



## Council Policy Manual

### WEST WIMMERA SHIRE COUNCIL

#### COUNCIL POLICY

PUBLIC INTEREST DISCLOSURE POLICY		Policy No:	
		Adopted by Council:	17 July 2019
		Next review date:	June 2020
Senior Manager:	Chief Executive Officer		
Responsible Officer:	Director Corporate and Community Services		
Functional Area:	CEO & Governance		
Introduction & Background	<p>The Public Interest Disclosure Policy provides for a system for reporting disclosures of improper conduct or detrimental action by West Wimmera Shire Councillors or employees.</p> <p>The system enables such disclosures to be made to the Public Interest Disclosures Coordinator (PDC) or to others as defined in section 5.1, Contacts. Disclosures may be made by employees or by members of the public.</p>		
Purpose & Objectives	<p>The policy is designed to complement normal communication channels between supervisors and employees.</p> <p>Employees are encouraged to continue to raise appropriate matters at any time with their supervisors or managers as applicable. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the PD Act in accordance with this policy.</p> <p>The <i>Protected Disclosures Act 2012</i> (PD Act) replaced the <i>Whistleblowers Protection Act 2001</i> on 10 February 2013.</p> <p>The purpose of the PD Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies.</p> <p>The PD Act provides protection from detrimental action to any person affected by a Public Interest Disclosure and establishes a system for the matters disclosed to be investigated and rectifying action to be taken. Under the PD Act, any person can be one who makes a disclosure, is a witness, or a person who is the subject of an investigation.</p>		
Definitions	<p>Improper Conduct means:</p> <p>(a) corrupt conduct; or</p> <p>(b) conduct of a public officer or public body engaged in by the public officer</p>		



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or public body in their capacity as a public officer or a public body that constitutes—

- (i) a criminal offence; or
- (ii) serious professional misconduct; or
- (iii) dishonest performance of public functions; or
- (iv) an intentional or reckless breach of public trust; or
- (v) an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; or
- (vi) a substantial mismanagement of public resources; or
- (vii) a substantial risk to the health or safety of one or more persons; or
- (viii) a substantial risk to the environment; or

(c) conduct of any person that—

- (i) adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or
- (ii) is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining—
  - (A) a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
  - (B) an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
  - (C) a financial benefit or real or personal property; or
  - (D) any other direct or indirect monetary or proprietary gain—that the person or associate would not have otherwise obtained; or

(d) conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b) or (c).

#### **Detrimental Action**

Detrimental action is action in reprisal for a Public Interest Disclosure and can include:

- Action causing injury, loss or damage;
- Intimidation or harassment; and
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

Detrimental action includes:

- Engaging in physical actions and activities causing or intended to cause a detrimental outcome upon a person.
- Threatening to cause detrimental outcomes to a person.
- Inciting others to engage in actions or threaten actions which cause a detrimental outcome upon a person.
- Actions causing or threats to cause detrimental action against the discloser or any other person.

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#### Discloser

Any person who makes a disclosure which may be a Public Interest Disclosure.

#### **Independent broad-based anti-corruption commission (IBAC)**

IBAC is Victoria's first anti-corruption body with responsibility for identifying and preventing serious corrupt conduct across the whole public sector, including members of Parliament, the judiciary and state and local government.

#### **Penalty Unit**

In Australian law, a penalty unit (abbreviated as PU) is an amount of money used to compute pecuniary penalties for many breaches of statute law. Fines are calculated by multiplying the value of one penalty unit by the number of penalty units prescribed for the offence. The different jurisdictions that make up Australia each have their own penalty units. The value of a penalty unit, and the manner and frequency of varying that value, differ from state to state, and there are also federal penalty units that apply only to federal offences.

#### **Public Interest Disclosures Coordinator (PDC)**

The Public Interest Disclosures Coordinator has a central role in distributing information or assistance in the internal reporting system.

#### **Public Interest Disclosures Officer (PDO)**

The Public Interest Disclosures Officer will be a contact point for general advice about the operation of the PD Act.

#### **Public Body and Public Officers**

Public bodies and officers can include:

- government departments and agencies
- statutory authorities
- Councillors
- officers of municipal councils
- government-appointed boards and committees
- government-owned companies
- universities
- TAFE colleges
- public hospitals
- state-funded residential care services
- health services contractors
- correctional services contractors

#### **Department Manager**

The Department Manager is responsible for looking after the general welfare of any persons making Public Interest Disclosures, or for those who may be the subject of a Public Interest Disclosure.

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Policy Details	
1.	<p><b>Scope</b></p> <p>The West Wimmera Shire Council is committed to the aims and objectives of the <i>Protected Disclosures Act</i>. It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.</p> <p>The West Wimmera Shire Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.</p> <p>The West Wimmera Shire Council takes seriously its responsibilities to persons who may make a disclosure in respect to improper conduct. This procedure has been established to ensure the confidentiality of any persons making a disclosure and their welfare, are protected. All reasonable steps will be made to protect such persons from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.</p> <p>The Public Interest Disclosures Policy shall not in any way prevent the application of other laws, regulations, and/or Council Policies.</p>
2.	<p><b>Actions : Contacts</b></p> <p>Disclosures of improper or corrupt conduct or detrimental action by West Wimmera Shire Council employees (excluding Councillors) may be made to the following officers:</p> <p><b>The Public Interest Disclosures Coordinator (PDC)</b> Chief Executive, West Wimmera Shire Council</p> <p><b>Public Interest Disclosures Officer (PDO)</b> Director of Corporate &amp; Community Services, West Wimmera Shire Council</p> <p><b>Department Manager</b> Individual Department Managers as relevant, West Wimmera Shire Council,</p> <p><b>Supervisors</b></p> <p>Public Interest Disclosures can also be made to the supervisor of the discloser or the supervisor of the person who is the subject of the disclosure.</p> <p><b>The Ombudsman/IBAC</b> A disclosure about improper conduct or detrimental action by a West Wimmera Shire Councillor or employees may also be made directly to the Ombudsman or IBAC.</p> <p>Disclosures relating to Councillors can only be made directly to the Ombudsman or IBAC.</p> <p>Victorian Ombudsman</p>



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	<p>Level 2, 570 Bourke Street, Melbourne VIC 3000</p> <p>Internet: <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a> Online: <a href="http://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint">www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint</a> Phone: (03) 9613 6222 Toll Free (regional only): 1800 806 314</p> <p>IBAC Level 1, North Tower, 459 Collins Street, Melbourne, VIC 3000</p> <p>Internet: <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a> Online: <a href="http://www.ibac.vic.gov.au/reporting-corruption/complaints-form">www.ibac.vic.gov.au/reporting-corruption/complaints-form</a> Phone: 1300 735 135</p>
3.	<p><u>Public Interest Disclosures</u></p> <p><u>A Public Interest Disclosure (PID) is a disclosure of improper conduct or detrimental action by public bodies or the employees or public officers of public sector bodies that is made to one of the organisations specified in Part 2 of the PID Act which include:-</u></p> <ul style="list-style-type: none"><li>• <u>IBAC</u></li><li>• <u>The Ombudsman</u></li><li>• <u>The Victorian Inspectorate</u></li><li>• <u>A public service body within the meaning of the <i>Public Administration Act 2004</i> if the disclosure relates to the conduct of that public service body, a member of that public service body or an officer or employee of that public service body</u></li><li>• <u>Victoria Police if the disclosure relates to a member of the Victoria Police</u></li><li>• <u>A Council if the disclosure relates to a member, officer or employee of that Council (note that a disclosure about a Councillor must be made directly to IBAC or the Ombudsman)</u></li></ul> <p><u><del>A disclosure or report</del> A disclosure can be made in relation conduct or action that has occurred in the past, is occurring now or may happen in the future.</u></p> <p><u>Any natural person may make a disclosure.</u></p>
4.	<p><b>Actions: Roles &amp; Responsibilities</b></p> <p><b>Employees</b></p> <p>Employees must not initiate or participate in improper or corrupt conduct or detrimental action.</p> <p>Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with this policy.</p> <p>All employees must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they</p>

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should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

#### Public Interest Disclosures Coordinator

The Public Interest Disclosures Coordinator has a central role in distributing information or assistance in the internal reporting system. He or she will:

- Receive all disclosures that have been made to any relevant person within the organisation;
- Impartially assess each disclosure to determine whether it is a Public Interest Disclosure made in accordance with Part 2 of the PD Act (that is, a Public Interest Disclosure);
- Coordinate the reporting system used by the organisation;
- Be responsible for ensuring that the West Wimmera Shire Council carries out its responsibilities under the PD Act and the Guidelines;
- Liaise with IBAC in regard to the PD Act;
- Arrange for appropriate welfare support via the Department Manager for any persons making a Public Interest Disclosure and to protect him or her from any reprisals;
- Advise persons making a Public Interest Disclosure of the progress of an investigation into the disclosed matter;
- Establish and manage a confidential filing system;
- Collate and publish statistics on disclosures made;
- Take all necessary steps to ensure the identity of any persons making Public Interest Disclosures and the identity of the person who is the subject of the disclosure are kept confidential; and
- Liaise with the Chief Executive regarding a disclosure (when the CEO is not the PDC).
- Receive any disclosure made orally or in writing (from internal and external sources);
- Commit to writing any disclosure made orally;

#### Public Interest Disclosures Officer

The Public Interest Disclosures Officer will:

- Be a contact point for general advice about the operation of the PD Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- Receive directly any disclosure made orally or in writing (from internal and external sources);
- Commit to writing any disclosure made orally;
- Take all necessary steps to ensure the identity of any persons making Public Interest Disclosures and the identity of the person who is the subject of the disclosure are kept confidential; and
- Forward all disclosures and supporting evidence to the Public Interest Disclosures Coordinator.



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	<p>Department Manager</p> <p>The Department Manager is responsible for looking after the general welfare of any persons making a Public Interest Disclosure and for those who may be the subject of a Public Interest Disclosure.</p> <p>The Department Manager will:</p> <ul style="list-style-type: none"> <li>• Examine the immediate welfare and protection needs of any persons who have made a disclosure and seek to foster a supportive work environment;</li> <li>• Advise the discloser of the legislative and administrative protections available to him or her;</li> <li>• Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure; and</li> <li>• Ensure the expectations of any persons making Public Interest Disclosures are realistic.</li> <li>• Be mindful of the welfare implications for the person who may be the subject of a Public Interest Disclosure.</li> <li>• Receive directly any disclosure made orally or in writing (from internal and external sources);</li> <li>• Commit to writing any disclosure made orally;</li> <li>• Take all necessary steps to ensure the identity of any persons making Public Interest Disclosures and the identity of the person who is the subject of the disclosure are kept confidential; and</li> <li>• Forward all disclosures and supporting evidence to the Public Interest Disclosures Coordinator.</li> </ul>
5.	<p><b>Actions: Confidentiality</b></p> <p>The West Wimmera Shire Council will take all reasonable steps to protect the identity of any persons making a Public Interest Disclosure. Maintaining confidentiality is crucial in ensuring there are no reprisals made against persons making a Public Interest Disclosure.</p> <p>The PD Act requires any person who receives information due to the handling or investigation of a Public Interest Disclosure, not to disclose that information except in certain limited circumstances.</p> <p>Disclosure of information in breach of section 52 constitutes an offence that is punishable by a maximum fine of 120 penalty units or 12 months imprisonment or both.</p> <p>The circumstances in which a person may disclose information obtained about a Public Interest Disclosure include:</p> <ul style="list-style-type: none"> <li>• Where exercising the functions of the West Wimmera Shire Council under the PD Act;</li> <li>• When making a report or recommendation under the PD Act;</li> <li>• When publishing statistics in the annual report of the West Wimmera Shire Council;</li> <li>• In criminal proceedings for certain offences in the PD Act.</li> </ul> <p>The PD Act prohibits the:</p> <ul style="list-style-type: none"> <li>• Inclusion of particulars in any report or recommendation that is likely to lead to the identification of any persons making Public Interest Disclosures.</li> <li>• Disclosure of particulars in an annual report that might lead to the identification of the</li> </ul>



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	<p>person who is the subject of the disclosure.</p> <p>Particular circumstances where information may be disclosed include:</p> <ul style="list-style-type: none"> <li>• Where the disclosure is made in accordance with the consent of the disclosing person to the disclosure of their identity</li> <li>• Where IBAC or the Victorian Inspectorate has determined that the assessable disclosure is not a Public Interest Disclosure and the person or body subsequently discloses the information</li> <li>• An investigating entity publishes a report to parliament, made in accordance with its confidentiality requirements</li> <li>• For the purposes of a proceeding for an offence against a relevant act</li> <li>• For the purpose of obtaining legal advice</li> <li>• To an interpreter</li> <li>• To a parent or guardian of a person who is under 18 years of age</li> <li>• To an independent person, for the purposes of enabling a person who is suffering a disability to understand an obligation under this PD Act</li> </ul>
6.	<p><b>Actions: Records Management</b></p> <p>To prevent breaches of confidentiality and to minimise the possibility of detrimental action, the West Wimmera Shire Council will establish a secure electronic and paper filing system.</p> <p>All printed material will be kept in files that are clearly marked as a Protected Disclosures Act matter, and warn of the criminal penalties that apply to any unauthorised divulgence of information concerning a Public Interest Disclosure.</p> <p>All electronic files will be password protected and have limitations on access rights. Backup files will be kept on external storage devices. All materials relevant to an investigation, such as interviews, will also be stored securely within the Public Interest Disclosures file.</p> <p>The West Wimmera Shire Council will not email documents relevant to a Public Interest Disclosure matter and will ensure all phone calls and meetings are conducted in private.</p>
7.	<p><b>Actions: Making a Disclosure</b></p> <p>To be assessed as a Public Interest Disclosure, a disclosure must meet all of the following criteria:</p> <ol style="list-style-type: none"> <li>a. A natural person (that is, an individual person rather than a corporation) has to have made the disclosure</li> <li>b. The disclosure has been made verbally or in writing to either the Public Interest Disclosures Coordinator, Chief Executive or those identified in section 5.1, Contacts</li> <li>c. The disclosure relates to conduct of the West Wimmera Shire Councillors or Council officer acting in their official capacity</li> <li>d. The alleged conduct is either improper or corrupt conduct or detrimental action (as defined in section 4, Definitions, of this procedure) taken against a person in reprisal for making a Public Interest Disclosure</li> <li>e. The person making the disclosure has reasonable grounds for believing the alleged conduct has occurred</li> </ol>





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Where a person is contemplating making a disclosure and is concerned about approaching the Public Interest Disclosures Coordinator or an eligible Public Interest Disclosures Officer (as per section 5.1) in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

If one or more of the above elements are not satisfied, the person has not made an assessable disclosure under Part 2 of the PD Act.

