of the public can request further review of the decision after 3 months of the original review.

Any member of the public who is dissatisfied with Council's handling of the request for access to information under the Local Government Act 1993 may lodge a complaint with the NSW Ombudsman. Advice on the process to be followed in either case can be obtained from these agencies.

Adopted by Council Meeting 23 April 2008 – Minute No.: 369/2007-08

Reaffirmed Council Meeting 26 November 2008 – Minute No.: 84/0809

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Appendix 1

ACCESS TO INFORMATION REQUEST FORM

**THIS FORM IS TO BE USED FOR ACCESS TO DOCUMENTS HELD BY
WALCHA COUNCIL**

APPLICANT'S DETAILS

Surname Given Names Title

(Mr/Mrs/Ms).....

Postal Address

.....

..... Postcode.....

.....

Telephone Number

(M).....

Fax Number..... E-mail

.....

IS THE INFORMATION ABOUT YOUR PERSONAL AFFAIRS? YES/NO

DOCUMENTS REQUESTED

View Development Application

Consent View Planners Report

View DA/CC Application Form

View Building Certificate

View Building Application consent

View Occupation Certificate

View DA, BA or CC Plans

Other

Copy DA Application Consent

Copy Planners Report

Copy DA/CC Application Form

Copy Building Certificate

Copy BA consent

Copy Occupation Certificate

Copy Plans

.....

PROPERTY DETAILS

Street Address

Lot No DP or SP No Application No

Building Name Approx Age of Building

Description of Development

COPYING CHARGES

Photo copies per A4 size page.....\$..... per page

PLANS (per page).....AO \$..... A1 \$..... A2 \$..... A3 \$..... A4 \$.....

Applicant advised of estimated copying charges of \$..... YES / NO / NA

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DECLARATION

1. I acknowledge that there is a charge as shown above for Council to provide copies of documents that I request and that copyright still exists on each document.
2. I understand that I must seek the Copyright Owner's Consent in order to use any part of a copyright document for any other purpose.

Signature..... Date

DOCUMENT INSPECTION / DELIVERY DETAILS

Inspect at Forward by Mail / Fax / E-mail (Circle one item)

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

The purpose of collection of information is for public access to Council's documents under Section 12 LG Act. Provision of this information is voluntary and is required because... *[fill in as appropriate]*. You are entitled to have access to this form to correct or amend it after you have given it to Council. This form will be placed on a relevant file to which the public will have access *[add who will have access to the form]* when the request has been processed and the enquiry is completed.

OFFICE USE ONLY

Request received
by.....LocationDate.....

Total Fees Total Fees Paid.....Receipt Number.....
Referred
to.....Department.....Date.....

Completed by.....Completed Date.....

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Appendix 2

Freedom of Information Application

**(Pursuant to the Provisions of Section 17 & 35 of the Freedom of Information Act
(NSW) 1989)**

Details of Applicant

Title (Mr/s etc) _____ Name _____
Postal Address _____
Phone Number _____ Mobile _____

Details of Application

I request access to document/s concerning:

These documents do / do not contain information about my personal affairs.
(Please cross out whichever does **not** apply.)

Form of Access

I wish to inspect the document(s) Yes No

I require a copy of the document(s) Yes No

I require access in another form: (please specify)
.....

Fees and Charges

Attached is a cheque/money order/cash to the amount of \$30 to cover the application fee.
(Please do NOT send cash through the mail.) I understand that a processing fee may apply
and that if the application is concerning my personal affairs, the first 20 hours of processing
does not attract a processing fee. I understand that If I request copies of documents I will be
required to pay photocopying charges in respect of this request and that I will be supplied a
statement of charges if appropriate.

Signed: _____ Date: _____

*The personal information you have supplied on this form assists Council officers when determining your
application. The details provided are not publicly available and at anytime you may apply to view or correct any
information you have supplied.*

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COMPLAINTS HANDLING POLICY



OBJECTIVE:

To provide a consistent procedure for the expedient management and responses to complaints from members of the public.

POLICY:

1.0 STATEMENT OF INTENT

Walcha Council is a service organisation which aims to provide a high level of Customer Service that exceeds expectation. It is acknowledged that from time to time, Council will not succeed in meeting all customers' expectations. As a result Walcha Council treats all complaints with the utmost seriousness. Every complaint received by Council will be given immediate attention by appropriate staff in order to resolve the issues raised by the complainant.

The intent of this Complaints Policy is to provide a framework to Council for receiving and responding to complaints from the public as a means of improving customer service in all areas of Council's operations. This policy also aims to ensure that issues which are the subject of complaints are addressed promptly, to the satisfaction of the complainant (where possible), and in a manner which, as far as possible, ensures that such issues will not be the subject of future similar complaints.

