



Question on Notice
WEST WIMMERA SHIRE COUNCIL

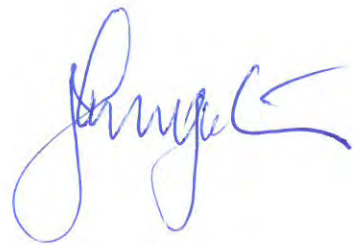
Question on notice details provided by resident:

Name of Resident	GEOFF LANGSWORTH		
Address of Resident	177 ELISABETH ST. EDENHOLE. 3318		
Contact Number	0409 557911	Email	GLANGSWORTH@aigland.com
Subject	WALKING TRACK- LAKE WALLACE		
Question:			
<p>THE CONDITION OF THE WALKING TRACK AROUND LAKE IS RAPIDLY DETERIORATING AND REQUIRES IMMEDIATE ATTENTION TO PREVENT POTENTIAL ACCIDENTS AND INJURIES INJURIES.</p> <p>MY QUESTIONS TO THE COUNCIL/COUNCILLORS ARE</p> <p>1- IS THE COUNCIL/COUNCILLORS AWARE OF THE POOR CONDITION OF THE TRACK?</p> <p>2- WHAT ACTIONS TO REPAIR THE TRACK ARE PLANNED?</p> <p>3- WHEN WILL WORK COMMENCE TO ADDRESS THIS PROBLEM?</p>			
Date Submitted	05-08-2019	Date of Council Meeting	21-08-2019

IT WOULD BE APPRECIATED IF A WRITTEN
REPLY COULD BE PROVIDED ADVISING
WHAT ACTIONS ARE PLANNED & WHEN
THEY WILL TAKE PLACE.

Yours sincerely

GEOFF LANGSWORTH

A handwritten signature in blue ink, appearing to read 'Geoff', with a large, stylized flourish extending to the right.

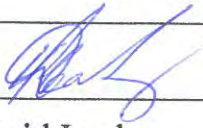


NOTICE OF MOTION
WEST WIMMERA SHIRE COUNCIL

Notice of Motion No:	2019 / 07
Preamble	Childcare in Edenhope
<p>Edenhope and District communities are severely disadvantaged by inadequate childcare, in particular since the Uniting Care Family Day Care service ceased.</p> <p>This is impacting on council and other employers and the ability to attract families and employees to the region.</p> <p>This is affecting the mental health of many residents, who are trying to operate small businesses (including farms) as well as care for their children.</p> <p>For those who work for a wage, they are giving up shifts or whole positions as they can't find secure childcare.</p> <p>Extended families are becoming burnt out and friendships tested as families fight for the casual options available or ask for favours. As there is no 'before school' or 'after school' care either, families with students up to High School age are affected by the lack of care.</p> <p>The return of Family Day Care alone is not enough to service the region, with local surveys indicating it will not meet current needs, let alone provide spaces for attracting new residents and families.</p> <p>In contrast, families in larger centres (and even some smaller towns like Balmoral) can be secure in the knowledge they can return to work after childbirth, with support of a Childcare Centre.</p>	
Motion:	
<p>That West Wimmera Shire Council actively assist the Edenhope and District community to lobby for childcare services, including a Full Time Childcare Centre, to adequately cater to the needs of the growing district.</p>	
Councillor's Signature:	Trevor
Councillor's Name:	TREVOR DOMISCHENZ
Date:	12/8/2019



NOTICE OF MOTION
WEST WIMMERA SHIRE COUNCIL

CEO's Signature:	
Chief Executive Officer:	David Leahy
Date:	12/8/2019



COUNCIL POLICY

Election Period Policy	Policy No:	
	Adopted by Council:	24-Mar-2016 21-Aug-2019
	Next review date:	24-Mar-2019 Aug-2023
Senior Manager:	Chief Executive Officer	
Responsible Officer:	Chief Executive Officer	
Functional Area:	Governance	

Introduction & Background

Section 93B of the [Local Government Act 1989](#) requires all [Councils](#) to adopt and maintain an [Election Period Policy](#) to explain to their communities how they will conduct their business immediately prior to an election (election period).

