



ORDINARY COUNCIL MEETING AGENDA – 21 FEBRUARY 2018 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday 21 February 2018

LOCATION: Kaniva Council Chamber

COMMENCEMENT: 1.00pm

REQUIRED TO ATTEND:	
Councillors	Senior Management Group
Jodie Pretlove, Mayor Trevor Domaschenz	David Leahy Chief Executive Officer
Richard Hicks Tom Houlihan Bruce Meyer	Ashley Roberts Director Corporate & Community Services
	Robyn Evans Director Infrastructure Development & Works

Members of the Gallery are advised that the following Local Law applies to this meeting:

West Wimmera Shire Council Local Law No.7, 2017

42. Gallery to be silent

- (1) Any member of the public asking a question of the Council or in attendance in the gallery must extend due courtesy and respect to the Council and the processes under which it operates*
- (2) Visitors must not interject or take part in the debate and must take direction from the Chairperson whenever called upon to do so.*

Vision Statement:

*Our Wimmera Shire communities are healthy, thriving, diverse, harmonious,
prosperous and self-sustaining, with regional and global connectivity*



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1.0 WELCOME

2.0 OPENING PRAYER

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire.

3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

3.3 DECLARATION OF CONFLICT OF INTEREST

All councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via Docs On Tap.

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

Questions on Notice are to be submitted to Council no later than the Monday nine days prior to the relevant Council Meeting. The template for Questions on Notice is available from the Edenhope and Kaniva Council offices, and from the Shire's website.

4.2 VERBAL QUESTIONS WITHOUT NOTICE

Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, through the Mayor. At all other times during the meeting, members of the gallery are required to be silent, pursuant to West Wimmera Shire Council Local Law No.7, 2017.



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5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS LISTED IN THE COUNCIL KEPT COUNCILLOR DIARY

5.1 COUNCILLOR JODIE PRETLOVE (MAYOR)

08/01/2018	CEO David Leahy
15/01/2018	CEO David Leahy
22/01/2018	CEO David Leahy
25/01/2018	Dinner with Australia Day Ambassador Mr Dale Potter OAM
26/01/2018	Australia Day Event in Edenhope
26/01/2018	Australia Day Event in Harrow
29/01/2018	CEO David Leahy
30/01/2018	Councillor Workshop: Procurement Policy
02/02/2018	Kaniva College Badge Ceremony
06/02/2018	Audit Committee Meeting, Kaniva
06/02/2018	CEO David Leahy, Kaniva
07/02/2018	Councillor Forum, Edenhope
08/02/2018	Wimmera Mayoral Gathering Lunch, Horsham
12/02/2018	CEO David Leahy
14/02/2018	Councillor Workshop: Asset Management Strategy
14/02/2018	Lake Wallace Foreshore Committee of Management Meeting
17/02/2018	Lake Charlegrark Country Music Marathon
18/02/2018	Lake Charlegrark Country Music Marathon
19/02/2018	CEO David Leahy
21/02/2018	Cemeteries Trust Meeting, Kaniva
21/02/2018	Ordinary Council Meeting, Kaniva
21/02/2018	Dinner Event with Federal Health Minister, Horsham

5.2 COUNCILLOR TREVOR DOMASCHENZ

30/01/2018	Councillor Workshop: Procurement Policy
31/01/2018	Recreation Trails Strategy Project Control Group Meeting
07/02/2018	Councillor Forum, Edenhope
10/02/2018	Henley on Lake Wallace
13/02/2018	Wimmera Development Association Board Meeting
14/02/2018	Councillor Workshop: Asset Management Strategy
14/02/2018	Lake Wallace Foreshore Committee of Management Meeting
17/02/2018	Lake Charlegrark Country Music Marathon
20/02/2018	Wimmera Mallee Tourism Meeting, Culgoa
21/02/2018	Cemeteries Trust Meeting, Kaniva
21/02/2018	Ordinary Council Meeting, Kaniva
21/02/2018	Dinner Event with Federal Health Minister, Horsham



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5.3 COUNCILLOR RICHARD HICKS

25/01/2018	Dinner with Australia Day Ambassador Mr Dale Potter OAM
26/01/2018	Australia Day Event in Gorokey
30/01/2018	Councillor Workshop: Procurement Policy
07/02/2018	Councillor Forum, Edenhope
14/02/2018	Councillor Workshop: Asset Management Strategy
14/02/2018	Lake Wallace Foreshore Committee of Management Meeting
14/02/2018	Lawloit Public Hall Committee of Management
21/02/2018	Cemeteries Trust Meeting, Kaniva
21/02/2018	Ordinary Council Meeting, Kaniva