2.0 DEFINITION

A complaint may be defined as: "an expression of dissatisfaction with the Council's Policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures."

3.0 TYPE AND SERIOUSNESS OF COMPLAINTS

Complaints to Council will vary in type and seriousness. In many circumstances the onus will fall on staff to determine the seriousness of the complaint, and what action may be appropriate in responding to the complainant. Under such circumstances, and where the complaint is deemed to be of a more serious nature, staff should make a written record of the complaint and the advice offered to the complainant, and inform their Manager or Director immediately. Some circumstances however, will not require such action. Minor complaints may be able to be dealt with immediately, to the satisfaction of the complainant.

The following is a guide to dealing with complaints according to their seriousness and implications:

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- (a) Complaints addressing issues such as non-urgent maintenance work required at a specific location, non-collection of household waste, or other matters of a minor nature, may be referred to the appropriate Council officer and resolved on the spot. In circumstances where an appropriate officer is not available, the complaint should be logged in Council's Action Request System, and referred to the appropriate officer.
- (b) Where the complaint is serious and requires investigation, the Steps for Complaint Handling, outlined in Section 6 of this policy should be followed.
- (c) Where a report to Council is required due to the seriousness or complexity of the complaint, the matter should be referred directly to the relevant Director or General Manager.

4.0 LODGEMENT OF COMPLAINTS:

4.1 Complaints may be lodged with Council in the following ways:

1. By telephone;
2. In person;
3. In writing to the General Manager or other council Officer.
4. To Councillors who will refer the complaint to the General Manager.

Confidentiality will be maintained where requested by the complainant and principles of Council's Privacy Plan will be observed.

4.2 All complaints within the following categories must be directed to the Public Officer, General Manager or Mayor immediately:

- Complaints about practices or procedures underpinning, or arising from Council's decision making processes; and
- Complaints about the conduct of, or alleging impropriety in the actions of, Council staff or Councillors.

5.0 PUBLIC OFFICER

Under the Local Government act, Council's Public Officer is specifically charged with the responsibility of dealing with complaints from the public concerning Council's affairs (Council's Public Officer is the General Manager's Personal Assistant).

6.0 STEPS FOR HANDLING COMPLAINTS

Where a complaint has been lodged with Council, the following steps must be followed by appropriate staff immediately:

1. Where a complaint is received via phone or at the counter, the Customer Service Staff will enter the details in Councils customer service request system and immediately refer the matter to the relevant officer for their attention. All efforts should be made to resolve the issue on the spot. Where this is not possible, the

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relevant Council officer should provide a written reply within 14 days. If the complainant is not satisfied with the response provided, they are to be requested to put their grievance in writing to Council.

2. Where a complaint is received in writing, either as a result of Step 1 above or as the first instance of bringing the issue to Council's attention. The details of the complaint will be entered into Council's Customer Service request system and referred to the relevant officer for investigation. An appropriate written response will be drafted by the investigating officer, reviewed by the relevant Director and signed off by the General Manager. All complaints should be responded to within 14 days. All responses are to stipulate the reasons for making the particular determination.
3. In some instances, particularly where the issues involved are complex; have policy implication; require a policy or require expenditure outside of Council's budget allocations; will require the complaint to be referred directly to a meeting of Council for determination. In this case, the complainant will be advised of this process and when they could be expected to be advised of Council's decision (generally within 7 days of the Council meeting).
4. The result of all complaints, details of the progress made in resolving complaints, any inspections carried out and the date the complaint was resolved are to be recorded in Council's Customer Service Request System.

7.0 APPEALS PROCESS

1. All complainants that appeal are to be provided with a copy of Council's "Compliant Handling" policy.
2. If a complainant is not satisfied with the response provided by a staff member, they are entitled to lodge an official appeal against the decisions. The appeal must be in writing and address the reasons Council provided in making its original decision. The appeal will be placed before Council for determination.
3. If the complainant still remains dissatisfied with the decision of Council, the complainant is to be advised that they may choose to take their grievance to an independent third party, being the NSW Office of the Ombudsman, Level 3, 580 George St, Sydney 2000. Tel: 9286 1000.

8.0 STAFF RESPONSIBILITIES IN DEALING WITH COMPLAINTS

Every member of staff is required to be aware of the content of this policy, and the means by which complaints are handled within Council.

Staff are also required to be aware of their potential role in assisting and directing complainants, and in recording and referring to the Public Officer, any discussion that occurs with complainants.