Where a disclosure is assessed not to be a Public Interest Disclosure, the matter does not need to be dealt with under the PD Act. The Public Interest Disclosures Coordinator will decide how the matter should be responded to.

Where the Public Interest Disclosures Coordinator has received a disclosure that has been assessed to be a Public Interest Disclosure, the Public Interest Disclosures Coordinator must notify IBAC within 28 days.

A person may make a disclosure:

1. Orally
2. In writing (Disclosures cannot be made by fax)
3. Electronically (email only)
4. Anonymously

Disclosures can be made anonymously, including from unverified email addresses, phone calls, in a conversation or a meeting.

If the disclosure is made orally, the Public Interest Disclosures Coordinator will ensure that notes are made immediately at the time of the disclosure.

If the disclosure comes from an email address from which the identity of the person making the disclosure cannot be determined, the disclosure will be treated as an anonymous disclosure.

Any person can submit an allegation or complaint, which may or may not be a disclosure under the PD Act or under this policy.

The PD Act makes it an offence to make a false disclosure or to provide further false information.

The PD Act defines the following disclosure as *not* being Public Interest Disclosures:

- Where a person making a disclosure expressly states in writing that they are not wishing to make a Public interest Disclosure
- Where a disclosure is made by an officer or employee of an investigating entity made during the course of an investigation

Disclosing to the appropriate person or body:

A person must make a disclosure, allegation or complaint to the appropriate person or body



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for the disclosure to be assessed as a Public Interest Disclosure under the PD Act. Refer section 4.1, Contacts for list or the table below.

The West Wimmera Shire Council can only receive disclosures that relate to the conduct of:

- Its own officers or employees
- A person/s whose actions relate to a West Wimmera Shire Council officer or employee
- Members of a Council Section 86 Committee

If the West Wimmera Shire Council receives a disclosure about an employee, officer or member of another public body, the West Wimmera Shire Council will advise the person making the disclosure as to whom the correct person or body the disclosure should be made.

Where a person seeks to make a disclosure about a Councillor, that disclosure must be made directly to the Independent broad-based anti-corruption commission (IBAC) or the Ombudsman.

The following table sets out where disclosures about persons other than employees of West Wimmera Shire Council should be made.

Person/Body making disclosure	Person/body to whom the disclosure must be made
Employee, member of a public body	That public body, the Ombudsman or IBAC
Member of Parliament (Legislative Assembly)	Speaker of the Legislative Assembly
Member of Parliament (Legislative Council)	President of the Legislative Council
Councillor	The Ombudsman or IBAC
Chief Commissioner of Police	IBAC
Member of the police force	Prescribed member of Police personnel or IBAC
Section 86 Committee Member	West Wimmera Shire Council, the Ombudsman or IBAC

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8.	<p><b>Actions: Receiving a Disclosure</b></p> <p>As listed in section 5.1, Contacts, disclosures can be received by the following:</p> <ol style="list-style-type: none"><li>Public Interest Disclosures Coordinator</li><li>Chief Executive</li><li>Public Interest Disclosures Officer</li><li>Department Manager</li><li>Supervisors</li></ol> <p>Any disclosures received by the PDO, Department Manager or Supervisors will be forwarded to the PDC with all relevant documentation.</p> <p>The PDC will determine whether the disclosure has been made to the right body and then whether the matter falls under the PD Act.</p> <p>There may be situations where the West Wimmera Shire Council receives an allegation of improper or corrupt conduct or detrimental action, but the person making the allegation has not referred to the PD Act. In this case, if the allegation raises issues that may fall within the provisions of the PD Act, the allegations will be assessed in terms of the PD Act.</p>
9.	<p><b>Actions: Assessing a Disclosure</b></p> <p>Where the PDC receives information relating to the conduct of an employee, member or officer of the West Wimmera Shire Council, the PDC will assess whether the disclosure meets the criteria of the PD Act to be a Public Interest Disclosure.</p> <p>Corrupt Conduct examples:</p> <p><i>A Council officer takes a bribe or receives a payment other than his or her wages or salary in exchange for the discharge of a public duty.</i></p> <p><i>A Council officer favours unmeritorious applications for jobs or permits by friends and relatives.</i></p> <p><i>A Council officer sells confidential information.</i></p> <p>Detrimental Action examples:</p> <p><i>Council refuses a deserved promotion of a person who makes a disclosure.</i></p> <p><i>Council demotes, transfers, isolates in the workplace or changes the duties of a</i></p>

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*discloser due to the making of a disclosure.*

*Council threatens, abuses or carries out other forms of harassment directly or indirectly against the discloser, his or her family or friends.*

*Council discriminates against the disclosure or his or her family and associates in subsequent applications for jobs, permits or tenders.*

Improper Conduct examples:

*To avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste.*

*An environmental health officer allows a catering business to continue functioning when health standards have been breached.*

*A building inspector tolerates poor practices and structural defects in the work of a leading local builder.*

*A Council employee is witnessed using a Council grader on private property on a weekend.*

*A finance officer approves a colleague's corporate expense account for payment even though it appears to have non-work related expenditure items listed.*

Where West Wimmera Shire Council determines that the disclosure is not an assessable Public Interest Disclosure under the PD Act, the discloser must be provided with the following information in writing within 28 days after the disclosure was made:

1. West Wimmera Shire Council does not consider the disclosure to be a Public Interest Disclosure
2. The disclosure has not been notified to IBAC for assessment
3. The protections under part 6 of the PD Act (see section 5.8.1) apply, regardless of whether the disclosure is notified to IBAC for assessment

However, West Wimmera Shire Council does not have to provide the discloser with the information under (3) above unless the discloser has indicated to West Wimmera Shire Council, that the discloser wishes to receive the protections that apply to a Public Interest Disclosure under the PD Act.

Council may also advise the discloser that the matter will be addressed by the West Wimmera Shire Council through its complaint processes.

#### Valid Disclosures

Where it is determined that the disclosure falls under the PD Act, the following action will be taken by the PDC:

1. Establish contact with the person making the disclosure (if that person has provided



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	<p>their identity and personal details).</p> <ol style="list-style-type: none"> <li>2. Advise the Chief Executive of the disclosure, if they are not the PDC.</li> <li>3. Establish a confidential file relating to the disclosure.</li> <li>4. Advise IBAC of the disclosure within 28 days of receiving the disclosure.</li> <li>5. Advise the person making the disclosure within 28 days of notifying IBAC.</li> <li>6. Notify the Department Manager</li> </ol> <p>Once notification is made to IBAC, they must separately assess whether, in their view, the assessable disclosure is a Public Interest Disclosure.</p> <p>If IBAC determines the disclosure will not be investigated as a Public Interest Disclosure complaint and the discloser wishes to pursue the matter, IBAC may advise the discloser to make a complaint directly to West Wimmera Shire Council, to be addressed through its complaint processes.</p>
10.	<p><b>Protections</b></p> <p><b>Protections provided under Part 6 of the PD Act</b></p> <p>Part 6 of the PD Act sets out the protections provided to persons who may make a Public Interest Disclosure.</p> <p>The person making the disclosure will not be:</p> <ul style="list-style-type: none"> <li>• subject to any civil or criminal liability or administrative action (including disciplinary action) for making the disclosure</li> <li>• not committing an offence against the Constitution Act 1975 or any other Act that imposes obligations of confidentiality or any other restriction on the disclosure of information</li> <li>• not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality or otherwise restrict confidentiality</li> <li>• cannot be held liable for defamation in relation to information included in a Public Interest Disclosure</li> </ul> <p><b>Limitation on protection</b></p> <p>If the person has made a false disclosure or provided false information, the person is not protected</p> <p><b>Preventing Detrimental Actions</b></p> <p>Nature of alleged detrimental action</p> <p>The PD Act creates an offence for a person to take detrimental action against another person in reprisal for someone making a Public Interest Disclosure.</p> <p>Further:</p> <ul style="list-style-type: none"> <li>• The person need not actually have taken the action, but can just have threatened to do</li> </ul>



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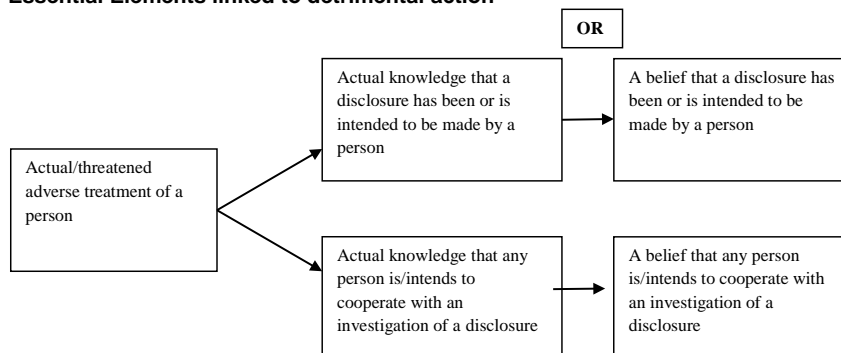
- The person need not have taken or threatened to take the action against the person themselves, but can have incited someone else to do so.
- The detrimental action need not to be taken against a discloser, but against any person.

#### Detrimental action taken in reprisal for a Public Interest Disclosure

The person (or the person they have incited) must take or threaten the action, because, or in the belief that the:

- Other person or anyone else has made, or intends to make the disclosure
- Other person or anyone else has cooperated, or intends to cooperate with an investigation of the disclosure.

#### Essential Elements linked to detrimental action



#### Protection from reprisals

Section 58 of the PD Act requires public bodies to establish procedures for the protection of a person making a disclosure from reprisal by personnel for making a Public Interest Disclosure. Preserving the confidentiality of their identity will assist in minimising the risk of reprisals.

Persons making such disclosures will be advised that it is in their own interests to keep disclosures confidential by only discussing related matters with authorised persons within the West Wimmera Shire Council, ie the PDC or the Chief Executive, or officers of IBAC's office or other persons, as authorised by law.



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Contact persons under the PD Act and within West Wimmera Shire Council are responsible for ensuring persons making a Public Interest Disclosure are protected from direct and indirect detrimental action. Management is responsible for encouraging an organisational culture which is supportive of disclosures being made.

A person making a Public Interest Disclosure may be employed by the West Wimmera Shire Council or may be a member of the public.

West Wimmera Shire Council is obligated to protect both internal and external persons making Public Interest Disclosures from detrimental action taken in reprisal for the making of the disclosure.

The management of both types of persons making Public Interest Disclosures will, however, be different.

#### **Disclosure made by a West Wimmera Shire Council employee/officer**

Internal persons making Public Interest Disclosures are at risk of suffering reprisals in the workplace.

The Department Manager will foster a supportive work environment and respond to any reports of intimidation or harassment against the person making the disclosure.

#### **Disclosure made by a member of the public**

Reprisals may also be taken against external persons making Public Interest Disclosures.

The West Wimmera Shire Council will, as required, appoint a Department Manager for an external person making a Public Interest Disclosure.

#### **Support**

The Department Manager will provide reasonable support to a person making a disclosure. The Department Manager will discuss the issue of reasonable expectations with the person making a Public Interest Disclosure.

The level of support provided to the person will require the written approval of the Chief Executive and will be documented. A copy of the agreement reached will be provided to the person.

#### **Welfare of a Person Making a Public Interest Disclosure**

The Department Manager will be engaged by the Public Interest Disclosures Coordinator where a disclosure is deemed as a Public Interest Disclosure (see section 5.2.4 for level of support).



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	<p>The Department Manager will also:</p> <ul style="list-style-type: none"> <li>• Keep contemporaneous records of all aspects of the case management of the person making the Public Interest Disclosure, including all contact and follow up action.</li> <li>• Not divulge any details relating to the disclosed matter to any person other than the Public Interest Disclosures Coordinator or the Chief Executive.</li> </ul> <p>All meetings between the Department Manager and the person making a Public Interest Disclosure will be conducted discreetly to protect the confidentiality of the person making a Public Interest Disclosure.</p> <p><b>Occurrence of detrimental action</b></p> <p>If a person making a Public Interest Disclosure reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action apparently taken in reprisal for the making of the disclosure, the Public Interest Disclosures Department Manager or the Public Interest Disclosures Coordinator will:</p> <ul style="list-style-type: none"> <li>• Record details of the incident</li> <li>• Advise the person making a Public Interest Disclosure of his or her rights under the PD Act</li> </ul> <p>The Public Interest Disclosures Coordinator will:</p> <ul style="list-style-type: none"> <li>• Inform the Chief Executive of the West Wimmera Shire Council (where they are not the same person)</li> <li>• Inform IBAC, where the detrimental action is of a serious nature likely to amount to a criminal offence.</li> </ul> <p>Where detrimental action is reported, the allegation will be assessed as a new disclosure under the PD Act.</p> <p>West Wimmera Shire Council will be extremely cautious about conducting enquiries or gathering information concerning an allegation of detrimental action, as a criminal offence may have been committed and any informal investigation may compromise the integrity of evidence.</p>
11.	<p>Management of the person against whom the disclosure is made</p> <p><b>Natural justice</b></p> <p>The West Wimmera Shire Council will ensure that natural justice is adhered to in the receipt and management of a disclosure.</p> <p>Natural justice means that if a decision is to be made about the conduct of an employee, officer or member of the West Wimmera Shire Council, they have the right to:</p> <ul style="list-style-type: none"> <li>• Be informed about the substance of the allegations against them</li> <li>• Be given the opportunity to answer the allegations before a final decision is made</li> </ul>





## Council Policy Manual

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- Be informed about the substance of any adverse comment that may be included in any report arising from an investigation
- Have his/her defence set out fairly in any report

#### Confidentiality

The West Wimmera Shire Council will take all reasonable steps to ensure confidentiality regarding the identity of any persons against whom a disclosure has been made. Where the disclosure is dismissed or investigations do not substantiate the allegation, the fact of the investigation, its results, and the identity of the person subject of the disclosure should still be kept confidential.

#### Protection against reprisal

The PDC will take responsibility for ensuring a person against whom a Public Interest Disclosure has been made, is protected from direct or indirect detrimental action.

West Wimmera Shire Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. A Public Interest Disclosures Department Manager will be assigned to monitor the welfare of the person against whom a disclosure has been made.