5.4 COUNCILLOR TOM HOULIHAN

03/01/2018	DELWP in Harrow re solar panels project
10/01/2018	Ballarat Office of Jaala Pulford MP re Climate Change Innovations Grant
20/01/2018	Volunteering at Bachelor & Spinster Ball event, Harrow
21/01/2018	Volunteering at Bachelor & Spinster Ball event, Harrow
25/01/2018	Dinner with Australia Day Ambassador Mr Dale Potter OAM
26/01/2018	Australia Day Event in Gorokey
26/01/2018	Australia Day Event in Harrow
30/01/2018	Councillor Workshop: Procurement Policy
31/01/2018	Waste & Resource Recovery Conference with DELWP, Ballarat
02/02/2018	Chetwynd Hall Committee re toilets
06/02/2018	Chairing of Harrow First XI Committee Meeting
07/02/2018	Councillor Forum, Edenhope
10/02/2018	Henley on Lake Wallace
13/02/2018	Chairing of Harrow First XI Committee Meeting
14/02/2018	Councillor Workshop: Asset Management Strategy
14/02/2018	Lake Wallace Foreshore Committee of Management Meeting
19/02/2018	Municipal Fire Management Planning Committee Meeting
21/02/2018	Cemeteries Trust Meeting, Kaniva
21/02/2018	Ordinary Council Meeting, Kaniva

5.5 COUNCILLOR BRUCE MEYER

26/01/2018	Australia Day Event in Kaniva
30/01/2018	Councillor Workshop: Procurement Policy
06/02/2018	Audit Committee Meeting, Kaniva
07/02/2018	Councillor Forum, Edenhope
14/02/2018	Councillor Workshop: Asset Management Strategy
14/02/2018	Lake Wallace Foreshore Committee of Management Meeting
14/02/2018	Telopea Downs Recreation Reserve Committee of Management
16/02/2018	Wimmera Regional Library Corporation Board Meeting



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- 21/02/2018 Cemeteries Trust Meeting, Kaniva
- 21/02/2018 Ordinary Council Meeting, Kaniva
- 21/02/2018 Dinner Event with Federal Health Minister, Horsham

5.6 DAVID LEAHY (CHIEF EXECUTIVE OFFICER)

- 08/01/2018 Senior Management Group Meeting
- 08/01/2018 Regional Development Victoria
- 08/01/2018 Mayor Jodie Pretlove
- 15/01/2018 Senior Management Group Meeting
- 15/01/2018 Mayor Jodie Pretlove
- 19/01/2018 West Wimmera Health Service, Nhill
- 22/01/2018 Senior Management Group Meeting
- 22/01/2018 Mayor Jodie Pretlove
- 23/01/2018 First XI Committee Meeting, Edenhope
- 29/01/2018 Senior Management Group Meeting
- 29/01/2018 Mayor Jodie Pretlove
- 30/01/2018 Councillor Workshop: Procurement Policy
- 31/01/2018 Recreation Trails Strategy Project Control Group Meeting
- 01/02/2018 Emma Kealy MP
- 05/02/2018 Senior Management Group Meeting
- 05/02/2018 Asset Management Steering Committee
- 06/02/2018 Audit Committee Meeting, Kaniva
- 06/02/2018 Mayor Jodie Pretlove, Kaniva
- 07/02/2018 Councillor Forum, Edenhope
- 08/02/2018 MAV Video Link: Local Government Bill – Exposure Draft
- 12/02/2018 Regional Development Victoria
- 12/02/2018 Shared Services Project Coordinators
- 13/02/2018 Senior Management Group & Managers
- 13/02/2018 Mayor Jodie Pretlove
- 13/02/2018 Wimmera Development Association Board Meeting
- 14/02/2018 Councillor Workshop: Asset Management Strategy
- 14/02/2018 Lake Wallace Foreshore Committee of Management Meeting
- 16/02/2018 Kaniva Cultural & Tourism Precinct Project Meeting
- 19/02/2018 Senior Management Group Meeting
- 19/02/2018 Mayor Jodie Pretlove
- 21/02/2018 Ordinary Council Meeting, Kaniva
- 21/02/2018 Dinner Event with Federal Health Minister, Horsham

5.7 GENERAL DELEGATES REPORTS

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates' reports.



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6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 20 December 2017, be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

9.1 CR TREVOR DOMASCHENZ - EDENHOPE COMMUNITY HUB PROJECT – NOM 2018/01

Preamble

I want Council to consult with the community and move forward on the Edenhope Community Hub Project as soon as possible.

Motion

That the Motion of Council No.9.1.1 (carried 5/0) on 15 November 2017 be enacted by tasking the CEO to direct and coordinate staff to advertise and conduct at least two public meetings in Edenhope at the town hall ending no later than 31 March 2018.

The aim of the meetings is to reach community consensus on the functionality and physical and financial parameters for a:

- a) New or renovated town hall or
- b) Community hub or
- c) Multi-function centre or
- d) Combination of above and
- e) The location of the above

Attachments:

No.	Name	RecFind Ref
9.1.1	Notice of Motion 2018/01 – Edenhope Community Hub Project	18/000453



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10.0 ASSEMBLY OF COUNCILLORS RECORD

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 7 February 2018 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 SUBMISSION OF A MOTION TO THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

The National General Assembly of Local Government will be held in Canberra on 17 – 20 June 2018. The following report is provided as an opportunity for Councillors to submit a motion to the assembly.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The National General Assembly held in Canberra each year, brings together Councillors from across the Country to network, participate in the annual conference and the general assembly where motions are placed, debated and voted on.