[Section 93B of the Act also requires all Councils to review, and if required, amend this policy no later than 12 months before the commencement of the next general election period.](#)

This policy will ensure [Council Elections](#) are not compromised by inappropriate electioneering by existing [Councillors](#), actions and decisions which could be perceived as influencing voters are avoided and the authority of the incoming council is safeguarded.

Purpose & Objectives

This policy provides a framework for Councillors and staff and outlines expected behaviours for the conduct of Council business during the lead-up to the general election for ~~2016~~ [2020](#).

The policy will ensure that the election is conducted in a transparent and accountable manner; the highest standard of governance is achieved and the statutory requirements of the *Local Government Act 1989 (the Act)* are met.

The policy will achieve greater consistency and rigour in Council procedures and reduce ambiguity and confusion surrounding caretaker arrangements in the 32 days leading up to the conduct of the general election (election period).

[Once the 2019 review of the Local Government Act 1989 has been completed, this policy will again be reviewed and updated so that it reflects the amendments to the Act.](#)



Council is committed to:

- ensuring that the ordinary business of local government in West Wimmera continues throughout an election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions;
- ensuring that the ongoing ordinary business of Council is kept separate from Councillors' activities which relate to the election;
- ensuring that in the run-up to an election, Council does not make decisions which inappropriately bind the next Council;
- avoiding making significant new policies or decisions that could unreasonably bind a future Council; and
- ensuring that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

Definitions

Election Period

The statutory caretaker requirements apply during the 'election period'. For the ~~2020~~ ~~2016~~ Council elections, this means that the mandatory election period will be from midnight at the end of ~~22~~ ~~20~~ September ~~2020~~ ~~2016~~ to 6 pm on ~~24~~ ~~22~~ October ~~2020~~ ~~2016~~ (Election Day). (A Council may at its discretion decide to implement caretaker arrangements from an earlier date.)

Election candidates

All sitting Councillors will be considered as being election candidates until the close of nominations.

Electoral matter

Means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting the election) (s3(1A)).

Includes, but is not limited to, material that deals with the election or election candidates or issues of contention in the election, e.g.

- publicity of the strengths or weaknesses of a candidate
- advocacy of the policies of the Council or of a candidate
- response to claims made by a candidate
- publicity of achievements of the elected Council

Policy Details

The policy addresses decisions during elections, use of Council resources, Council publications, and media and communications issues.



1. Preventing Inappropriate Decisions and Misuse of Resources

Given the relatively short election period, Council will reschedule most decisions until after the new Council commences its term, or if that is not appropriate, bring decisions forward so they are determined before the election period starts.

Council will continue to hold council meetings during the election period; however, the following decisions will be avoided completely in the 32 days leading up to the general election:

Major Policy Decisions

- a) the employment or remuneration of a Chief Executive Officer under Section 94, other than a decision to appoint an acting Chief Executive Officer;
- b) the termination of a Chief Executive Officer under Section 94 of the Act;
- c) entering into a contract the total value of which exceeds whichever is the greater of:
 - i. \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or
 - ii. 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.
- d) the use of entrepreneurial powers under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the preceding financial year.

[For the ~~2020/2016~~ caretaker period 1% of the ~~2019/2020 2015/2016~~ rate revenue is ~~\$67,876 \$63,557~~. This does not include revenue from special rates or special charges.]

Other types of decisions that Council will not make during an election period are:

1. Allocating community grants or other forms of direct funding to community organisations.
2. Major planning scheme amendments.
3. Changes to strategic objectives or strategies in the Council Plan.
4. Any decisions of a significant nature and which would unnecessarily bind an incoming Council.

Council commits that any other decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement. It is noted that to avoid making certain decisions during an election (other than decisions prohibited under section 93A) is not legally binding; however, if it becomes important to make a decision contrary to this policy during the election period, the necessity will need to be demonstrated to the community.

If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for Local Government for an exemption from the application of section 93A to the major policy decision specified in the application.