West Wimmera Shire Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Chief Executive of West Wimmera Shire Council will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

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#### 12. Criminal Offences

The PD Act provides for offences for certain actions. These are detailed below:



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<b>Criminal offences</b>	<b>Detrimental action</b> It is an offence for a person to take or threaten action in reprisal when: <ul style="list-style-type: none"> <li>- A Public Interest Disclosure has been made</li> <li>- A person believes a Public Interest Disclosure has been made</li> <li>- A person believes that another person intends to make a Public Interest Disclosure</li> </ul>
<b>Civil action</b>	<b>Breach of confidentiality</b> It is an offence for a person to divulge information obtained as a result of handling or investigation of a Public Interest Disclosure without legislative authority
	<b>Provision of false information</b> It is an offence for a person to knowingly provide false information under the PD Act with the intention that it be acted on as a Public Interest Disclosure
<p>The West Wimmera Shire Council will ensure officers appointed to handle Public Interest Disclosures and all other employees are aware of the following offences by the PD Act:</p> <p>It is an offence for a person to take or threaten detrimental action against a person in reprisal when:</p> <ul style="list-style-type: none"> <li>• a Public Interest Disclosure being made</li> <li>• a person believes a Public Interest Disclosure has been made</li> <li>• a person believes that another person intends to make a Public Interest Disclosure</li> </ul> <p>An employer may also be held to be jointly and civilly liable for the detrimental action of their employee.</p> <p>Criminal penalty: 240 penalty units or two years imprisonment or both and if convicted or found guilty of an offence;</p> <p>Civil penalty: Order of court for offender to pay appropriate level of damages to compensate for injury, loss or damage.</p> <p>A person/body must not disclose content of assessable disclosure or information about content.</p> <p>Criminal penalty: <u>In the case of a natural person:</u> 120 penalty units or 12 months imprisonment or both. <u>In the case of a body corporate:</u> <u>600 penalty units</u></p>	



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	<p>A person/body must not disclose information likely to lead to the identification of a person who has made an assessable disclosure.</p> <p>Criminal penalty: <u>In the case of a natural person:</u> 120 penalty units or 12 months imprisonment or both. <u>In the case of a body corporate:</u> 600 penalty units</p> <p>A person who takes detrimental action may be subject to proceedings in tort in any court of competent jurisdiction.</p> <p>Civil penalty: Court order for damages for any injury, loss or damage, including exemplary damages.</p>
13.	Collating & Publishing Statistics
	<p>The West Wimmera Shire Council, through the Public Interest Disclosures Coordinator, will respond to any requests for statistical information through IBAC relating to the number and type of disclosures received.</p> <p>The West Wimmera Shire Council will include in its Annual Report:</p> <ol style="list-style-type: none"> <li>a. Information about how to access the procedures established by the West Wimmera Shire Council under Part 9 of the PD Act; and</li> <li>b. The number of disclosures notified to the IBAC under section 21 (2) during the financial year.</li> </ol>
14.	Communication
	<ul style="list-style-type: none"> <li>• Intranet</li> <li>• Staff newsletter</li> <li>• Staff meetings</li> <li>• Ongoing education</li> </ul>
15.	Supporting Documents
	<p>Documents:</p> <p>IBAC – Guidelines for making and handling Public Interest Disclosures</p> <p>IBAC – Guidelines for Public Interest Disclosure welfare management</p> <p>Location: <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a></p>
16.	Review
	<p>The Public Interest Disclosures Policy shall be reviewed annually, or as required in the light of significant legislative change.</p>



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<b>Policy Adopted:</b>	Ordinary Meeting 15/08/13		RecFind 13/003525 RecFind 13/003558
<b>Policy Reviewed:</b>	Ordinary Meeting 21/06/18	Minute Book Page 38102	RecFind 18/002248
	Ordinary Meeting 17/07/19	Minute Book Page	RecFind E19/000378



# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY	
<b>COUNCIL MAJOR HALL HIRE POLICY</b>	Policy No:
	Adopted by Council: <a href="#">21 February 2018</a>
	Next review date: March <del>2020</del> <a href="#">2023</a>
Senior Manager:	Director Corporate & Community Services
Responsible Officer:	<a href="#">Business Performance</a> Coordinator <del>Customer Service</del>
Functional Area:	Customer Service
Introduction & Background	The Council Major Hall Hire Policy provides a framework for the administration and management of the hire of Major Halls within the municipality
Purpose & Objectives	To provide consistent guidelines to Council and the Community on all aspects involved in hiring one of Council's Major Halls.
Definitions	For the purposes of this policy and procedures which may exist under this policy, Major Halls shall refer to: <ul style="list-style-type: none"> <li>Kaniva Shire Hall</li> <li>Edenhope <del>Mechanics Institute</del><a href="#">Community Centre</a></li> </ul>
Policy Details	
1.	<b>Risk Management Requirements</b> <p>Risk management shall be a consideration in Council decision making.</p> <p>In accordance with its common law duty of care, statutory responsibilities and Council policy, Council will ensure that resources are allocated to support:</p> <ul style="list-style-type: none"> <li><del>Staff</del> <a href="#">Health and safety of staff and public</a>;</li> <li>Corporate assets;</li> <li>Corporate liability;</li> <li>Corporate reputation;</li> <li>Any other circumstances which may cause a loss to Council.</li> </ul> <p>This will be achieved through the implementation of the risk management process, which is designed to identify significant risk exposures, and find acceptable solutions for eliminating, reducing or transferring them.</p>



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2.	<p><b>Responsibilities</b></p> <p><b>Council</b> is responsible for approving the Major Hall Hire Policy and for ensuring there is adequate budgetary provision for the implementation and maintenance of this policy.</p> <p><b>Council <u>Business Performance and Customer Service Staff Unit</u></b> shall be responsible for <u>developing and maintaining operational guidelines for each facility, including (but not limited to) how:</u></p> <ul style="list-style-type: none"><li>• <u>ensuring that all</u> information and booking requests received from the public are recorded and processed <u>in an appropriate manner,</u></li><li>• <u>that all</u> bonds/deposits/hire fees paid are receipted <u>correctly,</u> and <u>that any requests for</u> bond repayments are <u>processed forwarded to the appropriate finance officer as required.</u></li><li>• <u>appropriate site induction for each facility being hired is conducted and recorded</u></li><li>• <u>emergency procedures</u></li></ul> <p><b>Council Finance Unit</b> shall be responsible for processing any bond redemption requests received in a timely manner, and <u>also</u> for pursuing any unpaid fees in an appropriate manner and timeframe. <u>A schedule of hire rates will be submitted by the unit to Council annually through the budget process.</u></p> <p><b>Public Hirers</b> shall be responsible for providing a public liability insurance policy suitable to the event being held. Hirers are required <u>sign a hire agreement indicating that they have undertaken an appropriate induction as outlined in the operational guidelines and that they understand their responsibilities, which may include but are not limited to:</u></p> <ul style="list-style-type: none"><li>• <u>Keeping the facility clean and free of hazards during use for the safety of the public/ patrons of the event or purpose for which the facility is hired.</u></li><li>• <u>Immediately reporting any major issues, incidents or hazards</u></li><li>• <u>to Clean</u> the hall appropriately after use, and shall leave the hall in a clean, and tidy manner, with all fixtures and fitting left in working order and all chairs, tables, etc returned to their original place.</li><li>• <u>Submit a request for bond repayments listing in good faith, any and all damage that occurred as a result of the hire that could not be reasonably described as wear and tear.</u></li></ul>
3.	<p><b>Description of Use</b></p> <p><u>Prior to the hiring of a Major Hall, the hirer must advise the nature of use they intend to hire the hall for.</u> Council reserves the right to refuse hire if the intended use is deemed</p>

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	dangerous, illegal activity, or contrary to the aims or goals of Council. Any use outside of that authorised by Council may lead to Council levying additional charges on the user. Council reserves the right to refuse any future hire requests from a hirer who has use the hall outside of their approved use boundaries. <u>A hire request form will be a component of the operational guidelines and capture the nature of the intended hire.</u>
4.	<p>Limit of Use</p> <p>The hirer has the right to use the particular part(s) of the hall and associated equipment hired for the purposes advised to Council when hiring. Council reserves the right to use other parts of the hall or equipment which are outside of the hire agreement at anytime.</p>
5.	<p>Sub-Letting</p> <p>A hirer may at no time sub let any part of a hall or equipment under a hire agreement unless express written permission is given by Council to do so.</p>
6.	<p>Insurance and Security</p> <p><u>The level of insurance and security will depend on the level of risk of damage to the facility and will be jointly determined with the hirer. If in Council's opinion insufficient public liability insurance and/or the security is insufficient for the nature of the hire, Council will refuse to hire the hall.</u></p> <p>It is the responsibility of the hirer to provide suitable public liability insurance for the event they are running. A copy of this insurance is required to be provided to Council.</p> <p>It is the responsibility of the hirer to provide sufficient security <u>to cover any damage likely to arise from</u> the event for which they have hired the hall.</p> <p><del>If in Council's opinion insufficient public liability insurance and/or security is insufficient for the nature of the hire, Council will refuse to hire the hall.</del></p>
7.	<p>Smoking</p> <p>All Council buildings are smoke free zones. No smoking is permitted within Council Major Halls.</p>
8.	<p>Alcohol</p> <p>The consumption of alcohol shall only be permitted in instances where the hirer has arranged a temporary liquor license and shall at all times be in accordance with the conditions of that license. All costs associated with obtaining such license shall be at the hirer's expense. The hirer must not allow any person without a Responsible Serving of Alcohol licence serve alcohol on the premises. The hirer will provide evidence of such licenses to Council on demand. Failure to do so by the hirer may result in the bond/<u>security</u> being forfeited and cancellation of the hire.</p>
9.	Hire Rate



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	The hire rate applied shall be the applicable rate as disclosed in the current Fees and Charges Schedule as appended to Council's Annual Budget.
10.	<p>Damage</p> <p><del>The floors, walls, curtains, or any other part of the building or any fitting, fixtures or contents shall not be broken, pierced by nails or screws, or in any such manner or in any way damaged and no notice, sign or advertisement of any kind shall be erected in the buildings or attached or affixed to the walls, doors or any other portion of the buildings fittings, fixtures or contents.</del></p> <p>Council reserves the right to recover any costs incurred in repairs originating from damage caused by a hirer from the hirer.</p>
11.	<p>Bond</p> <p>A bond is required to be lodged at the time of hiring as a guarantee for fulfilment of these conditions and as a security against damage to the building and/or any furniture, fittings or contents (including crockery and cutlery) contained therein or for abnormal cleaning of the portion of the building used by the Hirer.</p> <p>Should the hirer not fulfil the conditions of hire the bond will be forfeited. If there is no breach of the conditions of the Hire or damage or injury to the building or any fittings or furniture or contents therein or abnormal cleaning to be done (of which the Council shall be the sole judge) the bond will be returned in full.</p>

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<b>Policy Adopted:</b>	Ordinary Meeting 18/06/15	Minute Book Page 30672	RecFind 15/002327
<b>Policy Reviewed:</b>	Ordinary Meeting 21/02/18	Minute Book Page 37602	RecFind 18/000629





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COUNCIL POLICY			
INVESTMENT POLICY		Policy No:	
		Adopted by Council:	18 June 2020
		Next review date:	June 2023
Senior Manager:	Director Corporate & Community Services		
Responsible Officer:	Finance Coordinator		
Functional Area:	Financial Services		
Introduction & Background	<p>Consistent with Section 101 of the <i>Local Government Act 2020</i> (the Act), Council will implement an investment policy within the guiding principles of sound financial management.</p> <p>Council will utilise its investment portfolio as a strategic tool of overall financial management.</p> <p>There are some basic considerations that should be addressed for all investment decisions:</p> <ul style="list-style-type: none"><li>• Cash flow</li><li>• Credit Rating of Institution</li><li>• Existence of Guarantee and Security</li><li>• Interest Rate</li><li>• Term of investment</li></ul> <p>Prior to seeking investment options Council must consider its cash position and its future outgoings, including creditor payments, payroll and other liabilities against incoming monies such as rates, grants and cash contributions.</p> <p>If it is deemed that Council will have excess funds for a sufficient period of time to invest (minimum 30 days) then funds may be invested to maximise return.</p>		
Purpose & Objectives	<p>The purpose of this policy is to set the guidelines to be used by Council Officers when making decisions about investment activities of the Council. Any decision must comply with current legislation &amp; policy.</p> <p>Council investments must comply with all restrictions specified under Section 103 of the Act. Council also has a responsibility to actively manage its pooled investment portfolio to increase the potential for better returns and at the same time ensure prudent investments with low risk.</p> <p>The objectives of this policy, in order of importance, are:</p> <ul style="list-style-type: none"><li>• <b>Preservation of capital:</b> safety of capital is a dominant consideration in all investment decisions including managing credit and interest rate</li></ul>		



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	<p>risk within identified thresholds and parameters;</p> <ul style="list-style-type: none"> <li>• <b>Ensuring sufficient liquidity is maintained:</b> any investment must be made bearing in mind Council's future cash needs to meet all its obligations;</li> <li>• <b>Maximising the return on cash:</b> to maximise earnings from authorised investments.</li> </ul> <p>It is also important to emphasise that the general understanding is that all Council's investments are entered into with the intention to be held to maturity to avoid any potential penalty receipts or payments.</p>
Policy Details	
1.	<p>Scope</p> <p>This policy applies to all short, medium and long term investments made by West Wimmera Shire Council.</p> <p>This policy does not apply to operating accounts held with financial institutions, or to the provision of credit or loans of any nature.</p>
2.	<p>Legislative Requirements</p> <p>All investments are to comply with the investment powers of Council as defined under Section 103 of the Act and the reporting requirements of the Australian Accounting Standards.</p> <p>At the time of writing this policy, under the Act, a Council may invest any money:</p> <ul style="list-style-type: none"> <li>a) in Government securities of the Commonwealth;</li> <li>b) in securities guaranteed by the Government of Victoria;</li> <li>c) with an ADI (authorised deposit-taking institution);</li> <li>d) with any financial institution guaranteed by the Government of Victoria;</li> <li>e) on deposit with an eligible money market dealer within the meaning of the <i>Corporations Act 2001</i>; and</li> <li>f) in any other manner approved by the Minister either generally or specifically, to be an authorised manner of investment for the purposes of this section.</li> </ul> <p>Investment instruments approved by the Minister for the purposes of Section 103(f) of the Act are attached to this document.</p>
3.	<p>Delegation of Authority</p> <p>Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the Act.</p> <p>The authority for the day-to-day management of Council's investment portfolio is delegated by the CEO to the Finance Coordinator, and subject to review with the CEO and the Director Corporate &amp; Community Services.</p> <p>The day-to-day operations of daily cash monitoring and associated investment activities are performed by the Senior Financial Services Officer under the supervision of the</p>