Each year a notice is issued providing Councils with the opportunity submit a motion to the general assembly. There are guidelines for suitable motions, such as, they must be relevant to the Local Government sector in general, must not be discriminatory in their nature and must not be about specific Council requests.

The deadline for submitting a motion to the National General Assembly is 30 March 2018 and if Council wishes to lodge a motion, it can be endorsed at the March meeting of Council.

Risk Management Implications

Nil



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Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

Attendance at the National General Assembly is essential if a motion is submitted to enable it to be spoken to by the mover.

The National General Assembly has traditionally been attended by the Mayor and CEO, however the CEO promoted the opportunity for a second Councillor to attend in 2017, rather than the CEO.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Advocacy Policy

Communications Policy

Councillor Code of Conduct Policy

Councillor Expense Entitlement & Support Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

The outcomes of a National General Assembly are generally communicated via media releases following the event. Additional opinion is occasionally sought regarding any controversial motions or debates that have arisen during the assembly.



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Conclusion

Council may choose to submit a motion to the National General Assembly by the 30 March deadline and endorse it at the March Council meeting.

Council can also take the opportunity to discuss attendance at the National General Assembly.

OFFICER RECOMMENDATION:

That Council develop the following motion for the Australian Local Government Association – National General Assembly

.....

.....or

That Council chooses not to submit a motion to the Australian Local Government Association – National General Assembly.

Attachments: Nil



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12.2 DISCONTINUANCE OF POLICY

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY - CEO

FOR DECISION

Introduction

The following report is to inform Council of the opportunity to discontinue with a policy on Onshore Unconventional Gas Exploration (Fracking).

It is possible to discontinue the policy as the State Government has created legislation banning the practice in Victoria.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Council policy, Onshore Unconventional Gas Exploration was adopted by Council in August 2015, at a time when there was no legislative protection against the practice at a state level.

Council was, at the time, utilising its powers within the local planning scheme to protect farmland against the exploration activity. This policy position was designed to cover the period of development of the legislation.

In 2015 a Bill was entered into parliament to amend the Mineral Resources (sustainable development) Act 1990. This Bill was finally assented as legislation in March 2017 and effectively over-rides Councils policy.

Risk Management Implications

Nil

Legislative Implications

The Resource Legislation Amendment (fracking ban) Act 2017 replaces the West Wimmera Shire Council Policy position on Onshore Unconventional Gas Exploration.



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Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Onshore Unconventional Gas Exploration Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Nil

Conclusion

Through the development and assentation of the state legislation, Council has the opportunity to reduce the review load of policies by discontinuing the aforementioned policy.

OFFICER RECOMMENDATION:

That Council resolves to discontinue the Onshore Unconventional Gas Exploration Policy.

Attachments: Nil



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 FINANCIAL REPORT AS AT 31 DECEMBER 2017

FILE NUMBER: FM0062

REPORT AUTHOR: ANDREA GASH, MANAGER FINANCE

FOR INFORMATION

Introduction

One of the principles of sound financial management involves the regular review of an entity's financial performance and position. This report provides Council with a review of Council's financial performance and position at the end of December 2017.

Background

The *Local Government Act 1989* ('the Act') requires Council to implement the principles of sound financial management (s.136 (1)). Section 138(1) of the Act requires that Council be presented with a statement comparing budgeted revenue and expenditure for the financial year to date at least every three months.

The financial reports show an analysis of the actuals to budget forecasts at 31 December 2017. Where significant variances that are greater than \$20,000 and 10% between actual amounts and forecast figures at 31 December 2017, a note is provided to give an explanation for the variance. The financial reports include a Comprehensive Income Statement, a capital report and Balance Sheet to give a true indication of Council's operations, the capital works program and the financial position. A listing of all budget variations which have been made for the year to date detailing the amount of the variation and the reason for the variation is also included.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

Legislative Implications

Section 138(1) of the *Local Government Act 1989* requires that Council is provided with financial reports a minimum of every three months comparing the budgeted revenue and expenditure with actual revenue and expenditure.



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Environmental Implications

Nil

Financial and Budgetary Implications

Financial and budgetary performance reporting and oversight form the fundamental building blocks of sound financial management. Without oversight of financial and budgetary performance Council may find itself unable to meet its obligations and desired community outcomes.

Policy and Council Plan Implications

This report supports the following section of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

The Finance Manager will continue to work with officers and managers to educate and enable financial management of their department.

Conclusion

Council's financial performance and position at 31 December 2017 is attached for Council's information, in accordance with the requirements of S.138 (1) of the Act.

OFFICER RECOMMENDATION:

That the financial reports as at 31 December 2017 be received and noted.

Attachments:

No.	Name	RecFind Ref
14.1.1	Financial Performance Report December 2017	18/000141



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14.2 POLICY REVIEW: FRAUD AND CORRUPTION CONTROL POLICY AND PROCEDURES

FILE NUMBER: FM0021

REPORT AUTHOR: ANDREA GASH, MANAGER FINANCE

FOR DECISION

Introduction

As a part of West Wimmera Shire Council's (Council) cyclical policy reviews, the Fraud Control Policy has recently been reviewed. This policy was last reviewed in 2015.

