

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 17 AUGUST 2017
COMMENCING AT 8.32 AM**

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PRESENT: Cr Peter Shinton (Chairman), Cr Brady, Cr Capel, Cr Clancy, Cr Doolan, Cr Hill, Cr Iannuzzi, Cr Lewis and Cr Todd, Acting General Manager (Leeanne Ryan), Director Corporate & Community Services (Michael Jones) and Director Technical Services (Kevin Tighe).

In attendance: Manager Administration and Executive Assistant to the General Manager – Glennis Mangan (minutes) and Administration Officer – Tracy Cain (minutes).

APOLOGIES:
Nil.

The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest

Councillor Doolan stated that he may have a non pecuniary interest with an item in the Confidential Business Paper.

**8.32 am
Forum**

Mr Craig Featherstone provided Council with a personal introduction as a new resident to the Coonabarabran community.

REPORTS

Item 1 Mayoral Minute – Mayors Activity from 13 July 2017 to 9 August 2017
Noted.

Item 2 Minutes of Ordinary Council Meeting – 20 July 2017

42/1718 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 20 July 2017 be endorsed.

Hill/Brady

The motion was put and carried by majority

Item 3 Minutes of Traffic Advisory Committee Meeting – 27 July 2017

43/1718 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 27 July 2017.
2. That in principle agreement is given to drafting a checklist for organisations seeking to close a public road for an event and publishing the checklist on Council's website.
3. That double barrier lines be installed on the Dandry Road approach to the Newell Highway intersection as per the plan presented to the Traffic Advisory Committee.
4. That in principle support is given for one way traffic flow at Native Grove Cemetery in Coonabarabran and further, that further design for one way traffic at Native Grove Cemetery is required.

Shinton/Lewis

The motion was put and carried by majority

Item 4 Minutes of Bushfire Appeal Advisory Panel – 26 June 2017 (Re-presented)
Received.

**Item 5 Minutes of Coonabarabran Sporting Complex Advisory Committee Meeting
– 26 July 2017**

44/1718 RESOLVED that Council accepts the Minutes of the Coonabarabran Sporting Complex Advisory Committee meeting held at Coonabarabran on 26 July 2017.

Clancy/Brady

The motion was put and carried by majority

Item 6 Minutes of Bushfire Appeal Advisory Panel – 31 July 2017

Received.

Item 7 Minutes of Finance and Projects Committee Meeting – 1 August 2017

45/1718 RESOLVED:

1. That Council accepts the Minutes of the Finance and Projects Committee meeting held at Coolah on 1 August 2017.
2. That the Fourth Quarter Business Review Statement (QBRs) be accepted.
3. That the revotes in full totalling the amount of \$13,203,796 be included in the 2017/18 budget.

Doolan/Capel

The motion was put and carried by majority

Item 8 Minutes of Economic Development and Tourism Advisory Committee Meeting – 3 August 2017

46/1718 RESOLVED:

1. That Council accepts the Minutes of the Economic Development and Tourism Advisory Committee meeting held at Coonabarabran on 3 August 2017.
2. That the financial report be accepted.
3. That an invitation be extended to Ashley Watt to present a workshop findings and the in depth findings on shopping locally and **FURTHERMORE** EDT Funds be used to subsidise the presentation of workshops and to assist communities to move forward on their own Shop Locally campaigns.
4. That Council endorses the actions to have Warrumbungle Shire participate in the Collectors Edition at the cost of \$1940.
5. That Council endorses the actions of the EDT Manager in the purchase of advertising in the Winter Edition of Caravanning Australia at \$950.
6. That WSC through EDT budget contribute \$2500 to the EDO Network projects for preparation of a Plan for the Love the Life We Live Project.
7. That an invitation be extended to Stewart Webster to present to the community on the Regional Economic Plans to be produced.

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8. That WSC purchase ¼ page in the 2017-18 publication of CCIA magazine at cost of \$1970 and operators be invited to contribute \$100 each top off set costs.
9. That the Manager EDT to meet with Jenny Rand to discuss and scope out the needs for a new plan when she is in the region later in August.
10. That Council endorses the purchase of advertising on Radio 2UE at cost of \$1390.
11. That the EDT unit purchase the Database of Coach Tour Operators at cost of \$250 and “onsell” to operators at \$25 each.

Capel/Brady

The motion was put and carried by majority

Item 9 All Meetings of Warrumbungle Shire Council - Location

47/1718 A motion was moved by Councillor Iannuzzi seconded Councillor Hill that effective immediately, all meetings of Warrumbungle Shire Council be held at the Coonabarabran Council premises.

The motion was put and lost

Item 10 All Meetings of Warrumbungle Shire Council – Commencement Time

A motion was moved by Councillor Iannuzzi seconded Councillor Brady that effective immediately, all meetings of Warrumbungle Shire commence no earlier than 5.45 pm.

The motion was withdrawn.

Item 11 Progress Report

48/1718 A motion was moved by Councillor Lewis seconded Councillor Todd that a progress report be made available to Councillors regarding notices of motions raised by Councillor Lewis at the July Ordinary Council meeting.

The motion was put and carried by majority

Item 12 General Manager Log of Activities Report

49/1718 RESOLVED that Council accepts the General Manager’s monthly report

Todd/Hill

The motion was put and carried by majority

Councillor Iannuzzi and Councillor Clancy recorded their objection against the information contained in Item 12 General Manager Log of Activities Report.

Item 13 2017 Local Government NSW Annual Conference (Re-presented)

50/1718 RESOLVED that the Mayor and General Manager be accompanied by Councillor Clancy and Councillor Todd to attend the 2017 LGNSW Conference to be held in Sydney on 4-6 December 2017 and that all transport, transfers, accommodation and meals be provided as per the Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

Todd/Lewis

The motion was put and carried by majority

Item 14 Councillors’ Monthly Travel Claims

Received.

Item 15 Progress Report Delivery Program 2016/17 – 2019/20

51/1718 RESOLVED that Council accepts the 2016/17-2019/20 Delivery Program six (6) month Progress Report to 30 June 2017.

Capel/Brady

The motion was put and carried by majority


Item 16 Rail Futures Conference – Melbourne 2017 (Re-presented)

RESOLVED that Council approve Councillor Denis Todd to attend the Rail Futures Conference in Melbourne in September 2017. **FURTHER** that all travel, meals and accommodation be provided as per the Policy.

The motion was withdrawn

Item 17 Strategic Policy – Public Interest Disclosures Act 1994 Internal Reporting Policy

52/1718 RESOLVED that Council endorses the following Public Interest Disclosures Act 1994 Internal Reporting Policy to be included in the Strategic Policy Register.

	Internal Reporting Policy – Public Interest Disclosures Act 1994
	Strategic

Background

Under section 6D of the Public Interest Disclosures Act 1994 (PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures (PIDs).

The definition of public authorities includes Councils. As prescribed by the PID Act, this policy was developed with due regard to the NSW Ombudsman's guidelines and the model internal reporting policies for local government.