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	<p>Finance Coordinator.</p> <p>The Finance Coordinator is the organisation's Chief Financial Officer.</p>										
4.	<p>Ethics and Conflicts of Interest</p> <p>Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.</p> <p>This includes activities that would impair the investment officer's ability to make impartial decisions.</p> <p>This policy requires officers to disclose any conflict of interest to the CEO.</p>										
5.	<p>Approved Investment Types</p> <p>Without approval from Council, investments will be limited to:</p> <ul style="list-style-type: none"> <li>• Negotiable Certificate of Deposits (NCD),</li> <li>• Bank Bills (BB),</li> <li>• Term Deposits (TD),</li> <li>• State/Commonwealth Government Bonds, and</li> <li>• Floating Rate Notes (FRN).</li> </ul> <p>(for a detailed explanation of each refer Appendix A)</p>										
6.	<p>Risk Management Guidelines</p> <p>Investments obtained are to comply with the following:</p> <p>A. Quotations on Investments</p> <p>No less than three (3) quotations shall be obtained from authorised institutions when an investment is proposed. Quotations include utilising rates promoted by institutions and brokers.</p> <p>B. Diversification – Credit Restrictions</p> <p>The total amount invested with any institution other than the “big four” banks (ANZ, Commonwealth Bank, National Australia Bank and Westpac), at any time, should not exceed more than 75% of Council's portfolio.</p> <p>Amounts invested, at any time, should not exceed the following percentages of Councils' portfolio:</p> <table> <thead> <tr> <th>Short Term Ratings</th><th>Maximum Percentage of</th></tr> <tr> <th>Total (Standards &amp; Poor's)*</th><th>Investments</th></tr> </thead> <tbody> <tr> <td>A1+</td><td>Up to 100%</td></tr> <tr> <td>A1</td><td>Up to 100%</td></tr> <tr> <td>A2</td><td>Up to 75%</td></tr> </tbody> </table>	Short Term Ratings	Maximum Percentage of	Total (Standards & Poor's)*	Investments	A1+	Up to 100%	A1	Up to 100%	A2	Up to 75%
Short Term Ratings	Maximum Percentage of										
Total (Standards & Poor's)*	Investments										
A1+	Up to 100%										
A1	Up to 100%										
A2	Up to 75%										



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	<p>*Refer Appendix C for definitions of credit ratings</p> <p>Council should access the Standard &amp; Poor's website for an up to date list of Short Term credit ratings of all institutions.</p> <p>If any investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.</p> <p>C. Term of Investments</p> <p>Investments should be made weighing risk and future cash needs to meet Council obligations and returns. If a period longer than twelve months seems appropriate for a general-purpose investment, approval should be sought from the Finance Coordinator.</p> <p>For specific purpose investments (e.g. Deposits held by Council) longer periods could be pursued to obtain a better return, since those funds are part of Council's restricted assets and not required in the short term.</p>
7.	<p>Investment Register</p> <p>An investment Register will be maintained, updated and reconciled to the ledger by the Senior Financial Services Officer each month.</p> <p>The Investment Register must include:</p> <ul style="list-style-type: none"> <li>• Investment date</li> <li>• Type of investment</li> <li>• Maturity date</li> <li>• Term of investment</li> <li>• Financial institution</li> <li>• Amount invested</li> <li>• Interest rate</li> <li>• Interest received</li> </ul>
8.	<p>Internal Controls</p> <p>The Finance Coordinator shall establish internal controls and processes that will ensure investment objectives are met and the investment portfolio is protected from loss, theft or inappropriate use.</p> <p>To this end, the Finance Coordinator shall ensure that Officers responsible for the day-to-day investment activities:</p> <ul style="list-style-type: none"> <li>• operate within legislative framework and the guidelines of Council's investment policy</li> <li>• establish, document and maintain internal procedures</li> <li>• are sufficiently resourced to enable the separation of duties for approved authority, execution of transactions and reporting</li> </ul> <p>These controls should be reviewed annually or upon any extraordinary event, i.e.</p>



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	turnover of key personnel, the discovery of any inappropriate activity, market movement or financial institutional collapse.
9.	<p>Review and Authority of Policy</p> <p>The investment policy should be amended to reflect any changes to the Act when they occur.</p> <p>The policy will be reviewed every three years, or earlier as appropriate.</p>
10.	<p>Appendix A – Investment Type Definitions</p> <p><b><u>Cash: Short Term Instrument</u></b></p> <p>Funds are invested on overnight deposit up until 4pm each business day or in an at call account.</p> <p><b><i>Benefits:</i></b></p> <p>Ready access No fees.</p> <p><b><u>Commercial Bill – Bank Bills (BB): Short Term Instrument</u></b></p> <p>Commercial Bank Bills are highly negotiable products, which are sold at a discount to their face value. The relevant bank/acceptor undertakes to pay the investor the face value upon maturity. Bank bills in general offer a higher rate of return than bank deposits.</p> <p><b><i>Benefits:</i></b></p> <p>Highly liquid Able to be redeemed at any time by selling back to the bank</p> <p><b><u>Negotiable Certificate of Deposits (NCD): Short Term Instrument</u></b></p> <p>An alternative product to a Bank Bill is a Negotiable Certificate of Deposit (NCD). These have the same features as a Bank Bill; however a NCD can be issued to a specific maturity date, therefore providing further flexibility.</p> <p><b><i>Benefits:</i></b></p> <p>Wide range of maturity dates available. Able to be redeemed at any time by selling back to the bank</p> <p><b><u>Term Deposit (TD): Short Term Instrument</u></b></p> <p>One of the most common types of investments, Term Deposits are offered by all Banks and are competitive, usually carrying a fixed interest rate.</p> <p><b><i>Benefits:</i></b></p> <p>Wide range of maturity dates available. Easy to plan and budget for.</p>



	<p><b><u>Floating Rate Notes (FRN): Long Term Instrument</u></b></p> <p>Floating rate notes are available for terms of 1-3 years with regular coupons (usually quarterly). The interest rate is set at the beginning of the period and is paid in arrears. It is normally set at a margin above the 90 day Bank Bill Swap rate (BBSW).</p> <p><b><i>Benefits:</i></b></p> <p>Offer a rate of return higher than bank bills, and is determined by the credit quality of the issuer.</p> <p><b><u>Fixed Rate Notes: Long Term Instrument</u></b></p> <p>This product is most useful if it is initiated before interest rates begin to fall. The coupon payment is typically set close to the prevailing interest rate for the applicable maturity at the time of issue.</p> <p><b><i>Benefits:</i></b></p> <p>Able to protect against falling Interest Rates</p> <p><b><u>Transferable Investment Certificate (TIC): Long Term Instrument</u></b></p> <p>An investment agreement in the form of a transferable bearer certificate evidencing the holder's beneficial ownership of the underlying bearer security. The TIC is a product specially designed for investors who require a secure, flexible and liquid investment with opportunities for high yields</p> <p><b><i>Benefits:</i></b></p> <p>Able to protect against falling Interest Rates</p> <p><b><u>Government and Semi Government Bonds: Long Term Instrument</u></b></p> <p>Long dated maturities with a sovereign debt rating. Considered to be the most resilient investments in regards to adverse market movements. As a result of the extremely high credit ratings, these bonds have a low return in terms of yield.</p> <p><b><i>Benefits:</i></b></p> <p>Most resilient investment in times of duress</p> <p><b><u>Cash: Long Term Instrument</u></b></p> <p>Long dated maturities with a sovereign debt rating. Considered to be the most resilient investments in regards to adverse market movements. As a result of the extremely high credit ratings, these bonds have a low return in terms of yield.</p> <p><b><i>Benefits:</i></b></p> <p>Most resilient investment in times of duress</p>
11.	Appendix B – Standard and Poor's Credit Rating Levels



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The difference between short term and long term depends on the investment market. For the investment market it is reasonable to consider short term to mean anything less than 365 days.

### Short Term

**A-1** - Strong capacity to meet financial commitments.

**A-2** - Satisfactory capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances.

**A-3** - Adequate capacity to meet financial commitments.

**B** – Vulnerable and significant speculative characteristics.

**C** - Currently vulnerable to non-payment.

**R** - Under regulatory supervision owing to its financial condition.

**SD and D** – Failed to pay one or more of its financial obligations.

**NR** – Not rated.

### Long Term

**AAA** – Extremely strong capacity to meet financial commitments.

**AA** - Very strong capacity to meet financial commitments.

**A** - Strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances.

**BBB** - Adequate capacity to meet financial commitments, but more subject to adverse economic conditions.

**BB, B, CCC, CC and C** – Obligations rated 'BB', 'B', 'CCC', 'CC', and 'C' are regarded as having significant speculative characteristics. 'BB' indicates the least degree of speculation and 'C' the highest. While such obligations will likely have some quality and protective characteristics, these may be outweighed by large uncertainties or major exposure to adverse conditions.

**D** – Default or in breach of imputed promise.

The ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

Up to date and detailed information regarding Standard & Poor's credit ratings and definitions is available via the following website: <http://www.standardandpoors.com>.

<b>Policy Adopted:</b>	Ordinary Meeting 21/02/13		RecFind 13/000759
<b>Policy Reviewed:</b>	Ordinary Meeting 18/06/15	Minute Book Page 30667	RecFind 15/002501
	Ordinary Meeting 21/02/18	Minute Book Page 37597	RecFind 18/000628
	Council Meeting 15/07/20		



# **Victoria Government Gazette**

By Authority of Victorian Government Printer

**No. G 30 Thursday 26 July 2007**

[www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)

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**GENERAL**

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**Advertisers Please Note**

As from 26 July 2007

The last Special Gazette was No. 177 dated 25 July 2007.

The last Periodical Gazette was No. 1 dated 14 June 2007.

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- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
-

**VICTORIA GOVERNMENT GAZETTE**

**Subscribers and Advertisers**

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**The new office and contact details are as follows:**

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Website: [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)

JENNY NOAKES  
Government Gazette Officer

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**PRIVATE ADVERTISEMENTS**

PHYLLIS EILEEN ROGERS, late of Amity Nursing Home, Dalton Road, Thomastown, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the deceased, who died on 9 January 2007, are required by the executor, Kevin Leonard Rogers, care of Arthur J. Dines & Co., solicitors, 2A Highlands Road, Thomastown, in the said State, to send particulars to him by 4 October 2007, after which date the executor may convey or distribute the assets, having regards only to claims to which he has notice.

Dated 19 July 2007

ARTHUR J. DINES & CO., solicitors,  
2A Highlands Road, Thomastown 3074.

SALVATORE CANCELLIERI, late of 23 Ross Street, Coburg 3058, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 29 May 2007, are required by Angelo Cancellieri, the executor of the said estate, to send particulars by 28 September 2007, to his solicitors, Gullaci & Gullaci of 158 Bell Street, Coburg, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 17 July 2007

GULLACI & GULLACI, solicitors,  
158 Bell Street, Coburg 3058.

TREVOR RICHARDSON, late of 42 Clarke Avenue, Mount Martha, Victoria, endodontist.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 April 2006, are required by the personal representatives, Trevor Adam Richardson and Janet Anne Benson, care of Kell Moore Solicitors Pty Ltd, 571 Kiewa Street, Albury 2640, to send particulars to them by 28 September 2007, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 12 July 2007

KELL MOORE SOLICITORS PTY LTD,  
solicitors,  
571 Kiewa Street, Albury 2640.

Re: ARTHUR ERNEST FLANDERS, late of 28 Durham Street, Eaglemont, Victoria, retired, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 11 March 2007, are required by the trustee, Perpetual Trustees Victoria Limited in the Will called The Perpetual Executors and Trustees Association of Australia Limited of Level 28, 360 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 24 September 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,  
140 William Street, Melbourne 3000.

Re: JOHANNES HENDRIKUS ANTONIUS WILDERS, late of O'Mara House, Hunter Road, Traralgon, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 March 2007, are required by the trustee, Egbertina Cornelia Aitken, to send particulars to the trustee care of the belowmentioned solicitors by 28 September 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

McDONOUGH & CO., solicitors,  
68 Seymour Street, Traralgon 3844.

Re: APOSTOLOS ZAVERDINOS, late of Unit 11, No. 27 Francis Street, Traralgon, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 March 2007, are required by the trustees, Dimitrios Fkias and Theotera Fkias, to send particulars to the trustees care of the belowmentioned solicitors by 28 September 2007, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

McDONOUGH & CO., solicitors,  
68 Seymour Street, Traralgon 3844.

NICHOLAS WILLIAM WARD, late of 43 Park Street, Cheltenham, Victoria, consultant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 November 2006, are required to send particulars of their claims to the trustee care of the undermentioned solicitors by 24 September 2007, after which date the trustee or personal representative or applicant for grant of administration may convey or distribute the assets, having regard only to the claims of which he then has notice.

McGUINNESS & HOSKING PTY, solicitors,  
3 Eighth Avenue, Rosebud 3939,  
telephone (03) 5986 6999.

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Creditors, next-of-kin and others having claims in respect of the estate of IDA MAY KENT, late of 8/48 Cawkwell Street, Malvern, home duties, deceased, who died on 28 February 2007, are required to send particulars of their claims to the executor, Jerry Chee Wee Lee, care of the undermentioned solicitors by 28 September 2007, after which date he will convey or distribute the assets, having regard only to the claims of which he then has notice.

OGGE & LEE, solicitors,  
403/34 Queens Road, Melbourne 3004.

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Re: MERRILL BETH WAGNER, late of Donvale Retirement Village, Unit 91, 160 Springvale Road, Donvale, Victoria, home duties, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 14 March 2007, are required by the executor, David Anthony Rush of 431 Riversdale Road, Hawthorn East, Victoria, solicitor, to send particulars to him care of the undersigned by 26 September 2007, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

RENNICK & GAYNOR, solicitors,  
431 Riversdale Road, Hawthorn East 3123.

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Re: LANDON HUGH RICHARDSON, late of 5/27 Hill Street, Hawthorn, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 December 2006, are required by the trustee, Trust Company Fiduciary Services Limited, of Level 3, 530 Collins Street, Melbourne, Victoria, to send particulars to the

trustee by 24 September 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 12 July 2007

RICHMOND & BENNISON, solicitors,  
493 Main Street, Mordialloc 3195.

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Re: DOROTHY EMMIE THOMPSON, late of Apartment 107, 183–191 Osborne Drive, Mount Martha, but formerly of Moyhu, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 June 2007, are required by the trustee, John Allan Thompson, to send particulars of such claims to him in care of the undermentioned solicitors by 24 September 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ROBERTS BECKWITH PARTNERS, lawyers,  
16 Blamey Place, Mornington 3931.

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Re: GLADYS ALLEN UTTON, late of Strathalan Community, Erskine Road, Macleod, Victoria, retired, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Susan Elizabeth Baker and David Alan Utton, the executors of the estate of the said deceased, to send particulars of such claims to them care of the undermentioned solicitors by the date being two calendar months from the date of this advertisement, after which date they will distribute the estate, having regard only to the claims of which they then have notice.

RYAN, MACKEY & McCLELLAND, solicitors,  
65 Main Street, Greensborough.

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Re: MONICA JUNE FISHER, late of 25 Bailey Street, California Gully, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 April 2007, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, the said company having been

authorised by Samuel John Beqir of 18 View Street, Bendigo, Victoria, executor, to send particulars to the trustee within two months of the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

SANDHURST TRUSTEES LIMITED,  
18 View Street, Bendigo 3550.