The *Local Government Act 1989* requires Council to develop and maintain adequate internal control systems.

One of the critical elements in maintaining an adequate internal control system is to implement a strong framework for the prevention of fraudulent and corrupt activity. The proposed Fraud and Corruption Control Policy and Procedures provides for the foundation block for building such a framework.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

As part of its required commitment to building an effective internal control system, Council must foster an environment where fraudulent activity is not tolerated. The Fraud Control Policy and Procedures seek to establish a foundation for such a culture to be provided

The Fraud and Corruption Control Policy (the policy) sets out to provide an organisational framework and context for how Council undertakes fraud control activities. The policy has now been extended to include corruption within its scope, as per local government industry standards. It outlines the principles of fraud and corruption control and the rights and responsibilities of Council and any other relevant parties. The aim of the policy is to avoid the occurrence of fraud and/or corruption, but also to address internal controls that will minimise opportunities and establish an environment that does not tolerate fraudulent or corrupt activities or behaviour.



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The Fraud and Corruption Control Policy is complimented by the Fraud and Corruption Control Procedure which is an operational set of procedures for staff and management operational use.

Risk Management Implications

There are significant risk management implications from not providing an effective fraud and corruption control policy or practices.

The proposed policy and procedure update addresses some inherent risks for Council and relies heavily on risk mitigation procedures and internal controls to be effective.

A fraud and corruption control platform is an essential part of providing an effective internal control system. Without a sound platform, Council's internal control system would be rendered inadequate.

Legislative Implications

The *Local Government Act 1989* Section 136 will apply to all finance policies with the guiding principle of sound financial management. The Act requires that Council maintain an effective internal control system. As it can be seen that providing a fraud control platform is an essential part of an effective internal control system, the adoption of the proposed Fraud Control Policy and Procedures will greatly assist Council to comply with this requirement.

Environmental Implications

Nil

Financial and Budgetary Implications

The policy and procedures gives Council the basis to foster a culture where fraudulent and corrupt activity is not tolerated. The procedures, internal controls and audit programs gives Council further potential to deter such activity from occurring. Any fraudulent and corrupt activity has the potential for severe negative effects on Council's financial and budgetary status. The provision of the policy and procedures greatly reduces this risk.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Procurement Policy
Protected Disclosures Policy
Risk Management Policy



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Council Plan Implications

This report supports the following section of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

There are some communication implications arising, as all staff and Councillors must be fully informed as to the contents of the policy and the effect this will have on them along with their responsibilities. It is critical that staff, Councillors and contractors are made aware by management of the expectations and procedures for any suspected fraudulent and corrupt activity. It is also important that the culture of the organisation is such that staff is collectively committed to acting honestly and with integrity and in the best interests of Council.

To this point management will hold information sessions with staff across all sites to outline all rights and responsibilities.

Conclusion

The Fraud and Corruption Control Policy and Procedures form an essential part of Council's internal control system. In doing this, not only do they allow Council to comply with the requirements of the *Local Government Act 1989*, but also seek to foster a culture where fraudulent or corrupt activity is not accepted in any form at any level of the organisation. This can in turn potentially have significant financial and reputational benefits to Council.

OFFICER RECOMMENDATION:

That Council adopt the draft Fraud and Corruption Control Policy and the Fraud and Corruption Control Procedures.

Attachments:

No.	Name	RecFind Ref
14.2.1	Fraud and Corruption Control Policy	18/000135
14.2.2	Fraud and Corruption Control Procedure	18/000136



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14.3 COUNCIL INVESTMENT POLICY

FILE NUMBER: FM0021

REPORT AUTHOR: ANDREA GASH, MANAGER FINANCE

FOR DECISION

Introduction

As a part of West Wimmera Shire Council's (Council) cyclical policy reviews, the Investment Policy has recently been reviewed. This policy was last reviewed in 2015.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* (the Act) in the preparation of this report.

Background

Section 136 (1) of the Act states that "*Council must implement the principles of sound financial management*". One of the cornerstones of 'sound financial management' is to invest surplus funds in a prudent and effective manner to maximise Council's earnings whilst minimising Council's risk exposure.

There are three steps to sound investment practices:

1. Preservation –at a minimum to preserve Council's capital investment and avoid potential loss making positions;
2. Liquidity – any investment must be made with consideration given to Council's future cash flow requirements (i.e. to be able to be redeemed when Council requires the cash); and
3. Return – Council should always attempt to maximise its investment earnings and growth, whilst having regard to the requirements of both points 1 and 2.

The Investment Policy will oversee and guide Council's investment activities in order to achieve these goals.

Risk Management Implications

The Risk Management implications of market investments are many and complex. All investments subject to market conditions carry some form of risk. This risk may vary from



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interest rate fluctuations reducing the expected return to the risk that the institution holding the investment may not be sufficiently financially viable to be able to redeem the investment to the investor when due. Recent years have seen many investment providers, both large and small, default on their obligations leading to many investors losing significant amounts of their investments.