Objective

Council recognises that Councillors and staff have an important role in ensuring a high ethical standard and enhancing administrative and management practices, and strongly supports disclosures which expose:

- Corrupt conduct;
- Fraud;
- Maladministration;
- Serious and substantial waste of public money, or;
- Breaches of the Government Information (Public Access) Act 2009.

The objective of this policy is therefore to encourage and facilitate public interest disclosures, to ensure that personnel who make such disclosure receive protection from reprisals, and to ensure that matters raised in the disclosures are properly investigated and acted upon.

Policy Statement

- 1 Council is committed to the aims and objectives of the Public Interest Disclosures Act 1994 (The PID Act).
- 2 The Mayor, General Manager and Council management acknowledge the value and importance of Councillor and staff contributions to high standards of administrative and management practices and strongly endorse reporting of corrupt conduct, fraud, maladministration, serious and substantial waste of public money or government information contravention.
- 3 Council is committed to an effective response to internal disclosures in a way that will protect the identity of the whistle blower, wherever possible and appropriate.
- 4 Council will not tolerate reprisals or retribution against those making legitimate public interest disclosures as prescribed by the PID Act.

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1. Purpose and Context of the Policy

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

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

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

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.

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

This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Warrumbungle Shire Council its staff, and councillors. The system enables such internal disclosures to be made to the Disclosure Co-ordinator (the Human Resources Manager), Nominated Disclosure Officers (the Director Technical Services and Director Corporate and Community Services), the Mayor, and the General Manager.

2. Organisational Commitment

Warrumbungle Shire Council is committed to:

- the aims and objectives of the Public Interest Disclosures Act;
- creating a climate of trust, where people are comfortable and confident about reporting wrongdoing;
- encouraging staff to come forward if they are aware of wrongdoing within the council;
- keeping the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate;
- protecting staff who make disclosures from any adverse action motivated by their reports;

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- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it;
 - keeping staff who make reports informed of their progress and the outcome;
 - encouraging staff to report wrongdoing within the council, but respecting any decision to disclose wrongdoing outside the council - provided that disclosure out the council is made in accordance with the provisions of the PID Act;
 - ensuring managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing.
 - review the policy periodically to ensure it is relevant and effective
 - provide adequate resources, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports and the benefits of internal reports to the council and the public interest generally
 - properly investigate allegations
 - properly manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems

This policy recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff, Councillors or independent contactors and volunteers, which disclose corrupt conduct, maladministration, serious and substantial waste, government information contravention or and local government pecuniary interest contravention.

Warrumbungle Shire Council will take all reasonable steps to provide protection to Councillors, staff and independent contractors who make such disclosures, from any detrimental action in reprisal for the making of the disclosure.

3. Roles and Responsibilities of Staff

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

3.1 Employees and Independent Contractors

Employees are encouraged to report known or suspected incidences of corrupt conduct, maladministration, serious and substantial waste, government information contravention or a local government pecuniary interest contravention in accordance with this Policy.

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

Additionally, the behaviour of all Council Staff and Councillors, involved in the internal reporting process must adhere to the Warrumbungle Shire Council Code of Conduct. A breach of the code could result in disciplinary action.

3.2 Nominated Disclosure Officers

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

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

3.3 Disclosure Co-ordinator

The Disclosure Co-ordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. The Disclosure Co-ordinator will:

- provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager - Warrumbungle Shire Council;
 - impartially assess each disclosure to determine:
 - whether the disclosure appears to be a public interest disclosure within the meaning of the Act; and
 - the appropriate action to be taken in relation to the disclosure, for example:
 - no action/decline;
 - the appropriate person to take responsibility for dealing with the disclosure;
 - preliminary or informal investigation;
 - formal investigation;
 - prosecution or disciplinary action;
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
 - consult with the General Manager;
 - be responsible for carrying out or co-ordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager in carrying out his/her functions;
 - report to the General Manager on the findings of any investigation and recommended remedial action;
 - take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and persons the subject of the disclosures, are kept confidential;
 - support persons who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and
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- report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the ICAC Act.
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

3.4 General Manager

The General Manager of Warrumbungle Shire Council must ensure that Council has a public *interest disclosures policy, that the policy designates at least one officer of the Council as being* responsible for receiving disclosures on behalf of the Council, that staff are aware of the policy and the protections of the Act and that the authority complies with the policy and the Act.

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

- impartially assess each disclosure to determine:
 - whether the disclosure appears to be a public interest disclosure within the meaning of the Act;
 - the appropriate action to be taken in relation to the disclosure, for example:
 - no action/decline;
 - the appropriate person to take responsibility for dealing with the disclosure;
 - preliminary or informal investigation;
 - formal investigation;
 - prosecution or disciplinary action;
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- receive reports from the Disclosure Co-ordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken;
- conduct his/her own investigation if deemed necessary;
- take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential;
- have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal;
- be responsible for implementing organisational reform identified as necessary following investigation of a disclosure; and
- report criminal offences to the Police and actual or suspected corrupt conduct to ICAC (unders.11 of the ICAC Act).

3.5 The Mayor

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

- impartially assess each disclosure made to him/her about the General Manager or a councillor to determine:
 - whether the disclosure appears to be a public interest disclosure within the meaning of the Act;
 - the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example:
 - no action/decline;
 - the appropriate person to take responsibility for dealing with the disclosure;
 - preliminary or informal investigation;
 - formal investigation;
 - prosecution or disciplinary action;
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
 - conduct his/her own investigation if the disclosure is in relation to the General Manager and if deemed necessary.
- refer disclosures to the General Manager for appropriate action if they concern the council's administration, within the day to day responsibilities of the General Manager;
- protect/maintain the confidentiality of:
 - the identity of persons who make disclosures (unless any of the criteria in s.22 of the Act apply); and
 - the identity of persons the subject of the disclosures (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).

Note: *In making this assessment the Mayor may seek guidance from: the Disclosure Co-ordinator or General Manager (if appropriate); an investigating authority (i.e. the ICAC, or NSW Ombudsman); or the Director-General of the Office of Local Government (Department of Premier and Cabinet).*

4. What Should be Reported?

You should report any suspected wrongdoing you see within the Warrumbungle Shire Council. Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and local government pecuniary interest contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

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

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

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

a. Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official using their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. Maladministration

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

For example, this could include:

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

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. Serious and Substantial Waste in Local Government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d. Government Information Contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released

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- knowingly making decisions that are contrary to the legislation
 - directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract
- A Councillor participating in consideration for a DA for a property they or their family have an interest in.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

f. Other Wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the Warrumbungle Shire Council's policies:

- Code of Conduct
- Grievance and Dispute Policy
- Workplace Bullying and Harassment Policy
- GIPA Agency Information Guide

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

Staff should contact Council's Manager Human Resources or access the Council Intranet to obtain a copy of the staff Grievance Policy, Work Harassment Policy, Code of conduct and other relevant staff policies.

5. When Will a Report be Protected?

Warrumbungle Shire Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act.