Council will consult with Local Government Victoria before writing to the Minister and confirm what details should be included in the application to avoid unnecessary delays.



It is understood that Council cannot assume that an application will be granted. Scope to grant exemptions is limited because the Minister must be satisfied that the circumstances are extraordinary. The Minister will also consider whether granting the application is in the public interest.

Should a Council make a major policy decision within the election period, the decision is invalid. [s93A(4)]

Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage. S93A(5)

Papers prepared for Council meetings during the election period will be carefully vetted by the Chief Executive Officer to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage eCouncillor candidates to use the item as part of their electioneering. Council commits that all eCouncillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

Use of Council resources

Public resources must not be used in any way that would influence the way people vote in elections or give Councillors any inappropriate real or perceived electoral advantage. Councillors will be treated in the same way as other candidates on access to council resources. The following guidelines will ensure that due propriety is observed in the use of and access to staff, property, equipment and other resources during the election period.

- Councillors will continue to be provided with resources during the election period to continue to perform their elected role.
- Council resources, including officers, support staff, email services, equipment (ie: computers, ipads, photocopiers, motor vehicles), branding and stationery, are only to be used for normal Council business and are not to be used for any election campaign activities.

No Council logos, letterheads, uniforms or other West Wimmera Shire Council branding will be used for, or linked in any way to, a candidate's election campaign.

Staff must:

- avoid assisting Councillors in ways that are or could create a perception that they are being used for electoral purposes
- report any interest in being involved privately in the election campaign of any candidate to the Chief Executive Officer
- not provide any information to any candidate or prospective candidate other than information that is available to the general public and will direct all election enquiries to the Returning Officer
- report to the Chief Executive Officer when the use of resources might be construed as being related to a candidate's election campaign
- Not make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.
- Not promote any eCouncillors in social media.



Councillors must:

- Not use Council resources for any election campaign activities except as provided for under this policy. These resources include but not limited to Council provided motor Vehicle, Council uniforms, IT equipment, telephone, stationery.
- Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.
- Not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign
- Not ask Councillor support staff to undertake any tasks indirectly or directly connected with a Councillor candidate's election campaign
- Not exert undue influence over the timing of works or the delivery of Council services that may result in a political gain for electoral purposes.
- Adhere to all provisions of Section 76D of the Act - Misuse of Position.

Where Councillors have Council funded services such as internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.

2. Limiting public consultation and council events

Council will defer any scheduled Community Forum until after the election period.

~~The following Special Committees of Council formed under Section 86 of the Act will be requested to defer any meeting until after the election period:~~

- ~~• General Special Committee~~
- ~~• Economic Development Special Committee~~
- ~~• Kaniva Museum and Historical Collection Special Committee~~
- ~~• Johnny Mullagh Cricket Centre Special Committee~~
- ~~• West Wimmera Shire Council Plant Special Committee~~

~~In addition, to the above committees,~~ Council will not accept any questions from members of public without the question being placed on the Council agenda, as it constitutes community consultation. The Chief Executive Officer will review all questions on notice and will make a decision if an item could be placed on Council's agenda.

Consultation is an integral part of Council's policy development process and operations. However there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting. Issues raised through the consultation and decisions that follow may also unreasonably bind the incoming Council.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be reminded that they are representing Council and are not to use the opportunity for electioneering.

Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.



Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.

3. Equitable access to eCouncil information

Councillors will be treated in the same way as other candidates with respect to access to the council held information. The following guidelines will ensure that due propriety is observed in the use of and access to information during the election period.

- Councillors may continue to automatically access council held documents during the election period, but only as is necessary for them to perform their elected role and functions.
- Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.
- Any document made available to eCouncillors will also be made available to candidates.
- Applications for access to council information by all parties will be processed by the Chief Executive Officer, who will ensure that information made available to one candidate is accessible to all candidates.