Generally, the higher the risk of default by an investment provider, the higher the rate of return (i.e. interest rate) that an investment will provide. There is then, a market ‘trade-off’ between risk and return.

It is the task of the investment manager to offset the two items to minimise the risk while maximising the return.

There are two main strategies for achieving this goal:

1. Diversification of investment portfolio; and
2. Use of investment ‘ratings’ from an independent third party.

Diversification of the investment portfolio refers to an investor having investments in more than one institution. This spreads the risk of default or poor investment performance across multiple investment providers. It can also have the side effect of increasing competitive behaviour amongst ‘safer’ investment providers to attract greater investment, potentially leading to greater returns to investors.

The use of investment ratings from an independent third party can be of significant benefit in risk mitigation. Risk rating work completed by an independent party with significant market knowledge includes analysing both the investment provider and the investment product and giving each a rating based on the risk of default. There are a number of independent ratings providers, such as Standard and Poor’s, Moody’s, Fitch, Credit Suisse, and others.

Council has elected to reference to the Standard and Poor’s ratings on the basis that this company’s rating system is widely used and is considered reputable.

The Standard and Poor’s system involves an alphanumeric system for short-medium term investments, ranging from A-1+ being the highest rating an investment provider can obtain, down to D, meaning the provider is or will be in default. These ratings are explained in Appendix C to the draft updated Investment Policy.

The draft updated Investment Policy allows for Council to invest in investment providers and products that meet A-1+, A-1, or A-2 ratings. This allows investments to be made in each of the ‘big four’ Australian banks (ANZ, CBA, NAB, Westpac) and also many of the ‘second tier’ Australian banks (including Bendigo & Adelaide Bank, ME Bank, Macquarie Bank, Rural Bank).



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Whilst it is considered that the A-2 rating provides sufficient protection to Council investment funds, the draft updated Investment Policy allows a further protection by placing limits on the amount of the portfolio allowable to invest with the lower rated providers as follows:

<u>Rating</u>	<u>Maximum % of Investment Portfolio</u>
A-1+	Up to 100%
A-1	Up to 75%
A-2	Up to 50%

It is considered that these provisions contained within the draft updated Investment Policy are sufficient to effectively manage the trade-off between minimising risk and maximising return to achieve the best possible outcome for Council's investment portfolio

Legislative Implications

As mentioned above, Council must comply with S.136 of the Act in terms of implementing 'sound financial management'. The provision of an Investment Policy is in line with this requirement.

Section 143 of the Act also dictates what nature of investments Council may invest in. The section states:

143 Investments

A Council may invest any money—

- (a) in Government securities of the Commonwealth;
- (b) in securities guaranteed by the Government of Victoria;
- (c) with an authorised deposit-taking institution;
- (d) with any financial institution guaranteed by the Government of Victoria;
- (e) on deposit with an eligible money market dealer within the meaning of the *Corporations Act*;
- (f) in any other manner approved by the Minister after consultation with the Treasurer either generally or specifically, to be an authorised manner of investment for the purposes of this section.

The manners approved by the Minister in subsection (f) above are set out in the Government Gazette. These manners have not been updated since 26 July 2007 and are included in the draft updated Investment Policy.

The draft updated Investment Policy allows for compliance with the legislative requirements.



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Environmental Implications

Nil.

Financial and Budgetary Implications

The stability, nature and timing of investments has a significant impact on cash flow and hence Council's ability to meet its commitments as required.

Interest income earned from investments can be a significant addition to Council own-sourced income stream. A sustained level of interest income can result in Council becoming less dependent upon external funding.

Because of these factors, investment planning is a major factor in effective budgeting and financial planning, both in the short and longer term. The draft updated Investment Policy allows Council to build a framework to provide for effective investment planning.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Risk Management Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

It is important that Councillors, Council Officers and the public are aware that Council has an Investment Policy which provides for the prudent investment and management of Council funds. That Council has such a policy potentially has a significant positive effect on Council's public image.

Conclusion

The draft updated Investment Policy provides Council with a framework to allow for the prudent and sustainable investment of surplus funds in a manner which maximises the return on those investments whilst minimising Councils exposure to risk, whilst always remaining within the legislative and regulatory framework which Council operates within.



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OFFICER RECOMMENDATION:

That Council adopt the draft updated Investment Policy.

Attachments:

No.	Name	RecFind Ref
14.3.1	Investment Policy	18/000137



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14.4 COUNCIL MAJOR HALL HIRE POLICY

FILE NUMBER: FM0055

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

This report presents the reviewed and updated Council Major Hall Hire Policy to West Wimmera Shire Council (Council) for discussion and consideration. After taking on any recommended amendments and enhancements from Council's discussion at forum, the final draft Major Hall Hire Policy shall be presented to a forthcoming Ordinary Council Meeting for formal adoption by Council.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Council operates a number of public halls across the municipality, some of which are quite small in size with infrequent use, with some others being larger in size and attracting frequent use.

The public halls which are smaller in size or infrequently used (such as Nurcoun, Gymbowen or Apsley for example) are managed by a separate Committee of Management. Council's two most frequently used halls, the Kaniva Shire Hall and The Edenhope Mechanics Institute are directly managed by Council. It is these two halls that are covered by the Major Hall Hire Policy.