These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to a position nominated in this policy (see section 9) or an investigating authority (see section 10).

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. How to Make a Report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

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

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. Can a Report be Anonymous?

There will be some situations where you may not want to identify yourself when you make a report.

Although these reports will still be dealt with by the Warrumbungle Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. Maintaining Confidentiality

The Warrumbungle Shire Council realises many staff will want their report to remain confidential.

This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan.

You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, it is important that you only discuss your report with those dealing with it.

This will include the disclosures coordinator and the General Manager. In the case of a report about the General Manager, you should only discuss your report with the disclosures coordinator and the Mayor.

Where your complaint is made under the council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

9. Who Can Receive a Report Within the Warrumbungle Shire Council?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with the council's disclosure procedures. For Warrumbungle Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below.

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

The following positions are the only staff within the Warrumbungle Shire Council who can receive a public interest disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- ensuring there are systems in place in to support and protect people who report wrongdoing
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures

- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

Steve Loane
General Manager
Warrumbungle Shire Council
Phone 02 6849 2000
Fax 02 6842 1337
Mob 0418 848 593
Email: steve.loane@warrumbungle.nsw.gov.au
Postal address: P O Box 191, Coonabarabran NSW 2357

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor.

They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures

The Mayor must make sure there are systems in place in the Warrumbungle Shire Council to support and protect people who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

Councillor Peter Shinton
Mayor
Warrumbungle Shire Council
Phone 026842 2055
Fax 026842 2169
Mob 0428 255 420
Email: Peter.Shinton@warrumbungle.nsw.gov.au
Postal address: P O Box 191, Coonabarabran NSW 2357

c. Disclosures coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff, Councillors, contractors and volunteers.

They receive them, assess them, and refer them to the people within or contracted by the Council to be dealt with appropriately.

Council's Disclosures Coordinator is:

Val Kearnes
Manager Human Resources
Phone 02 6849 2000
Fax 02 6842 1337
Mob 0429 928 597
Email: Val.Kearnes@warrumbungle.nsw.gov.au
Postal address: P O Box 191, Coonabarabran NSW 2357

d. Disclosures Officers

Disclosures Officers are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Council's Disclosures Officers are:

Michael Jones
Director Corporate Services and Community Services
Phone 02 6849 2000
Fax 02 6842 1337
Mob 0417 489 678
Email: Michael.Jones@warrumbungle.nsw.gov.au
Postal address: P O Box 191, Coonabarabran NSW 2357

Kevin Tighe
Director Technical Services
Phone 02 6849 2000
Fax 02 6842 1337
Mob 0417 464 438
Email: Kevin.Tighe@warrumbungle.nsw.gov.au
Postal address: P O Box 191, Coonabarabran NSW 2357

10. Who Can Receive a Report Outside of the Warrumbungle Shire Council

Staff and Councillors are encouraged to report wrongdoing within the Warrumbungle Shire Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

a. Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration

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- the Director-General of the Office of Local Government, Department of Premier and Cabinet — for disclosures about Local Government agencies
 - the Information Commissioner — for disclosures about a government information contravention.

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

You should be aware that it is very likely the investigating authority will discuss the case with the Warrumbungle Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority.

b. Members of Parliament or Journalists

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

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the Warrumbungle Shire Council or investigating authority that received the report must have either:

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

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

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

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

11. Feedback to the Individual Who Reported Wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Warrumbungle Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere to council's code of conduct. A breach of the code of conduct could result in disciplinary action.

12. Protection Against Reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. It may also be a breach of the council's code of conduct.

The Warrumbungle Shire Council will not tolerate any reprisal action against a person who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

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
- disciplinary proceedings.

a. Responding to Reprisals

The Warrumbungle Shire Council will act to protect those who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff or councillor who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately, or in the case of an allegation of reprisal action by the General Manager, the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

If the disclosures coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will ensure that the matter is reported under the council's code of conduct and dealt with in accordance with the council's code of conduct procedures.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the individual who made the disclosure
- relocating the member of staff who made the disclosure or an officer the subject of the allegations within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegations to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Chief Executive of the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection Against Legal Action

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

13. Support for Those Reporting Wrongdoing

The Warrumbungle Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

Our Disclosure Officers will provide support for those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

Council also has in place an Employee Assistance Program (EAP) to provide independent confidential Counselling to employees or members of their families. This program is provided to assist employees deal with personal, family and or/work issues that may or could affect employees' quality of life.

Your Council's HR Department is able to provide you with contact details for this service. Details about the service are also available on the Council Intranet.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

14. Sanctions for making false or misleading disclosures

It is important that all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of the Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from Civic Office.

15. Support for the Subject of a Report

Warrumbungle Shire Council is committed to ensuring people who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where it is practical and appropriate.

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

- treated fairly and impartially
- advised of the details of the allegation

-
- advised of your rights and obligations under our policies and procedures
 - kept informed during any investigation
 - given the opportunity to respond to any allegation made against you
 - told the result of any investigation.