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9.0 COMPLAINTS ALLEGING CORRUPT CONDUCT, PECUNIARY INTEREST, OR IMPROPER USE OF POSITIONS

All complaints alleging corrupt conduct, pecuniary interest, or improper use of position, including complaints made verbally or even anonymously, are to be recorded in the customer request system and referred immediately and directly to the Public Officer, General Manager or Mayor.

Staff receiving and recording such a complaint must ensure that the complaint, and all allegations contained therein, remains confidential, and is not discussed other than with the Public Officer, General Manager or Mayor.

10.0 REPORTING OF COMPLAINTS

On a quarterly basis the Public Officer will provide a summary of all complaints received, to the Directors, General Manager and Councillors. This summary will comprise details of the type and number of complaints received an outline of how complaints were resolved, the average time for resolution of complaints, and recommendations of any changes to procedures etc, made as a result of complaints.

*Approved Council Meeting 28 February 2007 – Minute No.: 147/0607
Amended Council Meeting 26 November 2008 – Minute No.: 84/0809*

STATEMENT OF BUSINESS ETHIC POLICY



This statement provides guidance for all sectors of the Community when conducting business with Walcha Council. It outlines Council's aims to:

- Build and maintain ethical relationships with all sectors of the community and in particular the private sector.
- Encourage transparency and accountability in all dealings including lending, contracting, supply of goods and services and business partnerships.
- Ensure other sector partners understand Council's public duty obligations.
- Manage the potential risk and misunderstanding that can occur in business transactions between the public and private sectors.
- Maintain corruption-resistant, ethical work practices.

COUNCIL'S KEY BUSINESS PRINCIPLES

The principle of best value for money is at the centre of all Council's business relationships with all sector suppliers of goods and services.

This does not necessarily mean that best value for money equates to the lowest price. Council will balance all relevant factors including quality, reliability, timeliness, whole-of-life costs and of course initial cost.

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Obtaining best value for money includes ensuring Council's business relationships are honest, ethical, fair and consistent. Council's business dealing will be transparent and open to public scrutiny whenever possible.

WHAT YOU CAN EXPECT FROM COUNCIL STAFF

Council will ensure that its policies, procedures and practices related to contracting, purchase of goods and services and tendering are consistent with best practice and the highest standards of ethical conduct. Council staff are bound by Council's Code of Conduct. Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently.
- Avoid any real or perceived conflict of interest.
- Deal honestly, fairly and ethically with all individuals and organizations.

Also, all Council procurement dealings will be underpinned by the following guidelines:

- Energy-efficient products containing recycled material and which are environmentally friendly will be purchased wherever reasonably possible.
- All potential suppliers will be treated with fairness, given equal access to information and opportunities to submit bids.
- The Council will not disclose confidential or proprietary information.

WHAT WE ASK OF SUPPLIERS

- Comply with Council's procurement policies and procedures.
- Declare real or perceived conflicts of interest as soon as they become aware of the conflict.
- Refrain from engaging in any form of collusive practices including offering employees inducements or incentives designed to improperly influence the conduct of their duties.
- Act ethically, fairly and honestly in all dealings with Council.
- Assist the Council to prevent unethical practices in our business relationships.
- Provide 'best pricing' prices. Council staff will not enter into point of sale bargaining.

COMPLIANCE IS IMPORTANT

Failure to comply with this policy and other policies of Walcha Council may lead to:

- Termination of contracts.
- Loss of reputation.
- Loss of future contracts.
- Matters being referred to investigative bodies.

FURTHER INFORMATION

Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their duties unless:

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- Gifts are token and of nominal value.
- Returning a gift is likely to be perceived as rude or offensive.
- The offer is not targeted at an individual person.

If a gift or benefit is taken, the staff member must record the gift in a Public Gifts and Benefits Register. The ability of the Staff member to accept the gift is at the discretion of the General Manager.

Staff should refer to Council's Code of Conduct for more detail on this issue.

WHO TO CONTACT

If you are concerned about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact Council's General Manager.

Approved Council Meeting 28 February 2007 – Minute No.: 147/06-07

Amended Council Meeting 26 November 2008 – Minute No.: 84/0809

COUNCIL - COUNCILLORS



Objective

To provide a framework for the efficient and effective administration of Council and ensure that the community is well informed of Council decisions.

Policy

A. Requests for Work

Minor works requests are to be referred direct to the appropriate Senior Officer.

Reason

To ensure requests for work are dealt with expeditiously.

B. Business Paper

1. Closing date for correspondence to be at 12.00 noon on the Monday, nine (9) days prior to the Council Meeting. Any correspondence received after that day, and before the Meeting day and considered by the General Manager as necessary to be dealt with expeditiously by Council, is to be submitted as Late Correspondence.
2. All Ordinary Meeting Agendas to be posted or delivered to Councillors before 12.00 noon on the Thursday prior to the last Wednesday in each month.
3. Council Senior Officers and Delegates are to complete their Reports, where possible, prior to 12.00 noon on Tuesday, eight (8) days prior to the Council Meeting.