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Creditors, next-of-kin and others having claims in respect of the estate of ROSE ANNE CONNOR, deceased, late of 40 Anderson Road, Sunshine, widow, who died on 17 May 2007, are requested to send particulars of their claims to the executors, John Patrick Spillane and Rodney Malcolm Jones, both of 100 Paisley Street, Footscray, care of the undersigned solicitors by 5 October 2007, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

SECOMBS, solicitors,  
100 Paisley Street, Footscray.

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EDITH ALICE CARROLL, formerly of Lovell House, 389 Alma Road, Caulfield, Victoria, but late of Betheden Nursing Home, 1 Wahgoo Road, Carnegie, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 March 2007, are required by Trust Company Fiduciary Services Limited of 3/530 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 4 October 2007, after which date the executor may convey or distribute the assets, having regard only to the claims of which it then has notice.

TRUST COMPANY FIDUCIARY  
SERVICES LTD,  
3/530 Collins Street, Melbourne.

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33/2007 This Act comes into operation on the day after the day on which it receives the Royal Assent.

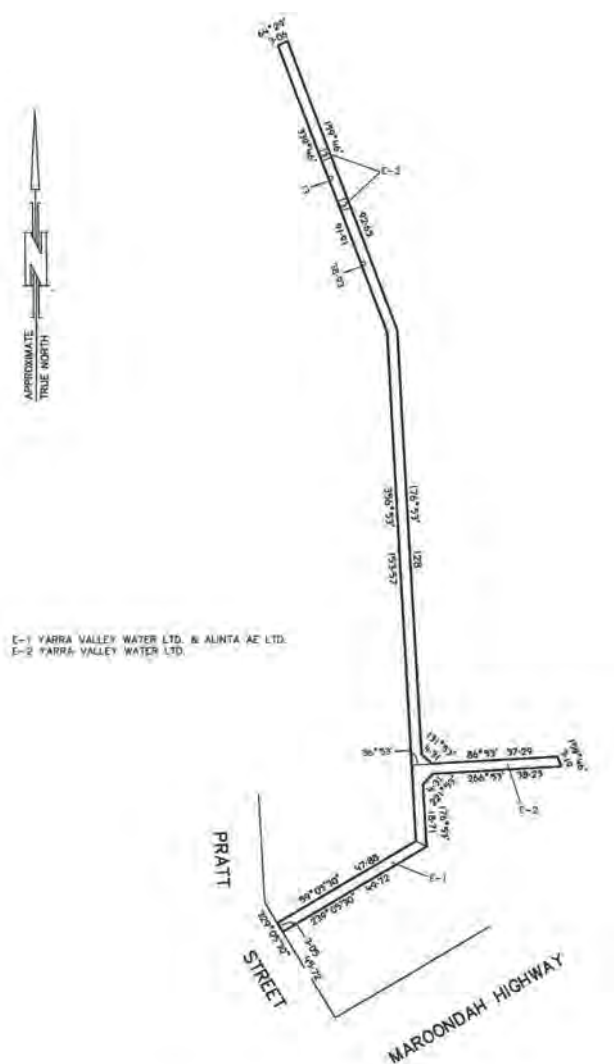
## GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES NOTICES

## MAROONDAH CITY COUNCIL

## Road Discontinuance

At its meeting on 19 February 2007 and acting under clause 3 of schedule 10 to the **Local Government Act 1989** Maroondah City Council resolved to discontinue the road shown on the plan below.

The road is to be sold subject to any right, power or interest held by Yarra Valley Water Ltd and Alinta AE Ltd as to the land marked E-1, and Yarra Valley Water Ltd as to the land marked E-2, in the road in connection with any sewers, drains or pipes under the control of those authorities in or near the road.

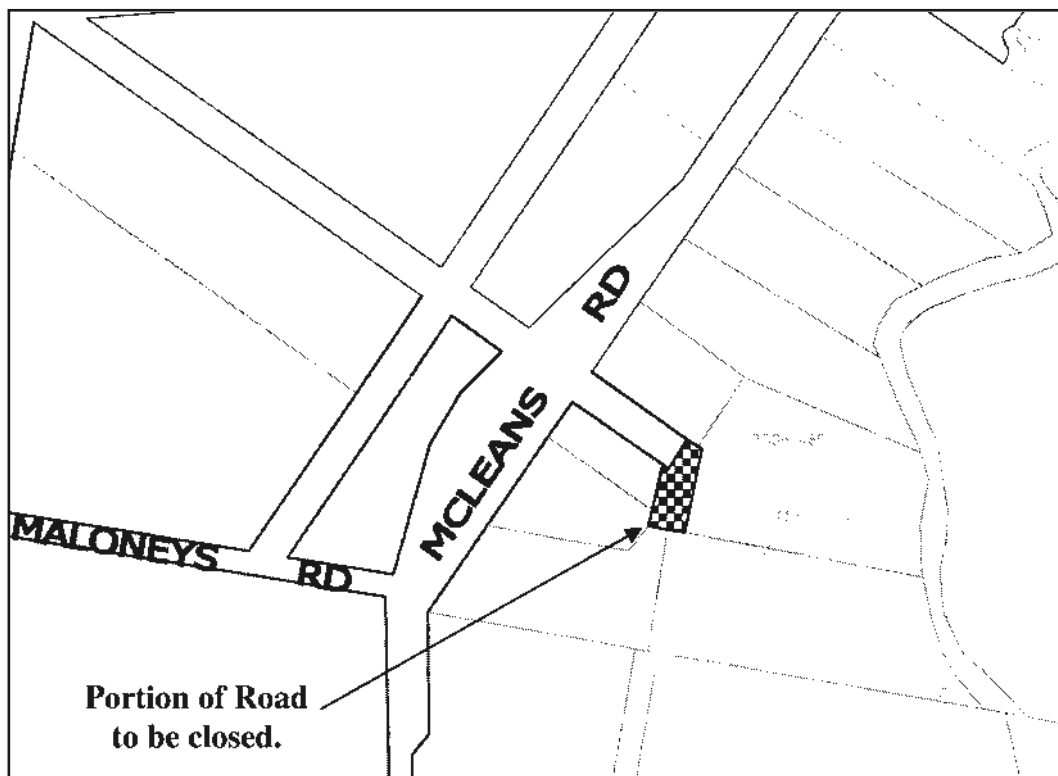


MICHAEL MARASCO  
Chief Executive

## WANGARATTA CITY COUNCIL

## Road Discontinuance

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989** the Wangaratta Rural City Council at its meeting held on 17 July 2007 formed the opinion that a section of road adjoining McLeans Road, Greta West shown hatched on the plan below, is not reasonably required as a road for public use and resolved to discontinue this section of road to allow consolidation and sale.



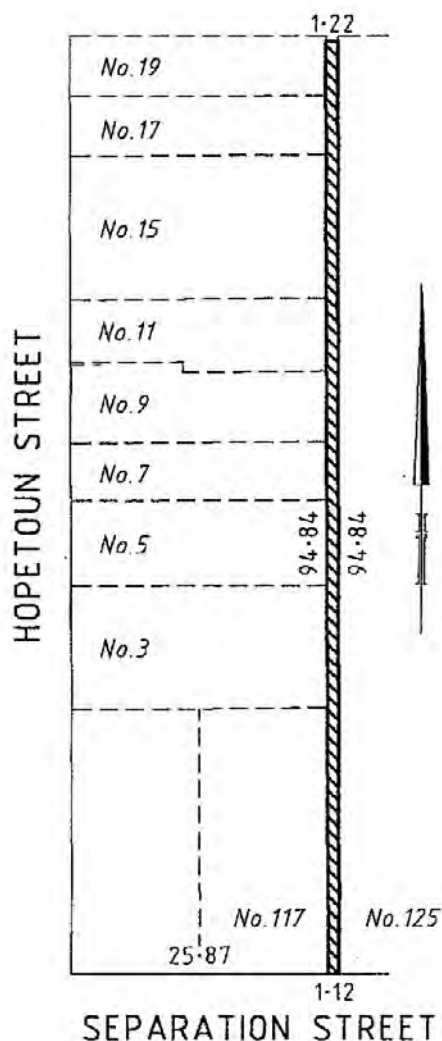
RAY PARK  
Director  
Business Services



## DAREBIN CITY COUNCIL

## Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 16 July 2007, formed the opinion that the road at the rear of 3 to 19 Hopetoun Street and adjacent to 117 and 125 Separation Street, Northcote, and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owners.



MICHAEL ULBRICK  
Chief Executive Officer

## CITY OF CASEY

Notice of Intention to Amend  
Casey Community Local Law No. 2

Notice is given pursuant to Section 119 (2) of the **Local Government Act 1989** that at the Council meeting of the City of Casey held on 1 May 2007, the Council resolved to commence the statutory process to allow amendment of Local Law No. 2 (2000).

The purpose and general purport of Casey Community Local Law No. 2 is:

The Local Law is made for:

- provision for peace, order and good Government of the municipality;
- protection against behaviour which causes detriment to the amenity and environment of the municipal district;
- controlling activities which may interfere with the comfort and enjoyment of other persons;
- providing for the safety of pedestrians and other road users; and
- protection of Council and community assets.

Proposed amendments to the current Local Law include a requirement for any person to not sell or give to any person a cat that has not been desexed with the exception of:

- a person issued with a permit;
- proprietor of an Applicable Breeding Establishment;
- proprietor of an Applicable Pet Shop; or
- a member of an Applicable Organisation with which the cat is registered.

A copy of the proposed amended Local Law can be obtained from the: Council Offices, Magid Drive, Narre Warren; the Customer Service Centres at Centro Cranbourne and Amberley Park Shopping Centre, Narre Warren South; or the City of Casey website [www.casey.vic.gov.au](http://www.casey.vic.gov.au).

Any person affected by the proposed amended Local Law may make a submission in accordance with the provisions of Section 223 of the **Local Government Act 1989**. The closing date for submissions is Thursday 9 August 2007.

Submissions should be addressed to the Chief Executive Officer, City of Casey, PO Box 1000, Narre Warren 3805.

MIKE TYLER  
Chief Executive Officer



Notice of Proposed Local Law  
Part 8 – Control of Structures & Mooring in Rivers

**Objectives**

The objectives of this Local Law are to make provision for the:

- (a) control, management and the use of the land, services and facilities;
- (b) protection of the land, services and facilities;
- (c) protection of people from injury or nuisance; and
- (d) conservation and preservation of flora, fauna and habitat

in and adjacent to any municipal place under the management and control of the Warrnambool City Council.

**Purposes of Local Law**

The purpose of this Local Law is to:

- (i) control the erection of wharves and jetties in areas under the control of Council;
- (ii) control commercial operations using the lakes and watercourses under the control of Council;
- (iii) control the use of mooring; and
- (iv) limit the time that a vessel may be moored.

**Definitions**

**“Mooring”** To hold a vessel by means of anchoring, tying up to or fixing to something that prevents drifting.

**“Permanent Mooring”** An area able to be allocated by the Council for the purposes of mooring for a period up to 12 months at a time.

**“Leased Mooring”** Areas of public jetty can be leased pursuant to the **Crown Lands (Reserves) Act 2006** Section 17.

**“Vessel”** means any kind of vessel that is used or capable of being used in navigation by water however propelled or moved, and includes:

- (a) a barge, lighter, floating restaurant, houseboat, hire boat, punt, yacht, boat or other floating vessel; and
- (b) an air-cushioned vehicle or other similar craft that may be used in navigation by water.

**“Jetty”** means a wharf, pier, jetty or landing place which is the property of or located within an area under the control of Council.

**“Houseboat”** means a vessel containing enclosed or semi-enclosed sleeping accommodation.

**L3.39 Erection of a Wharf or Jetty**

No person without the consent in writing of Council may erect, demolish, enlarge or re-erect upon or adjacent to the foreshore or the bank of any lake or watercourse any wharf, jetty, boat ramp or other structure, whether fixed or floating, within the area defined in Schedule 3.4. – Penalty: 5 penalty units.

**L3.40 Commercial Operators**

No person without a permit may operate a vessel or use a mooring for the conduct of a commercial enterprise or for any purpose connected directly or indirectly with that enterprise. – Penalty: 5 penalty units.

**L3.41 Use of Jetties and Other Structures**

No person may fasten or moor any vessel, log or thing of any kind to any wharf, jetty, piles, steps or to any pontoon, staging, shed or structure attached to or alongside any wharf or jetty or upon any foreshore, river, stream or creek within the area described in Schedule 3.4 in such a manner as to prevent free access to any wharf, jetty, steps, pontoons, staging, shed or other structure. – Penalty: 5 penalty units.

**L3.42 Limitation of Time at Jetties and Other Structures**

No person without the written consent of the Council or an authorised officer may moor any vessel to any jetty or wharf for any period exceeding one hour. – Penalty: 5 penalty units.

**L3.43 Use of Lake or Watercourse**

No person without the written consent of Council may allow a vessel to remain on a lake or watercourse other than on a jetty or mooring for a continuous period exceeding 24 hours. – Penalty: 5 penalty units.

**Standards****S3.17 Use of Lakes or Watercourses including Mooring**

In determining whether to grant a permit to allow a person to use a mooring the Council must take into account:

- (a) whether the safety of other users or the passage of vessels will be affected by the mooring; and
- (b)
  - (i) whether permits or requirements of any relevant authority or any other legislation have been approved;
  - (ii) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
  - (iii) whether the activity will be detrimental to the amenity of the area;
  - (iv) whether appropriate arrangements can be made for:
    - waste water disposal;
    - litter and garbage;
    - lighting; and
    - advertising signs;
- (c) the duration of the mooring;
- (d) the location of the mooring;
- (e) whether any indemnity/guarantee in a form acceptable to the Council has been provided to the Council;
- (f) the ownership of the wharf or jetty;
- (g) the ownership of adjacent land; and
- (h) any other matter relevant to the circumstances of the application.

**Schedule****SCH3.4 All lakes or watercourses under the control of Council.**

Copies of the proposed Local Law can be obtained from the Warrnambool Civic Centre, 25 Liebig Street, Warrnambool during normal office hours 8.30 am – 5.00 pm Any person affected by the proposed Local Laws may make a written submission to the Council.

Submissions received by the Council on or before 5.00 pm Monday 20 August 2007 will be considered by the Council in accordance with the provisions of Section 223 of the **Local Government Act 1989**. Any person requesting to be heard in support of a submission is entitled to appear at 4.30 pm, Monday 27 August 2007.

LINDSAY A. MERRITT  
Chief Executive

## SWAN HILL RURAL CITY COUNCIL

## Local Law &amp; Codes of Practice

## Notice of Adoption of Local Law

Notice is hereby given that Swan Hill Rural City Council, at its Ordinary Meeting held on 17 July 2007, resolved to make Local Law No. 2 – Community, pursuant to Section 119 of the **Local Government Act 1989**. This Local Law is effective following publication of this notice.