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

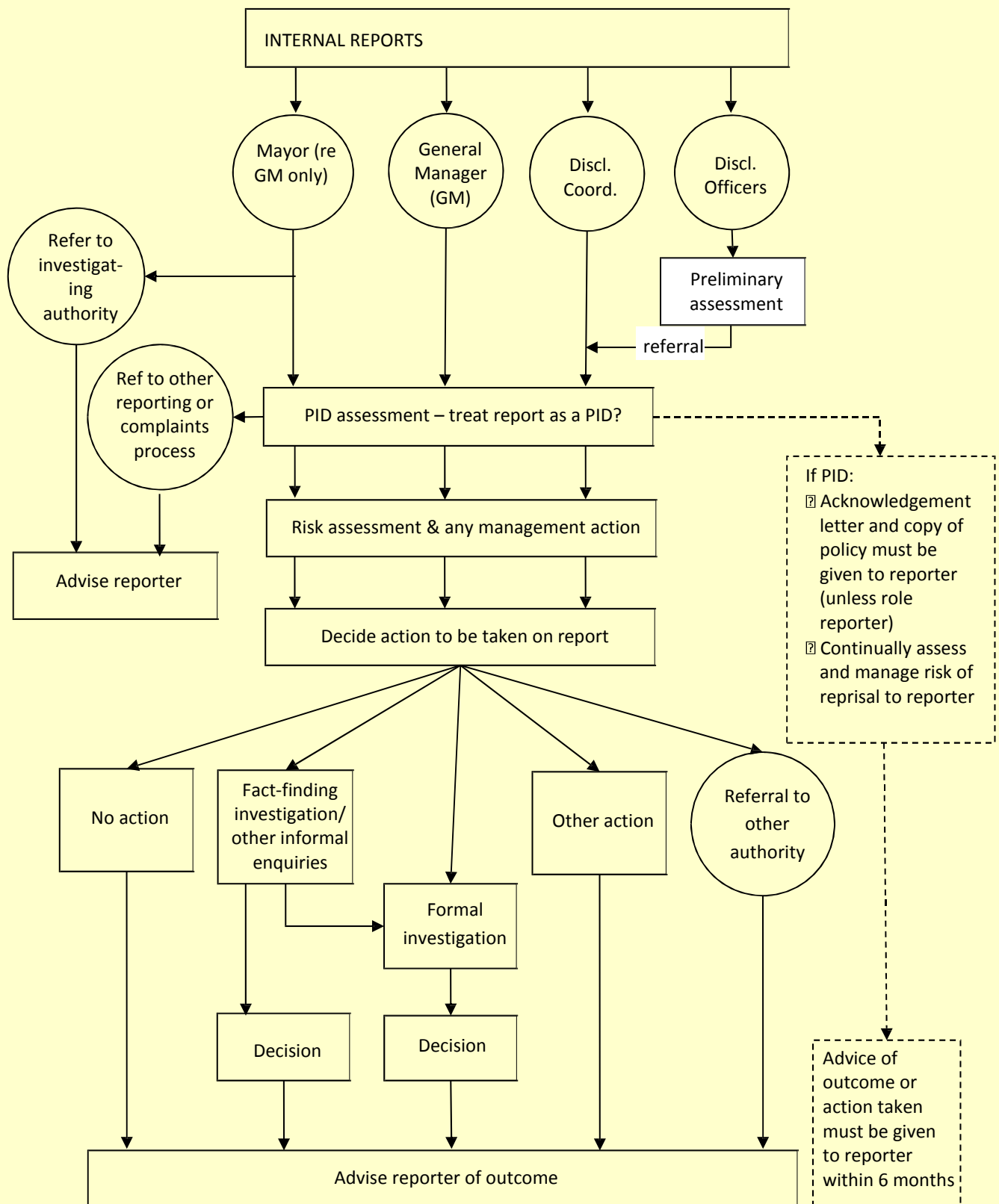
16. Review

This policy will be reviewed by Council on the 15 August 2019. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

17. More Information

More information around public interest disclosures is available on our intranet. Staff and Councillors can also access advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

18. Flow Chart of Internal Reporting Process



WARRUMBUNGL SHIRE COUNCIL

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19. Resources

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

For disclosures about corrupt conduct:

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

For disclosures about maladministration:

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

For disclosures about breaches of the GIPA Act:

Information and Privacy Commissioner
Toll free: 1800 472 679
Facsimile: 02 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

For disclosures about Council:

Director-General, Office of Local
Government in the Department of Premier
and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW
2541

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.oipic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

Policy Document Control:

Policy		Resolution	Date
Public Interest Disclosures Act 1994 – Internal Reporting Policy	Endorsed	320/1516	16 June 2016
Public Interest Disclosures Act 1994 – Internal Reporting Policy			17 August 2017


Clancy/Capel
The motion was put and carried by majority

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Item 18 Strategic Policy – Vision, Mission and Values

53/1718 RESOLVED that Council endorses the following Vision, Mission and Values Policy to be included in the Strategic Policy Register.

	Vision, Mission and Values
	Strategic

Purpose

Council resolved to develop a vision for the future of Warrumbungle Shire Council that would include the generation of an agreed set of values, principles and goals, by which the future direction and strategies of council would be guided and governed.

Objectives of the Policy

A shared vision developed by Council, staff and the community should form the foundation of Council's strategic approach and guide long term policy and decision making to sustain the community. Council's mission is a statement about the organisation's reason for existence. The Mission Statement should be unique to Warrumbungle Shire Council and one that is recognised by everybody in the organisation.

Corporate values define the acceptable standards which govern the behaviour of individual employees within the organisation.

Policy Scope

The policy applies to Warrumbungle Shire Council.

Legislative Requirements

Nil.

Policy Statement

Vision

Excellence in Local Government.

Mission

We will provide:

Quality, cost effective services that will enhance our community's lifestyle, environment, opportunity and prosperity.

Infrastructure and services which meet the social and economic needs and aspirations of the community now and in the future.

Effective leadership and good governance, by encouraging teamwork, through a dedicated responsible well trained workforce.

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We Value

Honesty

Frank and open discussion, taking responsibility for our actions.

Integrity

Behaving in accordance with our values.

Fairness

Consideration of the facts and a commitment to two way communication.

Compassion

Working for the benefit and care of our community and the natural environment.

Respect

To ourselves, colleagues, the organisation and the community listening actively and responding truthfully.

Transparency

Open and honest interactions with each other and our community.

Passion

Achievement of activities with energy, enthusiasm and pride.

Trust

Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill.

Opportunity

To be an enviable workplace creating pathways for staff development.

Associated Documents

Statement of Business Ethics

Reviews and Version Control

Review Date: As needed

Staff Member Responsible for Review: Manager Administration and EA to General Manager

Policy	Version	Resolution	Date
Vision Mission and Values	Version 1	246/1112	19 January 2012
Vision Mission and Values	Version 2	32/1314	18 July 2013
Vision Mission and Values	Version 3		17 August 2017

Hill/Brady

The motion was put and carried by majority

Item 19 Three Rivers Regional Retirement Community

54/1718 RESOLVED that Council note the progress of the Three Rivers Regional Retirement Community project.

Capel/Hill

The motion was put and carried by majority

WARRUMBUNGLE SHIRE COUNCIL

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Item 20 Council Resolutions Report August 2017

Received.

Item 21 Monthly Report from Human Resources – August 2017

Received.

Item 22 Third Quarter Excellence in Achievement Award

55/1718 RESOLVED that Council approve MANEX's nomination of Kerry Clunies-Ross as winner of the 3rd Individual Excellence in Achievement Award to be presented at this meeting.

Clancy/Hill

The motion was put and carried by majority

Item 23 Community Financial Assistance Donations 2017/18 (Round One)

56/1718 RESOLVED that all of the following Round One 2017/18 Community Financial Assistance grant applications be approved.

Ref	Applicant	Amount Provided (\$)
1	Des O'Callaghan	500
2	Creatives Collective	167
3	Mendooran Showground Trust	210
4	Baradine RSL Sub Branch	156
5	Coonabarabran Veteran Golfers	500
6	Goolhi Hall Committee	500
7	Mendooran Rodeo Association	500
8	Coonabarabran Amateur Dramatic Society	500
9	Bullinda Bike Busters Inc.	500
10	Mendooran Tennis Club	500
11	Coolah Preschool Kindergarten Inc.	500
12	Dunedoo and District Development Group	500
13	Dunedoo and District Development Group	500
14	Dunedoo Preschool and Kindergarten	500
15	Coonabarabran Business Centre and Computer Hospital	500
16	St Lawrence's Primary School	380
18	Binnaway Preschool Inc.	500
19	Coonabarabran CWA Evening Branch	500
20	Warrumbungle Arts and Crafts Inc.	500
21	Mendooran Volunteer Rescue Association	500
22	Coolah District Development Group	500
23	Coolah Presbyterian Church Hall	500
24	Dunedoo Amateur Swimming Club	500
25	Baradine Golf Club	500
26	Binnaway Boxing Gym	500
27	Binnaway Progress Association	500
28	Lions Club Binnaway	500
29	Coolah Youth and Community Centre	500
Total		\$12,913

Clancy/Todd

The motion was put and carried by majority

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Item 24 Cost Analysis of Coolah Showground

Received.