Council Publications

s. 55D – Prohibition on Council

A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer. (This power may not be delegated to another member of Council staff.) This does not include publication of any document published before the commencement of the election period (but still available after commencement, e.g., on Council's website) and publication of any document required to be published in accordance with, or under, any Act or regulation, e.g., rate notices, food premises registrations.

All publications including, newsletters, advertisements and notices, media releases, leaflets and brochures and mail outs during the election period will be certified by the Chief Executive Officer that they do not contain electoral matter before being printed or published or distributed. (This power may not be delegated to another member of Council staff.) This also applies to the publication of such material on the Council's website. The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.



Council staff will avoid all publication activity, including updated or new information added to its website during the election period except where printing, publishing or distributing a document is essential for the conduct of Council operations.

The Act imposes these limitations during the election period to ensure the Council does not publish material with public funds that may influence, or be seen to influence people's voting decisions.

Annual Report

Council will produce its [2019-2020](#) ~~2015-2016~~ Annual Report and submit it to the Minister for Local Government in accordance with the Act. The Annual Report may be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters. It may also be required for the Annual Report to be the subject of a Special Meeting of Council to confirm the completion of the Annual Report. If it is appropriate, the special meeting will be held post-election period. The wider distribution of annual report and placing the annual report on Council website will be done after the election.

Other

Emails that are part of the normal conduct of Council business will not require certification; however any emails with multiple addressees, used for broad communication, will be subject to the certification process.

All reports listed for consideration by Council through agendas prepared during the election period will be checked by the Chief Executive Officer for compliance with section 55D. An 'Election Period Statement' will be included in every report submitted to the Council or Council Committee for a decision.

The Electoral material, including pamphlets, posters and notices will not be visible or available at any council premises, including libraries, during the election period. The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.

Councillors may use the title 'Councillor' in their election material as they continue to hold the positions in the period; however to avoid confusion, Councillors must ensure that any election publication using the title Councillor clearly indicates that it is their own material and does not represent Council.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the Chief Executive Officer for consideration.



Expenses incurred by Councillors

Claims for the reimbursement of expenses shall only relate to expenditure incurred whilst conducting Council business in accordance with *Council's Expense Entitlement & Support Policy* and not election activities.

Media/Communications issues

Media Releases and other media statements are regarded as documents that require certification by the CEO. All official media statements will only be made by the Chief Executive Officer.

Media Releases or other media statements will not refer to specific Councillors or feature any photograph, quote or name of incumbent Councillors during the election period. Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the Chief Executive Officer.

Media statements dealing with their election campaign must be issued by Councillors privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the Council in the community.

Staff will not provide advice or assistance in the preparation of media releases or other media statements that contain electoral material.

Council staff must not make any public statement that can be interpreted as a political comment or have an influence on the electoral process.

Social Media

Any publication on social media sites which are auspice by the Council is to be certified by the CEO.

Council staff will undertake constant monitoring of social media site (Facebook) during the election period to ensure no electoral matter is posted.

For the duration of the election period, the ability for the public to post comments on Council's social media sites will be disabled.

Website

Council's website will not be used to convey information that could be regarded as electoral material but will contain information about the election process.

Council's website will be checked at the start of the election period to ensure that any information that might be regarded as likely to influence how people vote will be removed, including photos of [eCouncillors](#) at publicity events. Profiles of Councillors will also be removed but contact details and photos will remain.



Responsibilities

The Chief Executive Officer is responsible for overseeing adherence to the policy.

Councillors and staff are responsible for reporting any breach or suspected breach of this policy to the Chief Executive Officer.

Stakeholders

The following people are directly affected by the policy:

Councillors

Chief Executive Officer

Council [Directors](#) ~~General Managers~~

Review

Following the ~~2020~~ [2016](#) ~~g~~General ~~e~~Election Council will continue to maintain the policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.

Communication/Implementation

The policy must be transparent and accessible. It will be communicated to Councillors and staff in accordance with the Council's policy administrative processes. It will also be made public on the council's website and available in hardcopy for public inspection. Copies will be made available to each Councillor on Docs on Tap.