Reason

To ensure the timely production and distribution of Council's monthly business paper.

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C. Council Chambers

- a) The Meeting Room shall be available for hire to local organisations free of charge and in order of application.
No recreational use shall be permitted.
- b) Official opening hours of the Office shall be from 8.30am to 4.30 pm, Monday to Friday.

Reason

To provide a Meeting Room for local organisations and to define Office hours.

D. Meetings - Exclusion of Public

Objective

To provide a framework for the efficient and effective administration of Council and to ensure that the community is well informed of Council's decisions.

Policy

The Council or Committee of the Whole shall close to the public only so much of its Meeting as comprises the receipt or discussion of any of the following matters:-

- a) Personnel matters concerning particular individuals.
- b) The personal hardship of any resident or ratepayer.
- c) Commercial information the disclosure of which would be likely:-
 - * To prejudice the commercial position of the person who supplied it.
 - * To confer a commercial advantage on a competitor or the Council.
 - * To reveal a trade secret.
- d) Proposals for:-
 - * The sale or purchase of land.
 - * The rezoning of land.
 - * Entering into contracts of any kind if prior knowledge of those proposals could confer an unfair financial advantage on any person.
- e) Information that is subject to legal obligations or confidence.
- f) The receipt and consideration of legal advice concerning litigation.
- g) Information the disclosure of which would prejudice the maintenance of the law.
- h) Matters affecting the security of the Council, Councillors, Council Staff or Council property.
- i) A motion to close the Meeting to the public.

The grounds on which a Meeting is closed to the public must be specified in the decision to close the Meeting and recorded in the Minutes of the Meeting.

Reason

To clearly define the circumstances under which the public shall be excluded from Meetings of the Council.

Approved Council Meeting 29th September, 1983 - Minute No. 593/83.

Amended Council Meeting 26th March, 1987 - Minute No. 85/87.

Amended Council Meeting 29th October, 1987 - Minute No. 451/87.

Amended Council Meeting 28th January, 1988 - Minute No. 47/88.

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*Amended Council Meeting 26th October, 1988 - Minute No. 438/88.
Amended Works Committee Meeting 25th October, 1989 - Minute No. 415/89.
Amended Works Committee Meeting 25th July, 1990 - Minute No. 267/90.
Amended Council Meeting 1st July, 1993 - Minute No. 226/93.
Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.
Amended Council Meeting 26 November 2008 – Minute No.:84/0809*

“D” Division of the Shires Association of NSW



Objective

To provide a framework for the efficient and effective administration of Council and ensure that the community is well informed of Council decisions.
Corporate Plan - 2.3.1

Policy

That, as a matter of Policy, the Mayor be appointed as Council’s delegate to the “D” Division of the Shires Association of New South Wales and the Deputy Mayor be appointed as the alternate delegate.

Reason

As the Shires Association of New South Wales is the peak Local Government body, it is Council’s view that it should be represented at Divisional Meetings by the Mayor or Deputy Mayor or other Councillor by invitation by the Mayor.

*Approved Committee of the Whole Meeting 24th May 1990 - Minute No. 205/90.
Reaffirmed Council Meeting 1st July 1993 - Minute No. 226/93.
Amended Council Meeting 26 November 2008 – Minute No.:84/0809*

Debtors – Ready Mix Concrete



Objective

To ensure revenues are maximised by the diligent follow-up of outstanding Debtors or by requiring payment for services in advance, where appropriate, and to minimise expenditures by continuing to investigate ways to reduce the cost of Council operations without eroding the quality of service.

Policy

Charges for ready mix concrete must be paid within fifteen (15) days of supply of the concrete. Purchasers residing outside the Walcha Council area must pay for ready mix concrete prior to delivery.

This policy does not apply to Government Departments or approved organisations.

Reason

To minimise bad debts.

*Approved Works Committee Meeting 19th September, 1989 - Minute No. 378/89.
Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.*

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Reaffirmed Council Meeting 26 November 2008 – Minute No.:84/0809

6. DRAFT WALCHA BUSH FIRE PRONE LAND MAP **WINT/08/2161**

The Report was **NOTED** by Council.

7. ALCOHOL FREE ZONE ON LEVEE BANKS **WINT/08/2080**

85 **RESOLVED** on the Motion of Councillors Cross and Schmutter that Council decline the request to establish an Alcohol Free Zone on the levee banks.