Item 25 Mendooran Water Augmentation Scheme Loan Options Referred to IPART 57/1718 A motion was moved by Councillor Capel and seconded by Councillor Hill that Council adopts Option 1 regarding the Mendooran Water Augmentation Scheme repayment time frame.

Option 1, being to spread the existing charge over an additional 2 years (7 remaining years in total) thereby reducing the annual charge on Mendooran residents.

This would decrease water access charges for Mendooran users from approximately \$431 to \$295 per annum.

An amendment was moved by Councillor Todd seconded by Councillor Clancy that Council adopts Option 3 regarding the Mendooran Water Augmentation Scheme repayment time frame.

Option 3, being to spread the existing charge over the entire Shire for a 7 year period.

This would increase water access charges by approximately \$24 per annum per rate payer for the next 7 years.

The amendment was put and lost

58/1718 Councillor Lewis moved a spill on the amendment

The amendment was put and lost with Councillors Todd and Lewis each recording their vote for the amendment and Councillors Iannuzzi, Clancy, Capel, Brady, Doolan, Hill and Shinton each recording their vote against the amendment.

The motion was put and carried by majority

Item 26 Quarterly Budget Review Statement for the Year Ending 30 June 2017

59/1718 RESOLVED that Council endorses the Quarterly Budget Review Statement for the year ending 30 June 2017, and that the revotes in full totalling \$13,203,796 be added to the 2017/2018 Budget.

Clancy/Capel

The motion was put and carried by majority

60/1718 Councillor Iannuzzi moved a motion seconded by Councillor Lewis that a full investigation be undertaken by Council into the ownership of Binnaway Saleyards with a report to be brought back to the September Ordinary Council meeting.

The motion was put and carried by majority

Item 27 Bank Reconciliation for the Month Ending 31 July 2017

61/1718 RESOLVED that Council accept the Bank Reconciliation Report for the month ending 31 July 2017.

Clancy/Capel

The motion was put and carried by majority

9.57 am

Cr Brady left the room.

WARRUMBUNGLE SHIRE COUNCIL

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Item 28 Investments and Term Deposits for Month Ending 31 July 2017

62/1718 RESOLVED that Council accept the Investments Report for the month ending 31 July 2017.

Clancy/Lewis

The motion was put and carried by majority

Item 29 Rates Report for Month Ending 31 July 2017

Received.

9.58 am

Cr Brady re-joined the meeting.

Item 30 Nominations for Baradine Floodplain Management Advisory Committee

63/1718 RESOLVED that the following nominations be accepted for membership of the Baradine Floodplain Management Advisory Committee:

Mr Peter Munns
Mr Richard Crawley
Mr Bob Cosgrove.

Todd/Hill


The motion was put and carried by majority

Item 31 2017/18 Technical Services Works Program – Road Operations, Urban Services & Water Services

Noted.

Item 32 Enforcement Policy Review

64/1718 RESOLVED that Council adopts the modified Enforcement Policy and it be included in Council's Strategic Policy Review.

	Enforcement Policy
	Strategic

1. Purpose

The purpose of this policy is to outline enforcement activities and actions undertaken by Council within the Warrumbungle Shire Local Government Area.

2. Objectives of the Policy

The objective of this policy is to:

- Ensure that Council exercises its regulatory functions consistently and without bias in accordance with its obligations under Section 8 of the Local Government Act 1993;
- Assist those employed by Council in responding promptly, consistently and effectively in relation to allegations of unlawful activity whilst ensuring that principles of natural justice are respected;

- Provide information to all stakeholders about the Council's position in relation to the enforcement of compliance with legislation, including the circumstances which will be taken into account when assessing different enforcement actions.

3. Policy Scope

This policy applies to investigations by Council, about unlawful activity (as defined) or failure to comply with the terms or conditions of approvals and orders and to any enforcement action taken in relation to such breaches.

This policy is applicable to development activity, contamination and pollution control, regulation of parking, control over animals, unauthorised development, food safety, public health safety issues and other regulatory functions for which the Council is the responsible authority.

4. Background

Warrumbungle Shire Council (Council) has a broad range of regulatory and compliance obligations under many pieces of legislation. This includes responsibilities related to public safety, protection of the environment and to exercise control over activities within its Local Government Area.

In recognition of the regulatory responsibilities of all Councils, the NSW Ombudsman in June 2002 published "Enforcement Guidelines for Councils" which included a model enforcement policy. On 22 October 2009 Council adopted the Warrumbungle Shire Enforcement Policy based on these guidelines. Subsequent changes in the duties and function of Council and amendment to legislation have resulted in a review of the previous Enforcement Policy.

This Enforcement Policy reflects the need for the decision making processes of Council's authorised officers to be carried out in a transparent, efficient, fair and consistent manner while having regard to all the circumstances in each case.

5. Definitions

"Unlawful activity" is defined as any activity or work that has been or is being carried out:

- Contrary to the terms or conditions of a development consent, approval, permit or other written authorisation from the Council;
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- Contrary to a legislative provision regulating a particular work activity or work; Without a required development consent, approval, permit or the like;
- Contrary to legislation for which the Council is the appropriate regulatory authority.

Unlawful activity also includes any activity, place or structure which is a risk to public health and safety.

6. Policy Statement

This policy aims to establish clear guidelines for the exercise of the Council's discretion in the context of proactive regulatory action taken and the investigation and pursuit of complaints about unlawful activity. It provides workable guidelines on:

- How to assess whether complaints alleging unlawful activity require investigation;
- Options available to Council for dealing with unlawful activity; and
- How to decide whether enforcement action is warranted and what type of enforcement action is appropriate in the particular circumstances.

6.1 Enforcement Principles

Warrumbungle Shire Council is committed to:

- Acting in the best interests of protecting public health, safety and the environment;
- Ensuring all actions are consistent, fair and impartial;
- Ensuring all actions are without unlawful discrimination;
- Ensuring all enforcement action is in keeping with the relative severity of the offence;
- Ensuring enforcement action is taken against the right person for the correct offence;
- Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner;
- Disclosing all evidence relevant to the alleged offence, including assisting the Court by providing all necessary information whether or not that information is in favour of Council's case;
- Issuing cautions to the alleged offenders where necessary and appropriate;
- Making cost effective decisions concerning enforcement action having regard to the likely outcome at court;
- Ensuring action is instigated within any relevant specified time frames.

6.2 Responsibility

All Council staff who deal with written and verbal action requests or complaints alleging unlawful activity and those officers who are involved in the enforcement of relevant legislation are responsible for implementing this policy.