The Major Hall Hire Policy provides the frameworks for which Council will hire these two halls to members of the public or groups to hold events in.

The fees charged for hiring a major hall are outlined in the Fees and Charges Schedule appended to Council's Annual Budget. A distinction in the fees is made between community and commercial functions.

Council will in most instances require that a bond be paid before a hall may be hired. This bond is taken to contribute to any damage or loss that Council may be liable for from mis-



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use of the hall by a hirer. In the vast majority of cases the bond is returned to the hirer at the completion of the hire.

Council also requires hirers to provide a suitable public liability insurance cover for each event they are holding at a hall. Council is able to provide assistance in obtaining this (at a cost) to smaller hirers who may not have ready access to insurance.

The Major Halls Hire Policy provides for these and other matters which affect Council when hiring Council's major halls

Risk Management Implications

The hiring of Council's major hall has numerous potential risk exposures to Council.

Firstly, Council may be at serious public liability risk if an accident resulting in injury, loss or death occurs at one of its facilities. Having the Major Hall Hire Policy outline the necessary responsibilities Council and the hirer must take in order to hire a facility (including the provision of insurance) will mitigate this factor.

Council may be at financial and operational risk from damage arising or from damage caused to a facility by improper use. Having the Major Hall Hire Policy require that a hirer inform Council of the proposed use of the hall and providing that Council may take recovery action against improper use and damage mitigates some of this risk.

Council may also be at operational and reputational risk of having a facility which is not used properly for the purpose which it is intended. Having the Major Halls Hire Policy outline all requirements for hiring and using a major hall assists in mitigating this risk.

Legislative Implications

The hiring of Council's major halls shall be in line with the provisions of the *Local Government Act 1989*, in terms of risk management and also financial and asset management.

Environmental Implications

Not commented on

Financial and Budgetary Implications

There are potential financial and budgetary implications arising from the Major Hall Hire Policy.

The policy largely mitigates financial risk which may impact Council from the misuse of a Council hall.



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There are also direct asset management issues which arise from the hire of Council's major halls – these take the form of asset renewal and maintenance issues which arise from the use of Council's halls. The Major Hall Hire Policy can be used as an indicator of the use of Council's halls and a measure of their suitability for community requirements, which in turn has impact upon Council's asset renewal plans.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Council Major Hall Hire Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.

Communication Implications

The updated Council Major Hall Hire Policy will be distributed to Council's Customer Service Centres and to staff who have direct responsibility for processing and/or managing hire applications or promoting Council's services to our Community.

All potential hirers will be made aware of the contents of the Policy.

Conclusion

The Council Major Hall Hire Policy provides Council with a framework for the effective public hiring and use of Council's major hall facilities which minimises risk to all parties and promotes sustainable use of Council's major hall facilities.

OFFICER RECOMMENDATION:

That Council adopts the updated draft Council Major Hall Hire Policy.

Attachments:

No.	Name	RecFind Ref
14.4.1	Draft Major Hall Hire Policy	18/000231



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14.5 BECOMING A NDIS REGISTERED PROVIDER

FILE NUMBER: CS0042

REPORT AUTHOR: JO GRANT- COMMUNITY SERVICE TEAM LEADER

FOR DECISION

Introduction

The National Disability Insurance Scheme (NDIS) commenced rollout in West Wimmera Shire Council (Council) on 1 October 2017.

To provide services under NDIS the agency providing those services must first be registered as an NDIS provider.

At this stage Council has not registered as an NDIS provider and as such cannot provide services under the NDIS.

This report was previously provided to Council at Council Forum for information. It is provided to Councillors at the Ordinary Council Meeting for decision.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The National Disability Insurance Scheme (NDIS) is the largest social reform since Medicare. The NDIS is administered by the National Disability Insurance Agency (NDIA) and is a national approach based on Insurance principles that will provide individual supports and services for people with disability and to a lesser extent their families and carers.

The NDIS takes a flexible, whole-of-life approach to working with participants, their families and carers, to identify the reasonable and necessary supports each participant will need to enable them to achieve their goals and develop individualised plans. The NDIS provides participants with more choice and control over how, when and where their supports are provided. It also provides certainty that they will receive the support they need over their lifetime. The NDIS also works to connect participants with community and mainstream supports.



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The NDIS funds the additional reasonable and necessary supports to help participants (under 65 years) pursue their goals and aspirations, and participate in daily life. Helping people to build their social and economic participation requires the NDIS to work closely with community organisations to identify opportunities for people with disability.

The introduction of the NDIS will see a shift away from generic disability block funded programs to individualised funding responses. For example, group block funded respite funded programs will move to a personalised service that is tailored to what an individual wants and needs. Disability services will move to an open market, where any organisation can offer services as long as they are registered as an NDIS service provider.