Prior to Item 1 the Auditor, Mr Bob Finch from Forsyths, presented his Auditor's Report on the Annual Financial Statements for the year 2007/2008 to the Meeting.

1. 2007/2008 ANNUAL FINANCIAL STATEMENTS **WO/08/1061**

86 **RESOLVED** on the Motion of Councillors Levingston and Archdale that Council adopt the report.

87 **RESOLVED** on the Motion of Councillors Woods and Levingston that Council write to the Shared Services Finance team expressing their appreciation for their outstanding effort over the last twelve months with particular emphasis on the preparation of five sets of Financial Statements within the Statutory time frames.

2. SEPTEMBER 2008 MANAGEMENT PLAN & BUDGET REVIEW **WO/08/1059**

88 **RESOLVED** on the Motion of Councillors Ferrier and Archdale that Council adopt the September 2008 Quarterly Management Plan Review **FURTHER THAT** Council approve the variations in Income and Expenditure votes as detailed in the September 2008 Budget review.

8. AUSTRALIA RED CROSS BLOOD SERVICE **WINT/08/2160**

89 **RESOLVED** on the Motion of Councillors Archdale and Schmutter that Council write to both the Federal and State Members of Parliament expressing Councils frustration with the bureaucratic responses Council has received from all agencies when endeavouring to re-establish blood collection services in Walcha **AND FURTHER THAT** Council request their assistance in securing a service for all smaller communities in our region.

AFTERNOON TEA

Council adjourned for afternoon tea at 3.00pm and resumed at 3.22pm.

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**9. ADOPTION OF WALCHA COUNCIL'S PAYMENT OF EXPENSES
AND THE PROVISION OF FACILITIES FOR MAYORS,
COUNCILLORS & STAFF POLICY** **WO/08/1055**

90 **RESOLVED** on the Motion of Councillors Ferrier and Cross that Council as per Section 361 of the Local Government Act, 1993, adopt the Walcha Council "Payment of expenses and the provision of facilities for Mayors, Councillors & Staff" Policy.

**PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES
FOR MAYORS & COUNCILLORS AND STAFF**



Part 1 Introduction

- **Title**
Payment of Expenses and the provision of facilities for Mayors & Councillors and Staff
- **Purpose of the Policy**
The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by councillors and staff. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.
- **Objectives and coverage of the Policy**
To identify those Conferences at which Council will be represented and to identify expenses that will be paid and facilities that will be provided to Councillors and Staff.
- **Legislative requirements**
Local Government Act 1993 and Local Government (General) Regulation) 2005.
- **Other NSW Government policy provisions**
Department of Local Government Circulars
Department of Local Government Guidelines
The Model Code of Conduct for Local Council in NSW
ICAC Publication – No Excuses for Misuse, preventing the misuse of council resources

Part 2 Policy

1. Council shall pay to or on behalf of its members and Staff reasonable out-of-pocket allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling on Council business and all such payments to Councillors, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.
2. Separate votes shall be established in Council's annual Budget to provide for the cost of attendance by Councillors and Staff at all regular Conferences (as detailed in 3 below) together with estimates of the probable expenditure on non-recurrent or extraordinary Conferences, Seminars or the like.
3. Council may provide, on the request of the Councillor or Staff Member, an advance payment to meet re-disbursable out of pocket expenses not able to be covered by Council order, prepayment or invoice for authorised attendance as delegate or to seminars, conferences and inspections which have been approved by Council and in accordance with this Policy.

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4. Claims for reimbursement of out of pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim form and accompanied by the appropriate receipts and/or tax invoices.
5. Council will, wherever possible provide a Council car, for the use of Councillors in attending Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council.

Where the aforementioned provision of a Council car is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council; at a rate of 54c per kilometre for vehicles with engine capacity less than 2.5L and 62c per kilometre for vehicles with engine capacity greater than 2.5L.

The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

6. For the purposes of this policy the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:-
 - a) The Annual Conference of the Shires Association of New South Wales.
 - b) The Annual Conference of the Local Government Managers Australia (New South Wales Division).
 - c) The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days.
 - d) The Annual Conference of the Environmental Health and Building Surveyors Association.
 - e) The Annual Conference of the Country Libraries Association of NSW.
 - f) Attendance at Conferences, Seminars, etc., other than those listed in this policy, may be approved under the following circumstances:-
 - i) the General Manager may, from time to time, approve the attendance of staff at conferences, seminars, etc., as part of Council's Staff Training Program, provided that all associated costs can be absorbed within existing, approved expenditure votes.
 - ii) the attendance of Councillors at conferences, seminars, etc., other than those detailed in this policy, will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.
 - iii) Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in ii) above.
 - iv) Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager and Senior Staff or the Mayor, General Manager and Senior Staff as appropriate, to ensure

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that the conference, seminar, etc., is relevant and appropriate and justifies attendance.