All notifications of alleged unlawful activity should be appropriately recorded by the Council's electronic records system as soon as possible upon receipt. Council officers responsible for the investigation of a matter are responsible for keeping a full and complete record of their actions, including reasons for all decisions made in relation to an investigation.

6.3 Unlawful Activity and Enforcement Action

6.3.1 Responding to Complaints

Council will make every effort to ensure that all Customer Service Requests or complaints about alleged unlawful activity are recorded and actioned in a timely manner by the appropriate staff.

Confidentiality of information will be dealt with in accordance with Council's Privacy Management Plan and all relevant legislation including the *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009*.

6.3.2 Investigating Unlawful Activities

All matters regarding alleged unlawful activity will be reviewed to determine whether the matter requires enquiry or investigation.

Further enquiries or investigation will not be undertaken where:

- The matter has already been investigated and resolved or it has been determined that no further action will be taken in the absence of new information;
- The Council has no jurisdiction in relation to the matter. In relation to such matters it may be appropriate for Council to bring the matter to the attention of the appropriate regulatory authority. For example SafeWork NSW in relation to workplace safety issues on building sites or the Department of Environment and Heritage in relation to environmental offences;
- The activity is identified as being lawful without the need for an investigation;
- The Council is not the appropriate regulatory authority.

When considering whether a complaint will warrant enquiry or investigation Council will consider a range of factors including:

- Is the complaint premature? Does it relate to some unfinished aspect of work still in progress?;
- On the basis of the information available, is the activity permissible without consent or approval?
- If the activity is permissible with consent, is there a consent in place and have all conditions been complied with?
- Has a development application, building certificate application or other appropriate application been lodged in relation to the activity?
- Is the complaint trivial, frivolous or vexatious?
- What is the extent of the delay between events referred to by the complainant and their notification to Council and reasons given for such delay?
- Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public health, safety and amenity?
- Have there been previous complaints about the subject premises or this person or organisation?
- Does the complaint have special significance in relation to the priorities of Council?
- Given the particular circumstances of the complaint, are there significant resource implications in relation to any investigation and any subsequent enforcement action?
- Overall, is it in the public interest to investigate the complaint?
- Where a decision is made not to investigate a complaint, this decision should be recorded along with the reasons for that decision. The complainant should be advised of the decision and the reasons for making that decision unless such notification is impossible, for example an anonymous complaint.

6.3.3 Taking Enforcement Action

When determining whether to take enforcement action and the level of enforcement action that is appropriate, in relation to a particular case of verified unlawful activity, officers should consider all the circumstances of the case including:

- The seriousness of the breach, including whether the breach is merely technical or “trivial” in nature;
- When the unlawful activity was carried out and for how long, including whether the breach is continuing;
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- Would consent have been given if it had been sought;
- The need for general and specific deterrence;
- Whether the breach can be easily remedied;
- Any particular circumstances of hardship affecting the complainant or the person the subject of the complaint;
- Any mitigating or aggravating circumstances;
- Any prior warnings that have been issued to the person or previous enforcement action taken against the person;
- The degree of culpability of the alleged offender;
- Whether an educative approach would be more appropriate than a coercive approach;
- The costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- The prospects of success if the proposed enforcement action were challenged in court;
- What action would be proportionate and reasonable;
- If a criminal prosecution is contemplated that there is the existence of a *prima facie* case
- What would be in the public interest;
- Any precedent which may be set by not taking enforcement action.

Prior to taking enforcement action, officers should always consider the criteria outlined above in undertaking an objective consideration of the evidence that has been gathered during the course of their investigation. Officers must never allow their actions to be used purely to pursue the agendas of external parties or interest groups and enforcement action must never be undertaken purely as a means of appeasing a virulent complainant in circumstances where that application of the criteria in the Enforcement Policy would otherwise indicate that enforcement action should not be taken.

Where there is sufficient evidence to issue a penalty notice, the officer may instead elect to issue a formal caution if such an approach is considered appropriate under the Caution Guidelines issued by the NSW Attorney General under the *Fines Act 1996*.

6.3.4 Options for Dealing with Unlawful Activity

Where an investigation has been undertaken and that investigation has confirmed an instance of unlawful activity there are a number of options Council can take including but not limited to the following:

- Taking no action on the basis of a lack of evidence or because it is appropriate having regard to the matters set out in this policy;
- Warning or counselling the person the subject of the investigation to educate them as to the relevant legal requirements;

- Obtaining undertakings from the appropriate person that steps will be taken to address the concerns, for example, the lodging of a development application, within a reasonable period;
- Issue a warning letter indicating that unless certain action is taken, for example certain work is done or activities cease, more formal enforcement action will be taken by Council;
- Serving a notice of intention, followed by an order where appropriate, under relevant legislation requiring works to be done or for a use to cease or to otherwise address the unlawful activity;
- Issue a formal caution in relation to a penalty notice offence under s19A of the *Fines Act* 1996 and in accordance with the Caution Guidelines;
- Issue a Penalty Infringement Notice, where available;
- Issue a Court Attendance Notice alleging that an offence has been committed against nominated legislation for determination in the Local Court
- Commence proceedings in the Land and Environment Court to remedy or restrain a breach of legislation, including enforcement action seeking compliance with a statutory order or the commencement of injunctive proceedings where necessary;
- Commence proceedings in the Land and Environment Court for the prosecution of a criminal offence in Class 5 of the court's jurisdiction;
- Carrying out the works specified in an order under the *Local Government Act* 1993 or the *Environmental Planning and Assessment Act* 1979 at the cost of the person served with the order.

The options outlined above are not mutually exclusive. The approach adopted will be entirely dependant on the individual circumstances of the particular matter, with public safety being the primary concern at all times.

6.3.5 Enforcement Priorities

From time to time different functions of Council will be identified as having the need for enforcement or regulatory action to be focussed on that area. Where a Director in consultation with relevant stakeholders, considers it necessary to identify particular enforcement priorities for their department, he or she may develop a list of proposed enforcement priorities and/or guidelines for enforcement action in relation to particular types of unlawful activity.

7. Legislative Requirements

7.1 Delegations

Council staff may be delegated to initiate various levels of enforcement action under the following Acts and associated Regulations made under these Acts:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Impounding Act 1993
- Companion Animals Act 1998
- Roads Act 1993
- Food Act 2003
- Public Health Act 2010
- Swimming Pools Act 1992

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- Contaminated Land Management Act 1997
- Biodiversity Conservation Act 2016

8. Responsibilities

The Manager Regulatory Services will hold responsibility over this policy.

9. Associated Documents

Warrumbungle Shire Council - Privacy Management Plan
NSW Attorney General – Caution Guidelines
Environmental Planning and Assessment Act 1979
Local Government Act 1993
Protection of the Environment Operations Act 1997
Impounding Act 1993
Companion Animals Act 1998
Roads Act 1993
Food Act 2003
Public Health Act 2010
Swimming Pools Act 1992
Contaminated Land Management Act 1997
Biodiversity Conservation Act 2016

10. Getting Help

The staff member/s that can assist with enquiries about the policy.