Current block funding of the Home and Community Care Program for Younger People (HACC PYP- for the under 65's) funded by the Department of Health and Humans Services (DHHS) will cease as of the 30th June 2018 at the end of the 'in-kind' period. The 'in-kind' period is to provide funding for service providers to support current clients to transition to the NDIS and mainstream supports. Funding will be reduced as client's transition to NDIS, limited funding is expected be available for clients deemed not eligible for NDIS services but this arrangement is still currently being finalised by the state government.

As of October 1 2017 a small number of service providers have commenced offering NDIS services to our region:

- Just Better Care (based out of Horsham)
- West Wimmera Health Services (Based out of Nhill)

These service providers operate under differing award and industrial structures to Council and as such have a lower cost base. They also have the benefit of being large specialist organisations which can take the benefits of economies of scale from the services they provide. Council on the other hand services a relatively small area with a smaller number of overall potential clients than the other mentioned service providers, and as such incurs a high overhead (i.e administration, travel, asset costs) per unit than a larger provider would.

Risk Management Implications

Trying to work within the constructed and unrealistic price guide set by the NDIA, as well as completing the onerous administration tasks will create a large financial burden to council. No other charges can be added to the cost of the support, including credit card surcharges, or any additional fees including any 'gap' fees, late payment fees or cancellation fees.

The NDIS does not appear to be a scheme that will be able to provide all the benefits to participants in rural areas as it can in metropolitan location. Due to the payment restrictions and the insufficient reimbursement for travel, if a client lives in a rural or remote area they will in all likelihood not receive service unless-

- They have family who will provide the services



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- They sell up (farm, house and or property) and move to where there is service provision.

There is a risk to our reputation that we will not be able to provide the best service to the participants or fully meet the requirement of our residents due to the rigid structure and complexity of the scheme.

There is a risk of market failure in the area and a very small number of residents who wish to access the scheme, may be unable to receive services due to no registered providers in the area. In previous conversations with the NDIA, they did acknowledge the chance of market failure in the whole of the Western end of the Grampians region, and discussed that in that instance they may have to negotiate with Local Government to continue providing the services under a limited tender to allow providers a chance to move into the area.

The onus of claiming the correct supports is on the provider, but the participant is under no obligation to advise the provider if they have changed their plans and are no longer eligible for specific supports. This can mean that services could continue in good faith, when the participant is no longer eligible and NDIS will no longer pay. This could be as simple as a participant changing their plan type due to limited access to internet, or declining health and not being made aware by NDIS what the implications of these changes could be to the participant.

Legislative Implications

Victorian Local Government Award 2015
The Fair Work Act 2009

Environmental Implications

Nil

Financial and Budgetary Implications

Council cannot sustainably work within the prices set by the NDIA, as we are governed by the Enterprise Bargaining Agreement (EBA) and the Victorian Local Government Award 2015 to pay a prescribed amount. We are regulated under the EBA to pay our staff above the rate specified by the NDIA. There is no means to claim any payment for administrative tasks that must be completed to meet to the NDIS requirements, and the NDIA will only pay 20 minutes of travel when the council EBA states we will pay \$1.05 per km. NDIS expect that the administration tasks, travel costs as well as the actual service required to be accomplished within their pricing structure.

There may be a need for another Client Management software program. The one we currently use for both the Commonwealth Home Support Program (CHSP) and the VIC HACC PYP, was not designed for programs that are not bulk funded. The current Client



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Management software program is unable to produce the reports and requires managing payments and reporting, and to track individual client outcomes and plan supports.

There would be a substantial increase in staffing resources required, in both the Community Service administration and the finance department. The NDIS require individual invoices for each client, as well as individual service bookings to be made for each client via an on-line portal.

NDIA has a fee varying from \$50 - \$70 for each employee to complete any NDIS training sessions, including webinars.

NDIA has classified the West Wimmera Shire Council as being an outer regional location, so we are not eligible for the loading of 20 – 25% to the existing price guide for rural and remote locations. Travel will only be paid in some circumstances and limited to 20 minutes.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
None applicable

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

If council was to decide to become a registered NDIS provider we would advise all current client receiving services under the HACC PYP program, who may be eligible in getting NDIS services via letter. We would also investigate an advertising campaign to provide the information to eligible NDIS clients not currently receiving services from the West Wimmera Shire.



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Conclusion

While the NDIS program has been developed to provide participants with more choice and control over how, when and where their supports are provided, data indicates that people with mental health and psychosocial disability are more likely to report less choice and control over supports since becoming NDIS participants. Many vulnerable families are unable to navigate the NDIA website to find what services and providers are available, and those less able to articulate support needs, are less likely to experience greater choice over their supports. Exercising choice was also constrained for those living in non-metropolitan locations with fewer service providers.

With the program not being designed to take into account issues specific to rural locations, especially the ever increasing cost of travel and the technology and digital divide. The NDIS requires participants to manage their plans with the preferred method being online. Many clients in our shire are unable to access the internet and/or use digital technology and are then disadvantaged with supports and financially, because of the time NDIS take to action paper based requests and invoices.

The NDIS is looking to create new competitive markets, and have set the price guide as the market steward to encourage new businesses to form within the disability sector. In doing so, the NDIA have made it financially unsustainable for any rural council to continue being a service provider under NDIS.