As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year, together with proposed training programs, will be included for consideration in conjunction with Council's Plan of Management.

7. Representation at these Conferences shall be as follows:-
 - a) The Annual Conference of the Shires Association of New South Wales:-
Mayor as Delegate.
General Manager
Two (2) Councillors as Observers.
 - b) The Annual Conference of the Local Government Managers Australia:
The General Manager for the full Conference and one (1) other appropriate qualified or near qualified Staff member for two (2) days.
 - c) The Annual Conference of Public Works Engineering Australia and associated Field Days:
The Director - Engineering Services for the full Conference and the Project Engineer for two (2) days. In addition, Council's Plant Committee and other Staff, as determined by the Director - Engineering Services, from time to time, be permitted to attend the Field Days.
 - d) The Annual Conference of the Environmental Health and Building Surveyors Association:
The Director - Environmental Services.
 - e) The Annual Conference of the Country Libraries Association of NSW:
One (1) elected member and Council's Librarian.
8. At all times travel is to be by Council vehicle unless Council determines another mode of travel is to be used as circumstances may, from time to time, warrant.
9. The spouses of Councillors and Staff be permitted to travel to regular or approved Conferences, Seminars, etc., in Council vehicles, however, Council will not be responsible for any other expenses of spouses.
10. Allowances for travelling and sustenance are to be based on reimbursement for actual costs incurred as follows:-
 - a) Accommodation: Up to, but not exceeding a standard equivalent to that of ☆☆☆☆ Motel classification. Council may however take advantage of negotiated tariffs irrespective of the motel/hotel classification, provided that such tariffs are no greater than those applicable to the abovementioned classification.
 - b) Out-Of-Pocket Expenses: To be paid in addition to accommodation, to a maximum of One hundred dollars (\$100.00) per day. If this limit is exceeded a request for reimbursement must be made to the full Council.
11. No expenses will be paid or reimbursed unless incurred in accordance with this policy.

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12. The Council shall provide to Councillors, at the expense of Council, suitable facsimile machines to assist them in carrying out the duties of civic office. Council will also provide, at its expense, all consumables associated with the provision of such facsimile machines.
13. The Council shall provide a mobile phone and laptop computer to the Mayor and meet the cost of all official calls and communication costs.
14. Council will provide the opportunity, and encourage Councillors to undertake, training and education as provided by Local Government and Shires Association's Learning Solutions as provided in the annual budget and authorised by Council.
15. Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.
16. Council will provide all reasonable sustenance, etc., to Councillors as is appropriate to their carrying out the duties of civic office.
17. Legal Advice/Expenses:-
That in the event of:-
 - (1) any enquiry, investigation or hearing by any of:-
 - the Independent Commission Against Corruption;
 - the Office of the Ombudsman;
 - the Department of Local Government and Co-Operatives;
 - the Police;
 - the Director of Public Prosecutions; or
 - the Local Government Pecuniary Interest Tribunal,
 - Any other properly constituted authorityinto the conduct of a Councillor; or
 - (2) legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her **civic** duties or exercise of his or her functions as a Councillor, Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:-
 - (a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
 - (b) that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.
18. Council shall provide insurances against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their Council function.

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10. WALCHA COUNCIL SOCIAL PLAN

WINT/08/2163

The Report was **NOTED** by Council.

**11 AGREEMENT TO REMOVE GRAVEL FROM A QUARRY –
MACFARLANE – APPROVAL TO AFFIX COUNCIL’S COMMON
SEAL**

WO/08/1045

91 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council approval be given to affix the Common Seal of the Walcha Council to the following document:

- ❖ SP & ML Macfarlane – Portion 256, Parish of Denne, Property of “Springburn”

FURTHER THAT the affixing of the Common Seal be attested to by the Mayor and the General Manager.

**12 LOCAL DEVELOPMENT PERFORMANCE MONITORING 2007-2008
REPORT**

WINT/08/2162

The Report was **NOTED** by Council.

LATE REPORTS

1. THUNDERBOLT WIND FARM

WINT/08/2193

The Report was **NOTED** by Council and authorised the Director – Environmental Services to prepare a submission on behalf of Council.

2. SOLAR NEW ENGLAND REGION PROJECT

WINT/08/2226

92 **RESOLVED** on the Motion of Councillors Archdale and Woods that Council take no further action.

3. DEVELOPMENT APPLICATION 429-2008

WINT/08/2251

Councillor Levingston left the Meeting and took no further part.