The purpose and general purport of the Local Law No. 2 – Community is to:

- a. provide for the peace, order and good government of the municipal district;
  - b. provide a safe and healthy environment, in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community;
  - c. control and regulate emissions to the air in order to improve the amenity, environment and quality of life in the municipal district;
  - d. ensure that the public can properly use and enjoy public reserves by regulating activities and behaviour in public reserves;
  - e. prohibit, regulate and control the consumption of alcohol in designated areas within the municipal district;
  - f. manage, regulate and control the different uses to which streets, roads, footpaths and Council land can be put so as to ensure that there is a proper balance between private uses and the need to maintain freedom of movement for the public; and
  - g. manage, regulate and control the keeping of animals and birds.
- b. Building and Works Code of Practice, which has the objective of providing an environment where activity on and related to building sites and building works complement the safety and amenity of the public and the community; and
- c. Trading Code of Practice, which has the objective of providing for the peace, order, well being and safety of people and amenity of public places in the municipality.

A copy of the Local Law and the Codes of Practice may be inspected at the Swan Hill Rural City Council Customer Service Centres at 45 Splatt Street, Swan Hill and 68–72 Herbert Street, Robinvale during office hours. It is also available from the Council's website [www.swanhill.vic.gov.au](http://www.swanhill.vic.gov.au), or by contacting Council on 5036 2333.

DENNIS HOVENDEN  
Chief Executive Officer

**Planning and Environment Act 1987**

## BAW BAW PLANNING SCHEME

## Notice of Preparation of Amendment

## Amendment C47

## Authorisation A0696

The Baw Baw Shire Council has prepared Amendment C47 to the Baw Baw Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Baw Baw Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is:

- The new law integrates and codifies the previous Local Laws
- a. No. 2 – Consumption of Liquor in Public Places;
  - b. No. 5 – Keeping of Animals, Birds and Poultry; and
  - c. No. 6 – Streets and Roads
- which on adoption of Local Law No. 2 Community shall be revoked.
- The Local Law No. 2 also incorporates:
- a. The Waste Code of Practice, which has the objective of providing an environment where activity related to waste and recycling complement the safety and amenity of the community;
- All land in the Baw Baw Shire (in respect of the application of the Development Contributions Plan Overlay).
  - In respect of the proposed rezonings:  
245 Copelands Road, Warragul, being Lots 1, 2, 3 PS406542A, Part CA 66B, Parish of Drouin East; 50 Twin Ranges Drive, Warragul, being Pt Lot 39 LP 1669, Part CA's 66 and 75, Parish of Drouin East; 283 Sutton Street, Warragul, being CA 66A, Parish of Darnum; Land on Mills Road, Warragul, being Lot 2 TP15247T, Part CA 74, Parish of Drouin East; 155 Brandy Creek Road, Warragul,

being Lot 4 LP 141553, Part CA 73, Parish of Drouin East; 165 Brandy Creek Road, Warragul, being Lot 3 LP 141553, Part CA 73, Parish of Drouin East; 167 Brandy Creek Road, Warragul, being Lot 2 LP 141553, Part CA 73, Parish of Drouin East; 169 Brandy Creek Road, Warragul, being Lot 1 LP 141553, Part CA 73, Parish of Drouin East; Part land on Windhaven Court, Warragul being Part Lot 1 PS 547350V; 215 Brandy Creek Road, Warragul, being Lot 1 PS320140Y, Part CA78, Parish of Drouin East; 49 Dollarburn Road, Warragul, being Part Lot 2 LP 139152, Part CA 82, Parish of Drouin East; 1805 Princes Highway, Warragul, being Lot 1 TP 429616, Lot 1 TP 836466, Lot 1 TP 162352; 10 Pharoahs Road, Warragul, being Part CA 87, Parish of Drouin East; 7 Tarwin Street, Warragul, being Lot 4 PS 323625G, Parish of Drouin East; and 1845 Princes Highway, Warragul, being Lot 1 TP 101861U, Parish of Drouin East.

The Amendment proposes to:

- Introduce clause 45.06 – Development Contributions Plan Overlay into the Baw Baw Planning Scheme.
- Introduce a schedule to clause 45.06 to include the Baw Baw Shire Development Contributions Plan.
- Modify clause 61.03 to include reference to the introduction of new Development Contributions Plan Overlay maps.
- Apply the Development Contributions Overlay to all land in the Baw Baw Shire.
- Include the Baw Baw Shire Development Contributions Plan and the Warragul Urban Drainage Strategy in clause 21.08 – 3 of the Municipal Strategic Statement (MSS) as Reference documents.
- Modify the Warragul Structure Plan in clause 22.02 – Settlement Policies to show future infrastructure for the town relating to the road network, open space network, drainage works, state school and activity centres.
- Rezone the land referred to above from Farming Zone to Residential 1 Zone.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the offices of the Baw Baw Shire Council, 61 Smith Street, Warragul, Young Street, Drouin and the Baw Baw Technology Centre, Princes Highway, Trafalgar; at the Department of Sustainability and Environment, Gippsland Regional Office, 71 Hotham Street, Traralgon; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 28 September 2007. A submission must be sent to the Baw Baw Shire Council, PO Box 304, Warragul 3820.

GLENN PATTERSON  
Chief Executive Officer  
Baw Baw Shire Council

#### **Planning and Environment Act 1987** **EAST GIPPSLAND PLANNING SCHEME**

Notice of Preparation of Amendment  
Amendment C55  
Authorisation A0535

The East Gippsland Shire Council has prepared Amendment C55 to the East Gippsland Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the East Gippsland Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment are the two parcels of land (a western parcel and an eastern parcel) within the Public Acquisition Overlay (Schedule 2) and located at the rear of properties fronting the Esplanade, Myer Street, Church Street and Carpenter Street, Lakes Entrance.

The Amendment proposes to remove the Public Acquisition Overlay (Schedule 2) from the land described above. The Amendment proposes to apply the Public Acquisition Overlay

(Schedule 3) to the western parcel of land that is located at the rear of properties fronting the Esplanade, Carpenter Street and Church Street, Lakes Entrance. The Amendment proposes to correct an omission by including reference to Planning Scheme Map No. 55PAO in the Schedule to Clause 61.03.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the planning authority, East Gippsland Shire Council, 273 Main Street, Bairnsdale; at the Lakes Entrance Library, 18 Mechanics Street, Lakes Entrance; at the office of the Department of Sustainability and Environment, Gippsland Region, 71 Hotham Street, Traralgon; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a written submission to the planning authority.

The closing date for submissions is 30 August 2007. A submission must be sent to the East Gippsland Shire Council, 273 Main Street, Bairnsdale, Victoria 3875.

RAY SMITH  
Manager  
Strategic Planning

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**Planning and Environment Act 1987**  
**GREATER BENDIGO PLANNING SCHEME**

Notice of Preparation of Amendment

Amendment C96

Authorisation A726

The City of Greater Bendigo Council has prepared Amendment C96 to the Greater Bendigo Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the City of Greater Bendigo Council as planning authority to prepare the Amendment. The Minister also

authorised the City of Greater Bendigo Council to approve the Amendment under section 35B of the Act.

The land affected by the Amendment is:

- The Amendment applies to the whole of the Greater Bendigo Planning Scheme and Greater Bendigo municipality.

The Amendment proposes to:

- Reference the City of Greater Bendigo Domestic Wastewater Management Plan Final Report, RMCG, August 2006 and accompanying assessment tool, the City of Greater Bendigo Land Capability Mapping and Assessment Tools for Wastewater Management, RMCG, March 2006, as reference documents to the Greater Bendigo Planning Scheme.
- Amend strategies for environment and infrastructure to reference the use of the plan and assessment tool to guide domestic wastewater disposal and management in the municipality.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the planning authority, City of Greater Bendigo, Planning Services, Hopetoun Mill, 15 Hopetoun Street, Bendigo; at the Department of Sustainability and Environment North West Region Office, corner Midland Highway and Taylor Street, Epsom; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 30 August, 2007. A submission must be sent to John McLean, Chief Executive Officer, City of Greater Bendigo, PO Box 733, Bendigo 3552.

JOHN MCLEAN  
Chief Executive

**Planning and Environment Act 1987****HUME PLANNING SCHEME****Notice of Preparation of Amendment****Amendment C91****Authorisation A0704**

The Hume City Council has prepared Amendment C91 to the Hume Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Hume Council as planning authority to prepare the Amendment.

The land affected by the Amendment is Pascoe Vale Road, Coolaroo, more particularly described as Lot 2 on Plan of Subdivision PS504561Y contained in Certificate of Title 10962, Folio 768.

The Amendment proposes to:

- rezone the subject land from Special Use Zone Schedule 3 (Pascoe Vale Road Precinct) to part Business 4 Zone and part Business 3 Zone. The Business 4 Zone will apply to that part of the subject land that has frontage to Pascoe Vale Road and the Business 3 Zone will apply across the balance of the subject land that extends to the railway land adjacent the eastern boundary of the land;
- amend Clause 21.03–1 and Clause 22.12 to remove reference to the Special Use Zone; and
- amend the Schedule to the Business 4 Zone.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the Hume City Council, Sunbury Office, 36 Macedon Street, Sunbury; Broadmeadows Office, 1079 Pascoe Vale Road, Broadmeadows; Craigieburn Office, 59 Craigieburn Road West, Craigieburn; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 27 August 2007. A submission must be sent to Peter Gaschk, Manager Strategic Planning, Hume City Council, PO Box 119, Dallas, Victoria 3047.

DARRELL TRELOAR  
Chief Executive Officer

**Planning and Environment Act 1987****NORTHERN GRAMPIANS****PLANNING SCHEME****Notice of Preparation of Amendment****Amendment C16****Authorisation No. A0665**

The Northern Grampians Council has prepared Amendment C16 to the Northern Grampians Planning Scheme.

In accordance with section 9 (2) of the **Planning and Environment Act 1987**, the Minister for Planning has authorised the Northern Grampians Shire Council as Planning Authority to prepare the Amendment.

The land affected by the Amendment is the Stawell Wastewater Treatment Plant, which is located in Hines Road, Stawell, together with surrounding land.

The Amendment proposes to include the land described above within the Environmental Significance Overlay (ESO). Notice of applications will be given under section 52 of the **Planning and Environment Act 1987** for any sensitive development that is to occur within the proposed overlay area. The overlay is an odour buffer that will safeguard the plant's operations and avoid any future conflict between it and any residential expansion of Stawell. It will also protect existing and future landowners from the consequences of effects from the plant.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the Planning Authority, Northern Grampians Shire Council, Town Hall, Main Street, Stawell 3380; at the Department of Sustainability and Environment, Western Region Office, 402–406 Mair Street, Ballarat 3350; at the Department

of Sustainability and Environment, South West Region Office, Level 4, State Government Offices, Corner Little Malop and Fenwick Streets, Geelong 3220; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne 3002.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the Planning Authority.

The closing date for submissions is 27 August 2007. A submission must be sent to the Northern Grampians Shire Council, Town Hall, Main Street, Stawell, Victoria 3380.

NEIL HAYDON  
Manager

Planning and Building Services

Creditors, next-of-kin and others having claims against the estate of any of the under-mentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 28 September 2007, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BURGESS, Margarete Isabella Annemarie, late of 5 Acadia Avenue, Boronia, Victoria 3155, who died on 24 November 2006.

DOGGETT, Alice Harriet, late of Springtime, 41 Manchester Drive, Sydenham, Victoria 3037, pensioner, and who died on 1 June 2007.

DOUGLASS, Olga Gwendoline, late of Glendale Hostel, 1 Glendale Court, Werribee, Victoria 3030, pensioner, and who died on 10 April 2007.

HILL, Bridget Theresa, late of Unit 1, 91 Howards Street, Reservoir, Victoria 3073, home duties, and who died on 6 March 2007.

KERBY, Elizabeth, late of Plenty Residential Service, 3 Springfield Court, Bundoora, Victoria 3083, who died on 28 May 2007.

KUHRTS, Fritz Alfred, late of Amity at Barrabool, 55 Barrabool Road, Belmont, Victoria 3216, retired, and who died on 9 June 2007.

MIERS, Joan Isabel, late of 1 Hart Street, Airport West, Victoria 3042, who died on 15 January 2007.

WHIPPS, Anastasia, late of 160 Melbourne Avenue, Glenroy, Victoria 3046, home duties, and who died on 5 May 2007.

Dated 20 July 2007

MARY AMERENA  
Manager  
Executor and Trustee Services

#### EXEMPTION

Application No. A142/2007

The Victorian Civil and Administrative Tribunal, has considered an application pursuant to section 83 of the **Equal Opportunity Act 1995** by Lifestyle Communities Pty Ltd for exemption from sections 42, 47, 49, 50, 100 and 195 of that Act. The application for exemption is to enable the applicant to engage in the specified conduct. In this Exemption "specified conduct" means the establishment and operation of residential communities for people over 55 years of age including, but not limited to, the sale of mobile homes, the provision of residence sites, the provision of facilities and services to those communities and other related matters and advertising concerning those communities.

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from sections 42, 47, 49, 50, 100 and 195 of the Act to engage in the specified conduct.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 42, 47, 49, 50, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the specified conduct. The exemption is subject to the conditions listed in the attached schedule.

This exemption is to commence on and from 12 August 2007 and to remain in force until 11 August 2010.

Dated 19 July 2007

C. McKENZIE  
Deputy President



### SCHEDULE

This schedule sets out minimum requirements to be contained in any agreement entered into between the applicant and the resident of a site in a community established by the Applicant. The terms of the agreement are not limited to the requirements set out in this schedule. The terms set out in any site agreement need not be in the exact form of the requirements in this schedule but must be to the same effect.