Position: Manager Regulatory Services.

11. Version Control

Policy	Version	Resolution	Date
Enforcement Policy	1	132	22 October 2009
Enforcement Policy	2	417/1213	20 June 2013
Enforcement Policy	3		

Clancy/Iannuzzi

The motion was put and carried by majority

Councillor Lewis declared a pecuniary interest in the next item to be considered by Council due to a financial interest.

Item 33 Local Heritage Places Grants

65/1718 RESOLVED that Council grant \$6,000 from the Warrumbungle Shire Council Local Heritage Fund 2017-2018 as per the following:

Cobbora Courthouse, Cobbora - \$1,000
Coonabarabran Club, Coonabarabran - \$1,000
38 Dalgarno Street, Coonabarabran - \$1,500
Oban, Coolah - \$1,000
Birriwa Homestead - \$500
Royal Hotel, Binnaway - \$1,000.

Clancy/Todd

The motion was put and carried by majority

Item 34 Street Stalls Policy Review

66/1718 RESOLVED that Council adopts the modified Street Stalls Policy and it be included in Council's Strategic Policy Review.

	Street Stall Policy
	Strategic

1. Purpose

The purpose of this policy is to give clear guidelines as to Council's requirements and expectations for the use of public footpath areas for activities such as street stalls and raffle ticket selling.

2. Objectives of the Policy

This policy will ensure that street stall activities do not adversely impact on residents or business operators, whilst at the same time provides an equitable opportunity for fundraising for all appropriate organisations.

3. Policy Scope

This policy applies to all street stalls and raffle ticket selling conducted within the Warrumbungle Shire.

4. Policy Statement

- i) All applications for a street stall shall be made with Council's application form and submitted at least 14 days prior to the proposed date of the activity and must indicate the times required.
- ii) Any organisation using a public footpath must keep effective public liability insurance cover for a minimum of \$20 million which indemnifies the organisation conducting the fundraising activity and Warrumbungle Shire Council against any claims for injury to person, or damage to property as a result of the fundraising activity.
- iii) Evidence of the public liability insurance cover must be provided with every application.
- iv) Consideration for street stalls will only be given to those located within the central business district of each town and village within the Shire.
- v) Consideration of street stall applications shall include affected shop owners, safety, pedestrian access and amenity.

5. Responsibilities

The policy will be enforced by staff within the Regulatory Services Division.

6. Associated Documents

Application to Place Articles & Items on the Footpath.

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7. Getting Help

The staff member who can assist with enquiries about the policy;

Position: Development Services Administration Officer
Compliance Officer

8. Version Control

Staff Member Responsible for Review: Manager of Regulatory Services

This policy is subject to regular review at a maximum interval of two years.


Policy Name	Version	Resolution No.	Date
Local Approvals Policy	Adopted	210	17 November 2005
Street Stalls Policy	Revised	155	17 October 2013
Street Stalls Policy	Revised		

Clancy/Brady

The motion was put and carried by majority

Item 35 Temporary Grazing Policy Review

67/1718 RESOLVED that Council adopts the modified Temporary Grazing Policy and it be included in Council's Strategic Policy Register.

	Temporary Grazing Permit Policy
	Strategic

1. Purpose

The purpose of this policy is to outline management of Temporary Grazing Permits within the Warrumbungle Shire Local Government Area.

2. Objectives of the Policy

The objective of this policy is:

- to provide guidelines for the grazing of livestock on Council roads in consultation with Local Land Services
- to outline the provision under which the grazing of livestock will be permitted along Council road reserves.

3. Policy Scope

This policy applies to all temporary grazing applications seeking permits from Local Land Services to graze livestock on local and classified roads within Warrumbungle Shire Council.

4. Background

This policy will replace the previous policy entitled Temporary Grazing Policy (endorsed by Council 20 February 2014).

The policy is required to be updated to align with legislation changes.

5. Definitions

LLS - the Central West Local Land Services (LLS) a district constituted under the Local Lands Services Act 2013;

Classified Road – as defined in the Roads Act 1993;

Council – the Warrumbungle Shire Council;

LLS Act 2013 - Local Land Services Act 2013;

LG Act 1993 - the Local Government Act 1993;

Local Road – any formed road not a Classified Road within the Warrumbungle Shire Council local government area;

Permit - a road side grazing permit issued pursuant to Section 78, Local Land Services Act 2013;

MR – main road;

SR – state road.

6. Policy Statement

The following conditions will apply to any temporary grazing permits issued to utilise local or classified roads within Warrumbungle Shire Council:

6.1 General Conditions

- a) The issue of a permit for temporary grazing on a road is the responsibility of the LLS.
 - b) Council is not authorised to issue temporary grazing permits
 - c) A permit may only be issued by LLS:
 - i. For those parts of the road not normally used by road vehicles; and
 - ii. With the prior concurrence of Council.
 - d) Council will not unreasonably refuse to grant concurrence for a permit. In particular, but without limiting the generality of this provision, Council will, subject to its obligations as the roads authority, provide as much assistance as possible in times of drought or other natural difficulty or disaster.
 - e) Council may charge a fee, pursuant to Section 608 LG Act 1993, for the granting of concurrence, but that fee shall be related to the actual cost to the Council of processing an application for the concurrence.
 - f) A permit is subject to the conditions prescribed in Section 78 of the LLS Act 2013.
 - g) A permit shall be subject to such other conditions as the LLS prescribes, including:
 - i. a requirement for the display of stock warning signs in accordance with Section 78 of the LLS Act 2013; and
 - ii. any conditions stipulated by the Council subject to its concurrence.
 - h) Council will stipulate as a condition of its concurrence that the permit holder shall indemnify it from all claims arising as a result of the presence of the stock on the road reserve - the subject of the permit - meaning that Warrumbungle Shire Council must be shown as an Interested Party on the Public Liability Certificate of Currency (to the value of \$20,000,000).
 - i) The provisions of Section 78 of the LLS Act 2013 are to be observed strictly.
 - j) The LLS will notify, by way of confirmation to Council of the issue of every permit, the name and address of the permit holder, the duration of the permit and the conditions to which the permit is subject.
-

- k) The LLS will not issue a permit in cases where the Council does not grant concurrence to the issue of the permit.
- l) Concurrence for the issue of a permit will not be given to any landowner unless the permit sought is to land adjacent to the applicant's property.
- m) That the grazing permit be issued for a maximum of 30 days.
- n) That the owner of the stock is to comply with all conditions and requirements of the LLS roadside grazing permit.
- o) The Council is the authorising authority to grant concurrence for temporary grazing permits on classified roads and will only provide concurrence if there is a drought declaration for the region.