93 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Development Application No. 429-2008 lodged by Brian Smith to extend the existing building at 63E Jamieson Street, Walcha by 15 metres be approved subject to the following conditions:

1. The development is to comply with the requirements of the Building Code of Australia.

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2. A landscaping plan is to be lodged for approval prior to works commencing.
3. Materials must not be burned on site. All waste generated on site must be disposed of at council's Waste Depot, to protect the amenity of the area and avoid the potential of air pollution.
4. All building work must be carried out between 7:00am and 6:00pm Monday to Friday and 8:00am to 5:00pm Saturdays.
5. The premises are not to be used or operated in a manner causing offensive noise (defined in the NSW Protection of the Environment Operations Act) in order to maintain the amenity of the location.
6. All loading and unloading being carried out on-site.
7. All vehicles are to enter and leave the site in a forward direction.
8. An annual fire safety statement shall be provided to Council at least once every 12 months.
9. Any lighting on site in connect with the development is to comply with AS 4282 – Control of the Obtrusive Effect of Outdoor Lighting.
10. Separate authorisation is required from NSW Workcover for the installation/operation of any fuel storage on the site.
11. The site is to kept in a clean and tidy condition at all times.
12. All goods and materials are to be stored so they do not damage the boundary fences.
13. Standard building conditions to be attached to the Notice of Development Consent to be provided under delegated authority.
14. Improve the Truck Wash Bay facility within a twelve month period.

A **Division** was called prior to voting on this matter and the result was as follows:

For: Councillors, Heazlett, Schmutter, Archdale, Woods, Ferrier, Thomson and Cross.

Against: Nil.

Absent: Nil.

Declared Interest: Councillor Levingston.

Councillor Levingston returned to the Meeting and the Chairperson informed Councillor Levingston of the resolution.

MATTERS OF URGENCY

94 **RESOLVED** on the Motion of Councillors Ferrier and Cross that the following matters be considered matters of urgency and be considered by the meeting.

1. Infrastructure Funding.
2. Parking in Derby Street south.
3. Slim Dusty Way funding.
4. Request for financial assistance for a student.
5. Arrangements for Christmas – Outdoor Staff.

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6. Sports Council.

1. Infrastructure Funding

Council considered a number of items that are eligible projects from the Capital Works Program and requested the Director – Environmental Services to prepare financial estimates on the following projects to be considered at the next Council Meeting.

- ❖ Pool – Reconditioning of the heating system
- ❖ Pool – retiling the pool;
- ❖ Pool – reconditioning the filtering system.
- ❖ Cricket Nets at the Walcha Oval.
- ❖ Cycle ways.

2. Parking Derby Street South

95 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council request the RTA to eliminate the blister from 40km for the Pedestrian Zone situated on the eastern side of Derby Street south of Fitzroy Street.

3. Slim Dusty Way Funding

It was **MOVED** Councillor Archdale Seconded Councillor Schmutter that Council contribute \$2,500 to a feasibility study into the Slim Dusty Way.

An Amendment was Moved by Councillor Woods Seconded Councillor Ferrier that Council agree to contribute \$5,000 to the feasibility study into the Slim Dusty Way on the proviso that the Committee understand that Council will not consider contributing 25% to any further costs of the project.

The Amendment on being put to the vote was **CARRIED**.

96 The Amendment then became the substantive motion and was put to the vote and **CARRIED**.

4. Request for Financial Assistance for a student to attend an overseas excursion

Councillor Schmutter left the Meeting and took no further part.

97 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council decline the request.

Councillor Schmutter returned to the Meeting and the Chairperson informed Councillor Schmutter of the resolution.

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5. Arrangements for Christmas – Outdoor Staff

98 **RESOLVED** on the Motion of Councillors Woods and Thomson that Council grant a half-day leave to the outdoor staff on Thursday, 18 December 2008 and contribute an amount of \$600 towards the Christmas Party.

6. Sports Council

99 **RESOLVED** on the Motion of Councillors Archdale and Ferrier that Council delegates to the Sports Council be Councillor Archdale and Ferrier.

WALCHA MANAGEMENT REVIEW REPORTS

WO/08/1048

100 **RESOLVED** on the Motion of Councillors Woods and Levingston that items included in the Management Review Report, numbered 1 to 8 inclusive, be **NOTED** by Council.