Charter of Human Rights Compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

Policy Adopted:	Ordinary Meeting 24 March 2016	Minute Book Page	RecFind 16/001332
Policy Reviewed:	Ordinary Meeting 21/08/19		



Procedure

Operation: This procedure applies during the Election Period (i.e., from midnight at the end of 22 September 2020 ~~20 September 2016~~ to 6 pm on 24 October 2020 ~~22 October 2016~~ (election day). The procedure is to be used for certifying any publication, pursuant to s.55D of the Local Government Act 1989.

Background: All requests for advertisements or publications during the Election Period must be certified by the CEO, to confirm that they do not contain election material, prior to being printed or published or distributed.

Definitions: "Publication" means any advertisement, pamphlet, handbill, press release, notice or similar.

Process:

- All publications during the Election Period must be emailed to the Governance Officer at eso@westwimmera.vic.gov.au so that arrangements for certification can be made. If there is any doubt about whether the material is subject to the procedure, it should be forwarded to the above email address, for checking.
- The role of the Governance Officer is to read the proposed publication and check that no election material is present (unless it is factual election process information).
- The Governance Officer will send the proposed publication to the CEO via email with suggested wording as set out below.
- CEO to send back approval and certify in writing (email is acceptable and preferable). CEO to use a Corporate signature that is used in emails, certification wording is below. This certification power cannot be delegated to any other person.
- When certification is received back from CEO, the email is to be saved into the RecFind system "Election ~~2020~~ ~~2016~~ - Management - Certified Publications". The naming convention to be used when saving the email is "Certified Publication - (insert name of publication) - (date)." This will enable a record to be maintained of all certified publications.

Standard text to accompany Governance Officer email to CEO:

"This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge. In accordance with the requirements of s.55D(1) of the Local Government Act 1989 can you please certify in writing that you authorise for this material to be printed, published or distributed."

Standard certification to be used by the CEO as part of "corporate signature" for certification emails:

"I certify that the attached material is suitable for printing, publishing or distributing on behalf of West Wimmera Shire Council."

S11. Instrument of Appointment and Authorisation

West Wimmera Shire Council

Instrument of Appointment and Authorisation

Adopted by Council Resolution : Wednesday 21 August 2019

Note that in this document we have used the following abbreviations to detail appropriate officers appointed or authorised in respect of the relevant legislation:

- [MBS] means Municipal Building Surveyor; (Mr Terry Ken Baker)
- [LL] means Natural Resources, Local Laws Officer, Fire prevention, Animal Control Officer; Mr Paul Cameron and Ms Donna Gurney
- [MPE] means Planning Officer & Environment Manager;
- [EHO] means Environmental Health Officer.
- [DIDW] means Director Infrastructure Development and Works
- [RO] means Rates Officer;
- [CM] means Contracts Manager;
- [AGISC] means Assets & GIS Coordinator;
- [TL] means Team Leader;
- [ME] means Manager Engineering;

Instrument of Appointment and Authorisation

In this instrument “**officer**” means-

Terry Ken Baker	- Municipal Building Surveyor
	- Manager Planning and Environment
Adrian Schmidt	- Natural Resources, Local Laws, Fire Prevention, Animal Control Officer
Paul Cameron	- Natural Resources, Local Laws, Fire Prevention, Animal Control Officer
Donna Gurney	- Natural Resources, Local Laws, Fire Prevention, Animal Control Officer
Lettie Korf	- Rates Officer
Nicole Wearne	- Environmental Health Officer
Mark Marziale	- Director Infrastructure Development & Works
Bernie Maddern	- Contracts Manager
Terry Ough	- Works Manager
Hayden Baird	- Assets & GIS Coordinator
Neville Mulraney	- Team Leader
Steve Carter	- Team Leader
Peter Riley	- Team Leader
John Griffiths	- Manager Engineering
Ashley Roberts	- Director Corporate and Community Services
Desiree Rodgers	- Finance Manager