6.2 Signage and Fencing Requirements

The following requirements must be followed when a permit has been issued;

- a) That stock warning signs as described in the LLS Act 2013 indicating the presence of stock on the road shall be prominently displayed 200 metres before and after the section of road being used.
- b) Stock signs must be displayed at all times when stock are on or adjacent to a roadway, and remove when stock are no longer present.
- c) That the distance over which stock are being grazed does not exceed 2 kilometres at any one time.
- d) When stock are being moved along the road, warning signs shall be no further than 5km apart.
- e) That at least one person shall be attending the stock at all times.
- f) That the stock may only be present on a public road during daylight hours.
- g) "Stock Ahead" signs – whatever sign is deemed appropriate by the LLS is to be displayed on one side of the road formation on the oncoming side to the occupied area; monitoring of signs during the day is required to ensure that they give a timely warning and clear display to approaching traffic.
- h) Stock must be under constant surveillance at all times.
- i) Stock are to be kept off the road formation at all times.
- j) At night, stock are to be removed from the road reserve and securely fenced to prevent any livestock from straying onto the road.
- k) In the event of wet weather, all stock are to be removed from the road reserve.
- l) The holder of the permit is to indemnify Council from all claims arising as a result of the presence in the road reserve of the stock subject to the permit – this means that Warrumbungle Shire Council must be shown as an Interested Party on the Public Liability Certificate of Currency.
- m) Temporary fencing must be erected at least 5m from edge of travel lane on local roads and at least 6m on classified roads. This distance is measured between the road edge and any temporary fencing.
- n) At the end of the grazing period, any temporary fencing materials including posts, wires and electric tapes are to be removed from the road reserve. Failure to do this will mean that Council will carry out these works at cost to the person who made application for grazing rights.

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6.3 Listing of Classified Roads with Warrumbungle Shire

The classified roads subject to the requirements of this policy are:

MR 129	Purlewaugh Road, Baradine Road
MR 329	Gwabegar Road
MR 4053	Timor Road
MR 396	Warrumbungles Way
MR 55	Black Stump Way
MR 618	Vinegaroy Road
MR 7519	Forest Road
MR 334	Mendooran Road
SR 17	Newell Highway
SR 11	Oxley Highway
SR27	Golden Highway
SR18	Castlereagh Highway

7. Responsibilities

The Manager Property and Risk will hold responsibility over this policy.

8. Associated Documents

WSC Operational Plan and Delivery Program
Local Land Services Act 2013
Local Land Services Regulations 2013
Local Government Act 1993

9. Getting Help

The staff member/s that can assist with enquiries about the policy.
Position: Manager Property and Risk.

10. Version Control

Review Date: September 2021 or when relevant legislation changes.
Staff Member Responsible for Review: Manager Property and Risk.

Policy Name	Action	Resolution No.	Date
Temporary Grazing Permit Policy	Endorsed	235	16 June 2005
Temporary Grazing Permit Policy	Endorsed	19/1314	19 September 2013
Temporary Grazing Permit Policy	Endorsed		20 February 2014
Temporary Grazing Permit Policy			

Todd/Lewis

The motion was put and carried by majority

Item 36 Warrumbungle Shire Community Heritage Working Group

68/1718 RESOLVED that Council nominate Councillor Lewis and Councillor Brady to represent Council on the Community Heritage Working Group and **FURTHERMORE**, that the following Community nominations be accepted.

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Name	Location
Peter Morrissey	Coonabarabran
David Rayner	Coonabarabran
Roslyn Kildey	Baradine
Troy Rosenberg	Baradine
Marg Haley	Binnaway
John Mercer	Binnaway
Roy Cameron	Coolah
Ernest Fetch	Coolah
Noel Gilbert	Coolah
Helen Naef	Mendooran
John Horne	Dunedoo

Iannuzzi/Clancy

The motion was put and carried by majority

Item 37 Development Applications

69/1718 RESOLVED that Council notes the Applications and Certificates approved during July 2017 under Delegated Authority.

Hill/Clancy

The motion was put and carried by majority

Item 38 Questions for the Next Meeting – Councillor Todd

Received.

Item 39 Questions for the Next Meeting – Councillor Lewis

Received.

10.17 am

Presentation of Warrumbungle Shire Council's 3rd Individual Excellence in Achievement Award to Mr Kerry Clunies-Ross of Service NSW

10.20 am

70/1718 RESOLVED that standing orders be suspended to break for morning tea.

Lewis/Clancy

The motion was put and carried by majority

10.49 am

71/1718 RESOLVED that standing orders be resumed.

Capel/Clancy

The motion was put and carried by majority

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10.49 am

72/1718 RESOLVED that:

- (a) Council go into closed committee to consider business relating to personnel matters and commercial information
- (b) pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) (a) and (c) as outlined above
- (c) correspondence and reports 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.

Hill/Clancy

The motion was put and carried by majority

12.46 pm

73/1718 RESOLVED that Council move out of closed Committee.

Lewis/Brady

The motion was put and carried by majority

The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the Acting General Manager.

Item 1C Organisational Structure Review Report – August 2017

74/1718 RESOLVED that Council accept the Draft Organisational Structure and the General Manager be authorised to enter into consultation with the Consultative Committee and relevant Unions to progress the implementation of the new Warrumbungle Shire Council Organisational Structure for 2017.

Lewis/Brady

The motion was put and carried by majority

Councillor Doolan discussed a possible non pecuniary interest in the next item to be considered by Council due to his relationship with one of the tenderers. He advised that he had contacted ICAC on this matter.

Item 2C Tender for the Supply of Skip Bin Services and the Transfer of Waste

A motion was moved by Councillor Capel and seconded by Councillor Brady that Council awards the contract for the supply of skip bin services and the transfer of waste to Warrumbungle Waste (WSC) for \$89,491.48 (ex GST) per annum.

75/1718 An amendment was moved by Councillor Lewis seconded by Councillor Clancy that Council awards the contract for the supply of skip bin services and the transfer of waste to Warrumbungle Plant Hire t/as Coona Waste Disposal for \$125,320.00 (ex GST) per annum.

The amendment was put and carried by majority

The amendment became the substantive motion and was put and carried by majority

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76/1718 Councillor Todd moved a spill on the amendment

The amendment was put and carried with Councillors Iannuzzi, Clancy, Doolan, Lewis and Todd each recording their vote for the amendment and Councillors Capel, Brady, Hill and Shinton each recording their vote against the amendment.

11.38 am

The Mayor requested Staff to leave the room for Council to discuss urgent business.

Rescission Motion

77/1718 A rescission motion was moved by Councillor Capel seconded by Councillor Brady that Resolution Number 39/1718 of the 14 August 2017 be rescinded.
The rescission motion was put and lost

78/1718 Councillors Capel and Brady moved a spill on the rescission motion

The rescission motion was put and lost with Councillors Iannuzzi, Clancy, Lewis, Doolan and Todd each recording their vote against the motion and Councillors Capel, Brady, Hill and Shinton each recording their vote for the motion.

79/1718 A motion was moved Councillor Iannuzzi and seconded by Councillor Clancy that Council authorise the Mayor and a suitably qualified industrial or legal representative from Local Government NSW to negotiate in relation to the General Manager's Contract of Employment.

The motion was put and carried by majority

There being no further business the meeting closed at 12.47 pm.

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CHAIRMAN