The minimum requirements are –

- a) The agreement must provide for the payment of the site fee by the resident to the applicant and must describe the purposes for which amounts received as site fees are to be used. If the site fee is to include an amount in respect of rates or taxes concerning the site, the amount included must comply with sections 162 and 163 of the of the **Residential Tenancies Act 1997** (“RTA”).
- b) The agreement must state that it is an agreement for the purposes of section 144 of the RTA. The agreement must make it clear that the community to which it relates is a caravan park within the meaning of the RTA, and that the provisions of the RTA relating to caravan parks apply.
- c) The resident’s residency right lasts for a term of 45 years from the date when the resident locates his or her mobile home on the site. The resident has one option of renewal for a further term of 45 years.
- d) If the resident sells or disposes of his or her mobile home, the applicant may refuse consent to the transfer of the residency right in the site if the transferee is not aged over 55. If the applicant consents to the transfer of a residency right in a site, the applicant will enter into a new site agreement with the transferee. For the purpose of paragraph C the term of the residency right begins on the date of the transfer.
- e) If a resident dies, the person to whom the resident’s mobile home passes under the laws relating to estates is entitled to the transfer of the residency right in the site irrespective of that person’s age. The applicant will enter into a new site agreement with that person. For the purposes of paragraph C, the residency right under the new agreement lasts for a term of not less than 20 years and specified in the agreement. The company will permit that person, if aged 55 or under, to nominate a person over 55 to occupy the site on terms and conditions agreed between the applicant and the nominator.
- f) The applicant will permit the transfer of a residency right in a site to a person who is not over the age of 55 in other exceptional circumstances.
- g) The applicant will permit a person to occupy a site instead of the resident, on a short term or temporary basis. The circumstances in which this permission may be given include but are not limited to absences of the resident on extended holiday or because of ill health or in any other exceptional circumstances. The temporary or short term occupation will be for a term not exceeding 12 months, but the term may be renewed from time to time in the applicant’s discretion.
- h) The applicant will not require from the resident more than 1 bond in respect of any one continuous period of occupation of a site.
- i) The applicant will not make an additional charge for occupation of a site by any visitor of the resident unless the visitor remains there for more than 30 days.
- j) The resident will use the site for his or her main or only place of residence.
- k) Subject to payment of the site fees, the resident has the right to use the communal facilities and services in the community.
- l) The applicant and the resident must obey any rules for the community made under section 185 of the RTA as amended and in force for the time being.
- m) The resident will insure and keep insured the mobile home and its contents and take out and maintain public liability insurance over the site occupied by the resident.

## EXEMPTION

Application No. A141/2007

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995**, by the Royal Melbourne Institute of Technology University (the University). The application for exemption is to enable the applicant to engage in the specified conduct.

In this exemption, “specified conduct” means to advertise for and employ Indigenous Australians only to fill the following three positions at the University –

- A recruitment consultant;
- An Indigenous employment coordinator; and
- An ongoing traineeship position, which is to be filled for 12 months by each trainee who occupies it, and which is to provide (as well as training) employment at the University in an administrative capacity.

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 14, 37, 42, 100 and 195 of the Act to enable the applicant to engage in the specified conduct.

In granting this exemption the Tribunal noted:

- Indigenous Australians are under-represented in the workforce in the higher education sector in Australia, compared to their proportion to the total population. In 2006, they comprised 0.8% of that workforce.
- The Australian Government has recognised, both in legislation and through funding, the need to create more employment opportunities for Indigenous Australians.
- The Australian Government’s Department of Education, Science and Technology requires universities to have an Indigenous employment strategy.
- The Victorian Government has adopted the Wur-Cum Barra Indigenous Employment Strategy for its public sector.
- In 2005, the University (through its Acting Vice-Chancellor and President) approved an Indigenous employment strategy.
- In 2006, the University funded research about how best to implement the strategy. The research examined relevant literature and interviewed officers at other Australian universities involved in this area. It concluded that important elements to the successful implementation of such strategies were high-level involvement and support for the strategy, the creation of clearly designated positions to implement the strategy and the filling of those positions by Indigenous Australians, an awareness of the strategy throughout the university, the need to integrate the strategy with existing structures, and involvement or and consultation with the Indigenous community.
- The project report recommended the development of an Indigenous employment action plan and, as part of the plan, the creation of the positions to which this application relates.
- The Vice-Chancellor and President of the University have now (after the consultation period has ended) approved an Indigenous Employment and Career Development Action Plan for 2007 to 2010 (the Action Plan). The Action Plan was launched in February 2007.
- The aims of the Action Plan are to make the University an employer of choice for Indigenous Australians, to recognise the value of the participation of Indigenous Australians in all parts of the University’s workforce, to increase retention rates, support and career development for the University’s Indigenous employees, to broaden awareness of Indigenous issues and perspectives among the University’s non-Indigenous staff, and to strengthen relationships between Indigenous and non-Indigenous communities.

- The University recognises that the Action Plan will not succeed unless it is owned and supported by the Indigenous community and its implementation is led by Indigenous employees. To this end, this application is made.
- Other initiatives which have recently been taken or are to be taken in conjunction with the Action Plan include an Indigenous employment web portal, an Indigenous staff network, and re-designed programs to support the Indigenous staff and to promote cultural awareness.
- The duties attached to the positions mentioned in the application are these. The recruitment consultant will implement recruitment aspects of the Action Plan, as well as performing general recruitment duties. The Indigenous employment coordinator will implement the high level strategies of the Action Plan, liaise with Indigenous communities and re-design various programs. The traineeship position will be held by each trainee for 12 months and will provide employment involving administrative duties as well as providing training.
- The University's aim is to provide a pathway by which Indigenous Australians can join and remain in the University's workforce without losing their links with their communities. The University aims to help to address under-representation of Indigenous Australians in the higher education workforce. The positions will help the University progress to the next part of the Action Plan, which concerns the initiatives to promote and retain the employment of Indigenous Australians in each of the University's portfolios and units.
- The positions are new positions and do not affect the continuation of funding of current positions.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 14, 37, 42, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the specified conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 25 July 2010.

Dated 20 July 2007

C. McKENZIE  
Deputy President

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#### EXEMPTION

Application No. A200/2007

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to Section 83 of the **Equal Opportunity Act 1995**, by Eastern Access Community Health Inc. The application for exemption is to enable the applicant to advertise and employ an Aboriginal and/or Torres Strait Islander as an Indigenous liaison and service access health worker (the exempt conduct).

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- This Indigenous worker will act as the interface between the Eastern Access Community Health and the community.
- This Indigenous worker will provide cultural education to staff.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 July 2010.

Dated 18 July 2007

HER HONOUR JUDGE HARBISON  
Vice President

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**Heritage**  
VICTORIA

**Heritage Act 1995**

**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended in that the Heritage Register Number 2113 in the category described as Heritage Place is described as:

Former Ballarat RAAF Base, Learmonth Road, Ballarat, Ballarat City Council.

**EXTENT:**

1. All the land known as Ballarat Aerodrome marked L1 on Diagram 2113A held by the Executive Director.
2. The features marked as follows on Diagram 2113A held by the Executive Director:
  - F1 Liberator Air Strip;
  - F2 Parade Ground.
3. All the buildings marked as follows on Diagram 2113B held by the Executive Director:
  - B1 Building 184 Propeller Test House;
  - B2 Building 132 Bellman Hangar;
  - B3 Building 133 Maintenance Workshop;
  - B4 Building 141 Parachute Hut;
  - B5 Building 189 Woodwork, Fabric and Paint shop;
  - B6 Building 188 Mechanical Workshop;
  - B7 Building 138/139/140 Equipment Stores;
  - B8 Building 274 Clothing store;
  - B9 Building 191 Operations and Crew Room;
  - B10 Building 190 Operations and Crew Room;
  - B11 Building 130 Bellman Hangar;
  - B12 Building 180 Bellman Hangar;
  - B13 Building 182 Flight Office;
  - B14 Building 131 Bellman Hangar.
4. All the buildings marked as follows on Diagram 2113C held by the Executive Director:
  - B15 Building 114 Boiler House;
  - B16 Building 212 Temporary Married Quarters;
  - B17 Buildings 116/117 Sergeants' Ablution Block and Latrine;
  - B18 Building 125 Sergeants' Sleeping Quarters;
  - B19 Building 118/119 Officers' Ablution Block and Latrine;
  - B20 Building 126 Store;
  - B21 Building 111 Sergeants' Mess;
  - B22 Building 115 Boiler House;
  - B23 Building 110 Officers' Mess;
  - B24 Building 207 Laundry and Drying Room;
  - B25 Building 121 Sergeants' Sleeping Quarters;
  - B26 Building 122 Sergeants' Sleeping Quarters;
  - B27 Building 124 Sergeants' Sleeping Quarters;
  - B28 Building 120 Officers' Sleeping Quarters;
  - B29 Building 123 Officers' Sleeping Quarters;
  - B30 Building 196 Officers' Sleeping Quarters;
  - B31 Building 208 Garage;
  - B32 Building 213 Temporary Married Quarters;
  - B33 Building 210 Temporary Married Quarters;
  - B34 Building 211 Temporary Married Quarters;
  - B35 Building 107 Sleeping Quarters;
  - B36 Building 233 Radio Hut;
  - B37 Building 232 Emergency Power House;
  - B38 Building 112 Sergeants' Sleeping Quarters;
  - B39 Building 113 Sergeants' Sleeping Quarters;
  - B40 Building 154 Gymnasium;
  - B42 Building 234 Radio Hut;
  - B48 Building 209 Garage.

5. All the buildings marked as follows on Diagram 2113D held by the Executive Director:

- B40 Building 154 Gymnasium;
- B41 Building 170 Station Headquarters;
- B43 Building 135 M/T Office and Workshop;
- B44 Building 136 Barracks Store;
- B45 Building 134 Barracks Office Store;
- B46 Building 144 Latrine and Change Room;
- B47 Buildings 20/30/61 Sleeping Huts and Ablution Block.

6. The structure marked as follows on Diagram 2113D held by the Executive Director:

- S1 Elevated water tower.

Dated 24 July 2007

RAY TONKIN  
Executive Director

#### **Crown Land (Reserves) Act 1978**

##### **ERRATUM**

##### **ORDER GIVING APPROVAL TO GRANT OF A LEASE UNDER SECTIONS 17D AND 17DA**

Under sections 17D and 17DA of the **Crown Land (Reserves) Act 1978**, I, Justin Madden MLC, Minister for Planning, being satisfied that there are special reasons which make the granting of a lease reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a lease to the Eastern Districts Tennis Club Incorporated by the Greater Geelong City Council as the Committee of Management, for the purpose of 'Tennis Clubrooms and associated activities' over the area of Crown land being part of Howard Glover Reserve described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting the lease reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

#### **SCHEDULE**

The land shown hatched on plan marked "G/3.6.2007" attached to Department of Sustainability and Environment file No. 0702207 being portion of Allotment 24B, Section 86A, City of Geelong, Parish of Corio being part of the remaining Crown land in the City of Geelong, Parish of Corio permanently reserved for the purpose of Public Park and Recreation by Order in Council of 26 October 1982.

Dated 27 June 2007

JUSTIN MADDEN MLC  
Minister for Planning

#### **Mineral Resources**

##### **(Sustainable Development) Act 1990**

##### **DEPARTMENT OF PRIMARY INDUSTRIES**

##### **Exemption from Exploration Licence or Mining Licence**

I, Richard Aldous, Executive Director Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990** and under delegation by the Minister for Energy Industries and Resources –

1. hereby exempt all that Crown land situated within the boundaries of exploration licence applications 5007, 5012, 5014 and 5015 that have been excised from the application, from being subject to an exploration licence or mining licence.
2. Subject to paragraph 3, this exemption applies until the expiration of 2 years after the grant of the licence (if the licence is granted), or until the expiration of 28 days after the application lapses or is withdrawn or refused.
3. This exemption is revoked in respect of any land that ceases to lie within the boundaries of the application or licence, at the expiration of 28 days after the said land ceases to lie within the boundaries of the application or licence.

Dated 17 July 2007

RICHARD ALDOUS  
Executive Director  
Minerals and Petroleum

**Pharmacy Practice Act 2004****PHARMACY BOARD OF VICTORIA**

## Notice

Re: Sussan Ngo

(also known as Sussan Thu Anh Ngo)

A panel of the Pharmacy Board of Victoria on 11 July 2007 held a formal hearing into the professional conduct of Sussan Ngo, a registered pharmacist.

The panel found pursuant to section 69(1) (a) of the **Pharmacy Practice Act 2004** that Ms Ngo had engaged in unprofessional conduct of a serious nature and made the following determination:

Pursuant to Section 69 (2) (b) the Panel cautions Ms Ngo for her departure from legal and professional responsibilities. The Panel was aware of her exceptional extenuating personal circumstances. The Panel noted that she pleaded guilty and did so at an early stage, that she had repaid \$170,000.00, an amount more than what is now conceded to be the amount fraudulently claimed and that this was done in February 2004 from the proceeds of the sale of her pharmacy. The Panel noted her written statement of remorse, and her expression of the shame and loss of respect to her and her family. The panel took into consideration her personal circumstances and how in particular these led her to be vulnerable and unable to deny the demands made of her in her personal relationship, her undiagnosed psychiatric condition and the fact that she had no other prior convictions.

Pursuant to Section 69 (2) (c) the Panel reprimanded her for her dishonest behaviour in deliberately claiming payment for prescriptions and illegally duplicated repeat authorisations. Pharmacists are in a privileged position of trust and that she had betrayed and eroded that position of public trust. The Panel recognised that she was under considerable stress at the time and took into consideration that she had repaid the Commonwealth.

Pursuant to Section 69 (2) (d) the Panel required her to undertake a course in the practical legal aspects of pharmacy practice to be completed within the next three months or by arrangement with the Registrar of the Board. Such course to be nominated and approved by the Registrar of the Board, and to be completed before she returns to practice.

Pursuant to Section 69 (2) (e) the Panel imposed a condition on her registration that she is required to undergo a psychiatric evaluation by a Board nominated psychiatrist, at the cost of the Board, to determine her suitability to practise

and the likelihood of her illness returning. The outcome of that evaluation to be completed to the satisfaction of the Board before she returns to practice.

The Panel determined pursuant to Section 69 (2) (g) to suspend her registration as a pharmacist for a period of 3 months commencing from the date of the determination. Return to practice will depend on the receipt by the Board of a satisfactory evaluation from the Board's nominated psychiatrist and completion of a course in the practical legal aspects of pharmacy practice.

Pursuant to Section 69 (2) (j) the Panel required Ms Ngo to pay the reasonable costs and expenses of the Board in the conduct of this formal hearing being \$5,832.75. Such sum to be paid to the Board within twelve months of the date of this determination in accordance with a schedule to be approved by the Registrar of the Board.

Dated 20 July 2007

STEPHEN MARTY  
Registrar

**Land Acquisition and Compensation Act 1986**

FORM 7

S. 21

Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation (formerly Barwon Region Water Authority) declares that by this notice it acquires the following interest in the land described as Lot 1, Torquay Road, Torquay 3228, being more particularly described as Certificate of Title Volume 9402, Folio 512:

An easement for water supply purposes over that part of the land shown as E-1 comprising an area of 296 square metres on plan for creation of easement dated 5 April 2007, a copy of which is available for perusal at the office of Harwood Andrews Lawyers, 70 Gheringhap Street, Geelong.

Published with the authority of Barwon Region Water Corporation

Dated 26 July 2007

For and of behalf of  
Barwon Region Water Corporation  
by its lawyers  
**HARWOOD ANDREWS LAWYERS**  
of 70 Gheringhap Street, Geelong 3220.