By this instrument of appointment and authorisation West Wimmera Shire Council -

PART A

- | | |
|--|-----------------------------|
| the <i>Building Act 1993</i> | [MBS – Mr Terry Ken Baker] |
| the <i>Country Fire Authority Act 1958</i> | [LL] |
| the <i>Domestic Animals Act 1994</i> | [LL, EHO, MPE] |
| the <i>Emergency Management Act 1986</i> | [DIDW, LL, MPE] |
| the <i>Environment Protection Act 1970</i> | [EHO, PEM, LL] |
| the <i>Fire Services Property Levy Act 2012</i> | [FM, DCCS] |
| the <i>Food Act 1984</i> | [EHO] |
| the <i>Graffiti Prevention Act 2007</i> | [LL,MPE] |
| the <i>Housing Act 1983</i> | [EHO, MBS – Mr Terry Baker] |
| the <i>Impounding of Livestock Act 1994</i> | [LL,MPE] |
| the <i>Land Act 1958</i> | [MPE, MBS] |
| the <i>Local Government Act 1989</i> | [DCCS] |
| the <i>Public Health and Wellbeing Act 2008</i> ¹ | [EHO] |
| Part 14 of the <i>Residential Tenancies Act 1997</i> | [EHO] |
| the <i>Road Management Act 2004</i> | [ME] |
| the <i>Road Safety Act 1986</i> | [ME] |
| the <i>Summary Offences Act 1966</i> | [EHO] |
| the <i>Tobacco Act 1987</i> ² | [DCCS, RO] |
| the <i>Valuation of Land Act 1960</i> | |

and any other Act, regulation or local law which relates to the functions and powers of the Council;

4. under section 96A(1)(b) of the *Country Fire Authority Act 1958* – appoints the officer (LL) to be fire prevention officer.

² This Act provides for the CEO of a Council to nominate a person to be an inspector for the purposes of the Act and the Secretary may then appoint them to be an inspector (see section 36). An environmental health officer appointed under the *Public Health and Wellbeing Act 2008* is also regarded as an inspector under this Act.



5. under section 72 of the *Domestic Animals Act 1994* - appoints the officers to be Council authorised officers for the purposes of the *Domestic Animals Act 1994*. [LL, EHO, MPE]
-
6. under section 21 of the *Emergency Management Act 1986* – appoints the officer to be Municipal Emergency Resource Officer. [DIDW]
-
7. under section 4(1) of the *Environment Protection Act 1970* - appoints the officers to be litter enforcement officers for the purposes of the *Environment Protection Act 1970*. [MPE, LL]
AND
8. under section 48A of the *Environment Protection Act 1970* – appoints the officers to be authorised officers for the purposes of section 48A. [MPE, EHO, TLL]
-
9. under section 23 of the *Fire Services Property Levy Act 2012* – appoints the officers to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012*.³
[DCCS, FM, RO]
-
10. for the purposes of 20 of the *Food Act 1984* = appoints the officer to be an authorised officer for the purposes of the *Food Act 1984* [EHO]
-
11. under section 19(1) of the *Graffiti Prevention Act 2007* – appoints the officers to be an authorised person for the purposes of carrying out Council's functions under section 18, [LL, MPE]
-
12. under section 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under section 71. [EHO, MBS – Mr Terry Ken Baker]
-
13. under section 190 of the *Land Act 1958* – authorises the officers for the purposes of section 190 of that Act.⁴ [PEM, MBS – Mr Terry Ken Baker]
-
14. under section 81Y of the *Local Government Act 1989* – appoints the officer to be the Principal Conduct Officer.⁵ [DCCS- Mr Ashley Roberts]
-

³ Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012* (except in Part 4 of that Act).

⁴ Authorisation requires the consent of the Minister (see section 190 of the *Land Act 1958*).