Committee Reports:

- a) Minutes of the Walcha Council Baths & Squash Courts Committee Meeting held on Wednesday, 12 November 2008 at Walcha Council Chambers.
WO/08/1053

101 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council adopt the following “Arrangements for Pool Use” for the 2008/09 pool season:

Pool Season

The opening period for the pool season shall be

Open	Fourth Saturday in November	22 November 2008
Close	First Wednesday in April	1 April 2009

Pool Opening Hours

22 NOVEMBER 2008 to 18 DECEMBER 2009

28 JANUARY 2009 to 1 MARCH 2009

Saturday and Sunday	11.00am to 6.00pm
Monday, Wednesday, Thursday & Friday	6.30am to 7.30am 12.30pm to 1.30pm 3.00pm to 6.00pm
Tuesday	6.30am to 7.30am 12.30pm to 1.30pm

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SCHOOL HOLIDAYS

19 December 2008 to 27 January 2009

Saturday and Sunday	11.00am to 7.00pm
Monday to Friday	6.30am to 7.30am
	11.00am to 7.00pm
Christmas Day	CLOSED

2 March 2009 to 1 April 2009

Saturday and Sunday	11.00am to 6.00pm
Monday, Wednesday, Thursday & Friday	6.30am to 7.30am
	3.00pm to 6.00pm
Tuesday	6.30am to 7.30am

Pool Admission Charges

Daily Admission	\$ 3.00 (GST incl)
Family Day Ticket	\$ 7.00 (GST incl)
Single Season Ticket	\$ 50.00 (GST incl)
Family Season Ticket	\$100.00 (GST Incl)
Student (School event, swimming classes Or Swimming Club)	\$ 2.00 (GST incl)

All persons entering the pool are required to pay the appropriate admission charge with the following exceptions:

- Preschool children
- School children in years K – 6 who are participating in an intensive learn-to-swim program organised by a school.
- Non-swimming parents or legal guardians supervising children involved in school events, swimming classes or Swimming Club.
- Non-swimming grand parents watching children involved in school events, swimming classes or Swimming Club.
- Teachers and instructors involved in school events, swimming classes or Swimming Club.

Payment for season tickets shall be made at the Council Chambers during normal business hours. Season ticket holders will be required to quote the receipt number as evidence of payment. An updated list of names and receipt numbers will be provided to the pool supervisor for verification.

A family shall be defined as including the parents, children who are at school or less than 16 years of age and grandparents when ascertaining who is eligible to be included on a Family Season Ticket.

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Daily Admission tickets will entitle the holder to enter and leave the pool as often as they wish on the day of purchase.

Daily admission charges will be collected each day from the pool by Council's administrative staff.

Council daily admission and season tickets do not cover night swimming.

Pool Entry for Un-accompanied Children

Any child aged 10 or under must be accompanied by a parent legal guardian or responsible person unless:

- assessed by the pool supervisor as being able to confidently swim to save himself/herself or,
- can provide evidence of having attended swim school and is deemed competent in the water.

Pool Use Outside Normal Opening Hours

The use of the pool outside normal hours shall be allowed under the following conditions:

- a) A booking shall be made in accordance with Council's Policy for Booking of Sporting Facilities.
- b) The individual group shall be directly supervised by a Council employed pool supervisor. Council's supervisor will not be available to carry out any other tasks while supervising.
- c) Council will provide at no charge, a pool supervisor for the following groups:
 - Whole school or multi-school carnivals.
 - Walcha Swimming Club meetings and carnivals.

All other out-of-hours users will be required to pay an additional charge of \$35.00 per hour to cover the cost of Council's pool supervisor.

- d) A \$35.00 cancellation fee may apply if an individual or group fails to give Council at least one hour's notice of their intention not to use the pool as arranged.

Pool Use by Groups during Normal Opening Hours

Groups using the pool during normal opening hours will be required to book the pool in accordance with Council's Policy for Booking of Council Sporting Facilities.

Staffing

This season Council intends to staff the pool from its staff and recruit from applicants as advertised (Casual Pool and/or Kiosk attendant) in the local papers.

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102 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council set the Pool Admission Charges for 2009/2010 to be:

Daily Admission	\$ 4.00 (GST Incl)
Family Day Ticket	\$ 8.00 (GST Incl)
Single Season Ticket	\$ 50.00 (GST Incl)
Family Season Ticket	\$100.00 (GST Incl)
Student (School event, swimming Classes or Swimming Club)	\$ 2.00 (GST Incl)

103 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council amend the section on Pool Entry for Un-accompanied Children in the “Arrangements for Pool Use” to read as follows:

Any child under the age of 10 years must be accompanied by a parent or caregiver unless:

- ❖ Assess by the pool supervisor as being able to confidently swim to save himself/herself; or
- ❖ They can provide evidence of having passed an appropriate swim training class.

Delegate Reports:

- a) Minutes of the New England Tablelands (Noxious Plants) County Council Meeting held in Armidale on Wednesday, 27 August 2008. WI/08/5885
- b) Report from the North Eastern Zone Public Libraries NSW Meeting held in Dorrigo on Thursday, 13 November 2008.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5.35PM.