Therefore this report has been submitted to the February Council meeting recommending:

That the West Wimmera Shire Council do not register as a NDIS provider and instead continue to support and advocacy for our clients who will be the most affected in our community.

- To continue the dialogue with the NDIS transitional team, NDIA, MAV and State Government to ensure they are aware of the issues facing residents and to advocate for the best results.
- To assist with any eligible clients to smoothly transition to the NDIS and mainstream service providers that register as a NDIS provider.

OFFICER RECOMMENDATION:

That Council resolves NOT to register as a provider for the National Disability Insurance Scheme.

Attachments: Nil



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14.6 RISK MANAGEMENT POLICY AND PROCEDURE

FILE NUMBER: FM0055

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

This report presents the reviewed and updated Risk Management Policy to West Wimmera Shire Council (Council) for discussion and consideration. This policy was previously presented for discussion at Council Forum held on 7 February and is now presented to the Ordinary Council Meeting in its final revised form for formal adoption by Council

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Risk Management is one of the fundamental building blocks of an effective corporate governance system.

Risk Management allows for the identification and mitigations of risk and risk-driven behaviours which may have a negative effect upon the operation and service delivery of Council.

The Risk Management Policy and Procedure allows Council to create a framework to effectively manage and mitigate all potential risks to Council's operations.

Risk Management Implications

For the Purposes of Council's Risk Register, risk is broken into three main 'threat categories':

- Financial
- Operational
- Reputational

(note: it is possible for a single risk to exhibit two or all three of these)



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The Risk Management Procedure details the risk likelihood and risk consequence ratings Council uses in determining the overall level of risk each item or action presents.

Each item on the Risk Register is assessed by these criteria for an overall risk rating. The risk rating is firstly assessed in reference to the inherent controls available, that is the base control processes that exist from legislation or regular operational practices and requirements. These may include legislated reporting, or IT system balancing mechanisms for example.

Each item is then further assessed after Council's own unique internal control systems are applied. These can be additional reporting Council requires, additional processes that exist under other Council policies and procedures, or management or audit directives to undertake a particular action specifically to reduce risk.

Legislative Implications

The *Local Government Act 1989* makes many references to Council managing risk. The provision of the Risk Management Policy and Risk Management Procedure provide Council with the basis for managing risk effectively.

There are also various other items of legislation which relate to the management of risk which apply to Council such as the *Occupational Health and Safety Act 2004*.

Environmental Implications

Not commented on

Financial and Budgetary Implications

There are negligible financial and budgetary implications of the Risk Management Policy to Council. There may be some minor compliance costs with the maintenance and implementation of systems, however there will be an overall benefit to Council arising from implementing an effective Risk Management system, from which one direct financial benefit will be the reduction of Council's exposure to potential fines and/or compensation claims.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Risk Management Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:



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- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

Risk Management is the responsibility of all staff and Councillors. The policy and procedures will be distributed to all staff.

Council's Risk Management Committee will oversee the implementation of and ongoing compliance with the policy.

While Council requires all contractors to have demonstrated risk management policies of their own, Contractors who perform regular on-site work for Council will also be expected to abide by the provision of Council's Risk Management Policy and Procedure.

Conclusion

The Risk Management Policy and Procedure provide Council with the basis for establishing and maintaining an effective risk management control environment. Effective risk management is a fundamental building block of any effective system of good governance.

OFFICER RECOMMENDATION:

That Council adopts the updated draft Risk Management Policy and Procedure.

Attachments:

No.	Name	RecFind Ref
14.6.1	Draft Risk Management Policy	18/000166
14.6.2	Draft Risk Management Procedure	18/000166
14.6.3	Risk Register	18/000166



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15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2017), Meeting Procedure and Common Seal Local Law 2017, West Wimmera Shire Council:

28. Urgent Business

Business must not be admitted as urgent business unless it:

- i. Relates to or arises out of a matter which has arisen since distribution of the agenda; and*
- ii. Cannot safely or conveniently be deferred until the next Ordinary Meeting.*

16.0 SEALING SCHEDULE

Nil

17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 89)

RECOMMENDATION

That Council pursuant to section 89(2) (d) Contractual Matters and (f) Legal advice of the Local Government Act 1989 close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

17.1 KANIVA HUB AUDIT

17.2 INTERNAL AUDIT PROGRAM

17.3 LEASE CONVERSION TO PURCHASE: MOTOR GRADER CMO358

17.4 SUPPLY AND DELIVERY OF A CREW TIP TRUCK CMO473

17.5 SUPPLY AND DELIVERY OF A HEAVY RIGID TRUCK CMO474

17.6 PANEL: STATUTORY AND STRATEGIC PLANNING SERVICES CMO475

17.7 VICTORIA FLOODS AND STORMS: SEPT – OCT 2016 AGRN 728 – COMPREHENSIVE REPORT – RESOLUTION COUNCIL 20 DEC 2017



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RECOMMENDATION

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at pm.

MEETING CONCLUDED:

NEXT MEETING:

**21 MARCH 2018
EDENHOPE COUNCIL CHAMBER**