-
15. under section 29 of the *Public Health and Wellbeing Act 2008*, - appoints the officer to be **an** Environmental Health Officer for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*. [EHO]
-

16. under section 525(2) of the *Residential Tenancies Act 1997* - appoints the officer to exercise the powers set out in section 526 of that Act. [EHO]
-

17. under section 71(3) of the *Road Management Act 2004* – appoints the officers to be authorised officers for the purposes of the *Road Management Act 2004*. [ME, WM, AGISC]
-

18. under section 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under section 59(1)(a) of that Act. [ME, WM]

AND

19. under section 59(1)(d) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under section 59(1)(d) of that Act. [ME, WM]

AND

20. under section 87(1A) of the *Road Safety Act 1986* – authorises the officer to exercise the power in section 87(1A) of that Act.⁶ [ME, WM]

AND

21. under section 87(1B)(c) of the *Road Safety Act 1986* – authorises the officer to exercise the power in section 87(1B)(c). [ME,WM]
-

PART C

22. under -
 section 232 of the *Local Government Act 1989*⁷
 section 527 of the *Residential Tenancies Act 1997*
 section 77(2)(b) of the *Road Safety Act 1986*⁸
 section 77(4) of the *Road Safety Act*
 sections 48A(9)(c) and 59(3) of the *Environment Protection Act 1970*
 section 241 of the *Building Act 1993*
 section 92 of the *Domestic Animals Act 1994*⁹
 section 96 of the *Road Management Act 2004*
-

⁵ Only an 'eligible person' may be appointed (see the requirements in section 81Y of the *Local Government Act 1989*).

⁶ Council must ensure that a person appointed under section 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see section 87(1C)).

⁷ A person authorised under section 232 of the *Local Government Act 1989* is also authorised to bring proceedings under the *Fire Services Property Levy Act 2012* (see section 22 of the *Fire Services Property Levy Act 2012*).

⁸ A person authorised under sections 77(2)(b) and/or 77(4) of the *Road Safety Act 1986* is also an authorised officer for the purposes of rules 203 and 307 of the *Road Safety Road Rules 2009*.

⁹ Council may only appoint an authorised officer who is also appointed under section 72 of the Act.



section 33A of the *Impounding of Livestock Act 1994*
section 10(4) of the *Graffiti Prevention Act 2007*
section 219 of the *Public Health and Wellbeing Act 2008*
section 45AC of the *Food Act 1984*

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, regulations and local laws described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the West Wimmera Shire Council made on Wednesday 21 August 2019

.....
Councillor

.....
Councillor

.....
Chief Executive Officer

Date: 21 August 2019

*S11A Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)*

West Wimmera Shire Council

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987* only)**

Adopted by Council Resolution : Wednesday 21 August 2019

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

DIDW means – Director Infrastructure Development and Works (Mark Marziale)
MPE means – Manager Planning and Environment (David Pietsch)
PO means – Planning Officer (Ursula van Dyck and Bernadine Pringle)
EHO means – Environmental Health Officer (Nicole Wearne)

By this instrument of appointment and authorisation West Wimmera Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and [MPE, PO, EHO, DIDW]
2. under s 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the West Wimmera Shire Council made on Wednesday 21 August 2019

.....
Councillor

.....
Councillor

.....
Chief Executive Officer

Date: 21 August 2019



Victorian Current Acts

LOCAL GOVERNMENT ACT 1989 - SECT 189 Restriction on power to sell land**LOCAL GOVERNMENT ACT 1989 - SECT 189****Restriction on power to sell land**

(1) Except where section 181 or 191 applies, if a **Council** sells or exchanges any land it must comply with this section.

(2) Before selling or exchanging the land the **Council** must—

(a) ensure that **public notice** of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and

S. 189(2)(b) amended by Nos 91/1994 s. 36(6), 94/2009 s. 31(2).

(b) obtain from a **person** who holds the qualifications or experience specified under section 13DA(2) of the **Valuation of Land Act 1960** a valuation of the land which is made not more than 6 months prior to the sale or exchange.

(3) A **person** has a right to make a submission under section 223 on the proposed sale or exchange.

S. 189(4) inserted by No. 125/1993 s. 23, amended by No. 67/2008 s. 68.

(4) Subsection (3) does not apply to the sale of land that formed part of a road that has been discontinued and which the **Council** has resolved to sell as the result of a **Council** exercising its powers under clause 3 of Schedule 10.