**Land Acquisition and Compensation Act 1986**

FORM 7

S. 21

Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

South Gippsland Shire Council declares that by this notice it acquires the following interest in the land described as:

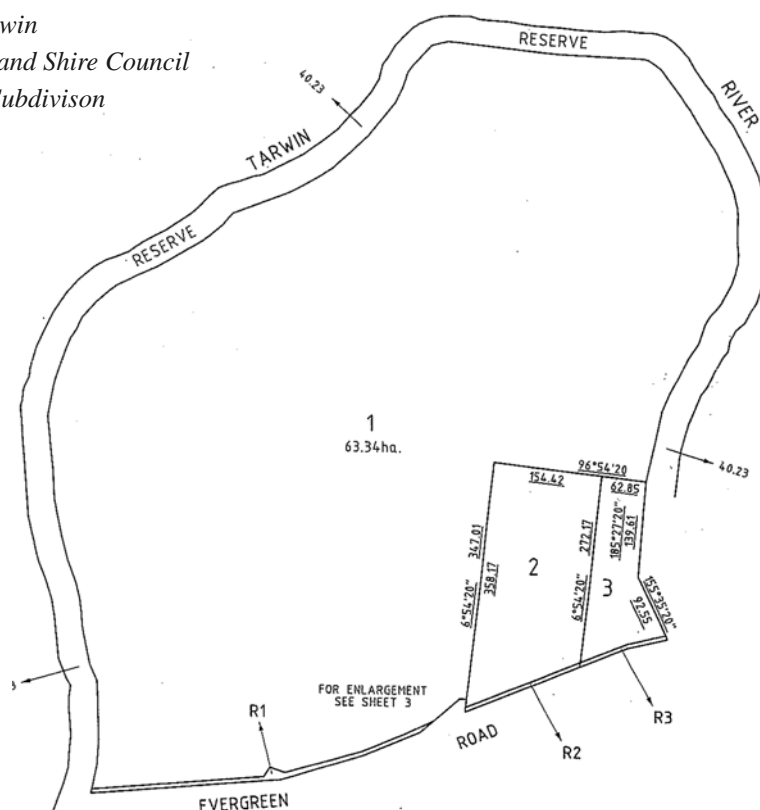
- R1 comprising 3303m<sup>2</sup> on South Gippsland Shire Council diagram of subdivision (reference No. PS449987R) being part of Crown Allotment 4B Parish of Tarwin, described in Certificate of Title 10863, Folio 489.

*Parish of Tarwin*

*South Gippsland Shire Council*

*Diagram of Subdivision*

*PS449987R*



**Interest acquired:** that of Tarwin Group Pty Ltd, ACN 107 333 817, and all other interests.

Published with the authority of South Gippsland Shire Council.

The Survey Plan in this notice may be viewed at South Gippsland Shire Council offices, 9 Smith Street, Leongatha, Victoria.

Dated 26 July 2007

For and on behalf of  
South Gippsland Shire Council  
PAUL BAWDEN  
Chief Executive Officer

**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21

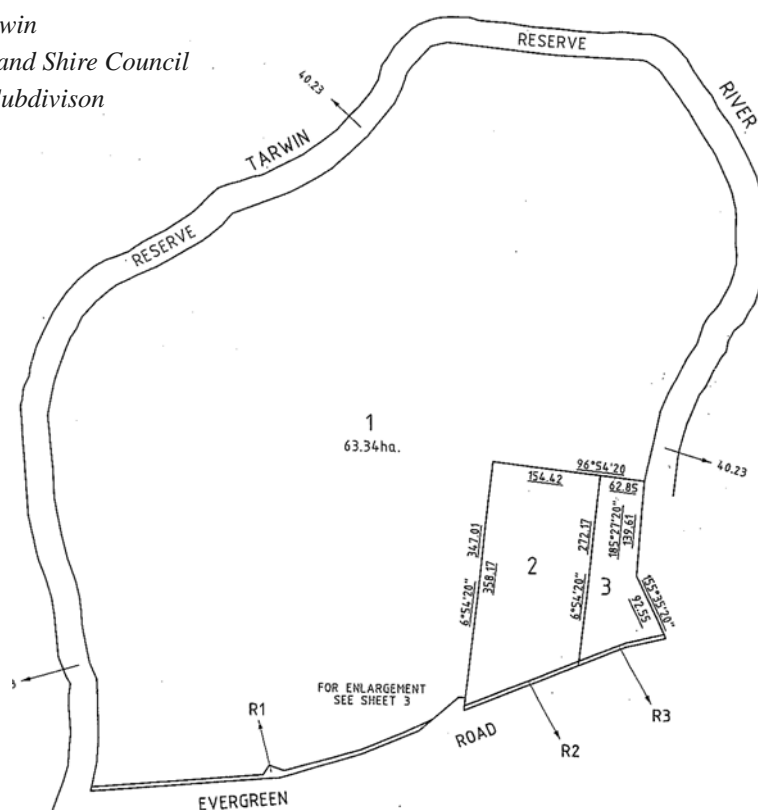
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

South Gippsland Shire Council declares that by this notice it acquires the following interest in the land described as:

- R2 comprising 1061m<sup>2</sup> on South Gippsland Shire Council diagram of subdivision (reference No. PS449987R) being part of Lots 1 & 2 on Title Plan 83453F, described in Certificate of Title Volume 10863, Folio 426.

*Parish of Tarwin**South Gippsland Shire Council**Diagram of Subdivision**PS449987R*

**Interest acquired:** that of Tarwin Group Pty Ltd, ACN 107 333 817, and all other interests.

Published with the authority of South Gippsland Shire Council.

The Survey Plan in this notice may be viewed at South Gippsland Shire Council offices, 9 Smith Street, Leongatha, Victoria.

Dated 26 July 2007

For and on behalf of  
South Gippsland Shire Council  
PAUL BAWDEN  
Chief Executive Officer



**Land Acquisition and Compensation Act 1986****FORM 7**

S. 21

Reg. 16

**Notice of Acquisition****Compulsory Acquisition of Interest in Land**

South Gippsland Shire Council declares that by this notice it acquires the following interest in the land described as:

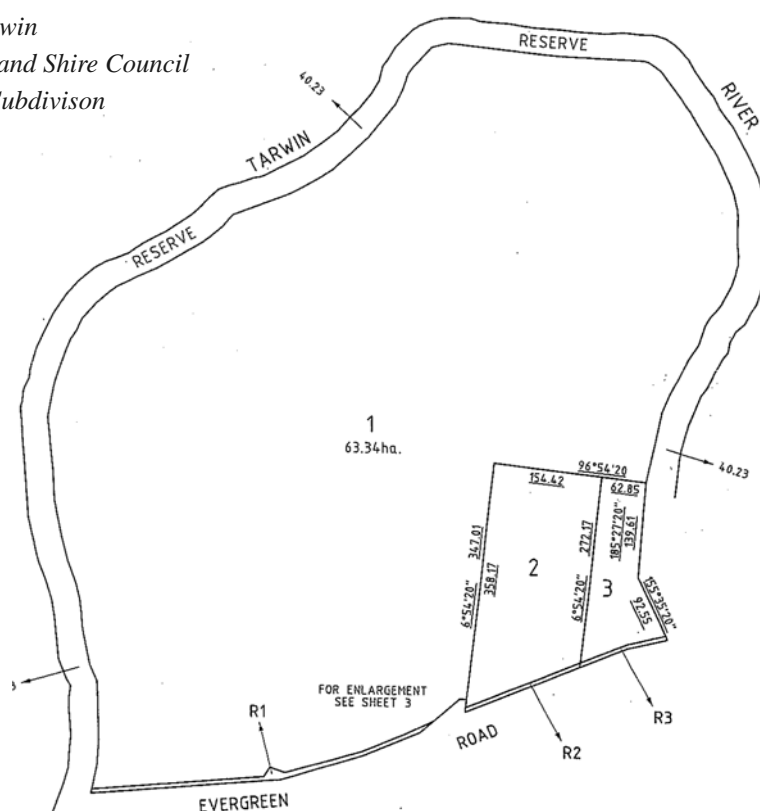
- R3 comprising 780m<sup>2</sup> on South Gippsland Shire Council diagram of subdivision (reference No. PS449987R) being part of Lot 1 on title Plan 082766N (formerly Crown Allotment 18 Parish of Tarwin), described in Certificate of Title 10863, Folio 430.

*Parish of Tarwin*

*South Gippsland Shire Council*

*Diagram of Subdivision*

*PS449987R*



**Interest acquired:** that of Tarwin Group Pty Ltd, ACN 107 333 817, and all other interests.

Published with the authority of South Gippsland Shire Council.

The Survey Plan in this notice may be viewed at South Gippsland Shire Council offices, 9 Smith Street, Leongatha, Victoria.

Dated 26 July 2007

For and on behalf of  
South Gippsland Shire Council  
PAUL BAWDEN  
Chief Executive Officer

**Land Acquisition and Compensation Act 1986****FORM 7**

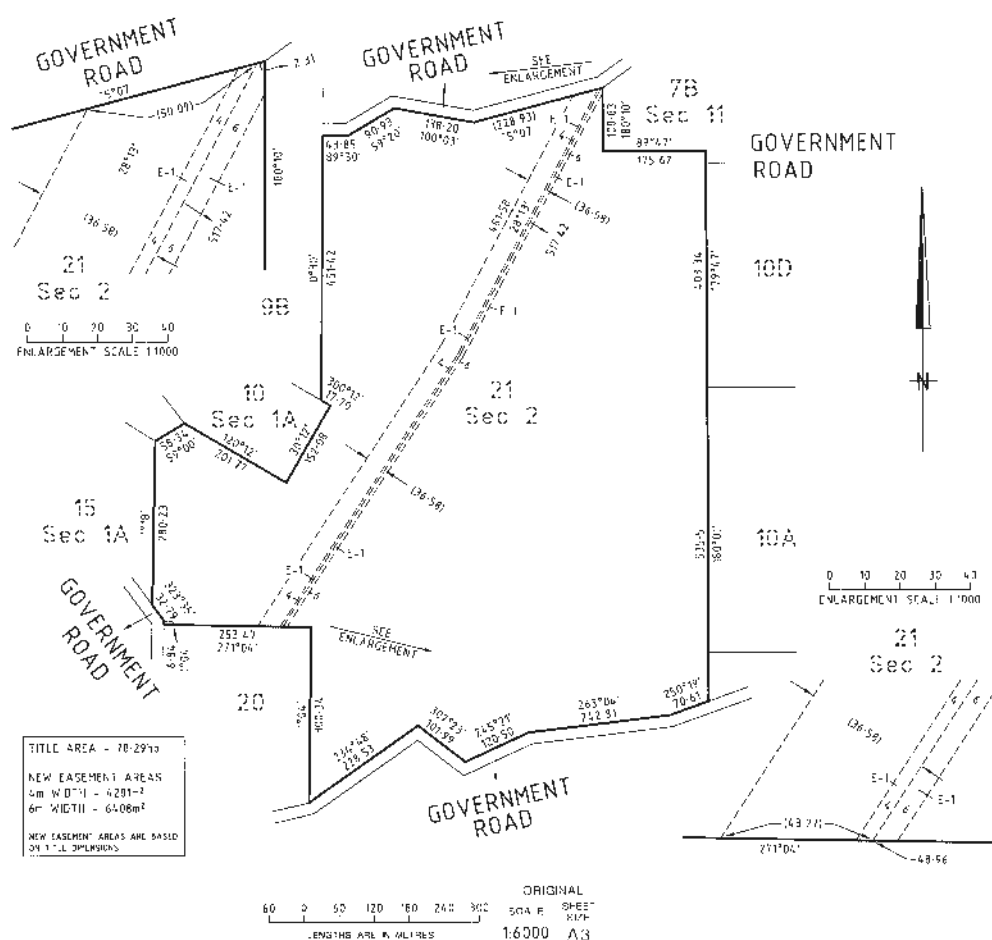
S. 21

Reg. 16

**Notice of Acquisition**

Central Highlands Region Water Authority, ABN 75 224 340 348, of 7 Learmonth Road, Ballarat, Victoria 3353, declares that by this notice it acquires the following interest in the land described in Certificate of Title Volume 06122, Folio 374 ("Land"):

An Easement for the purposes of a pipeline for water over part of the Land being the area marked "E-1" on the attached plan.



Published with the authority of Central Highlands Region Water Authority.

Dated 26 July 2007

For and on behalf of  
Central Highlands Region Water Authority  
PAUL O'DONOHUE  
Acting CHW Project Director, Goldfields Superpipe

**Fisheries Act 1995****FISHERIES NOTICE NO. 5/2007**

I, Peter Appleford, delegate of the Minister for Agriculture, after consultation with the Fisheries Co-Management Council and the Victorian Recreational Fishing peak body (VRFish), make the following Fisheries Notice:

Dated 17 July 2007

PETER APPLEFORD  
Executive Director  
Fisheries Victoria

**FISHERIES (RECREATIONAL ABALONE FISHING DAYS) NOTICE NO. 5/2007****1. Title**

This Notice may be cited as the Fisheries (Recreational Abalone Fishing Days) Notice No. 5/2007

**2. Objectives**

The objective of this Notice is to specify 60 days during the 12 month period from 1 September 2007 when recreational fishing for abalone will be permitted in central Victorian waters (as defined in regulation 503(3B) of the Fisheries Regulations 1998).

Note:

In regulation 503(3B) of the Fisheries Regulations 1998 “central Victorian waters” means the marine waters between longitude 143° 27’ 36” East (mouth of the Aire River near Cape Otway) and 145° 53’ 35” East, 38° 50’ 19” South (north-western part of Arch Rock in Venus Bay) where the eastern boundary is a line running due west from the most north-western part of Arch Rock to the seaward limit of State waters.

**3. Authorising provision**

This Notice is made under section 152(1)(b) of the **Fisheries Act 1995**.

**4. Commencement**

This Notice comes into operation on Saturday 1 September 2007.

**5. Permitted Recreational Abalone Fishing Days**

Despite the abalone closed season specified in the Table in regulation 506(1) of the Fisheries Regulations 1998 recreational abalone fishing will be permitted in central Victorian waters on the following days: 17 and 18 November 2007 inclusive (2 days); 24 and 25 November 2007 inclusive (2 days); 1 and 2 December 2007 inclusive (2 days); 8 and 9 December 2007 inclusive (2 days); 15 and 16 December 2007 inclusive (2 days); 21 December 2007 to 6 January 2008 inclusive (17 days); 12 and 13 January 2008 inclusive (2 days); 19 and 20 January 2008 inclusive (2 days); 26 to 28 January 2008 inclusive (3 days); 2 and 3 February 2008 inclusive (2 days); 9 and 10 February 2008 inclusive (2 days); 16 and 17 February 2008 inclusive (2 days); 23 and 24 February 2008 inclusive (2 days); 1 and 2 March 2008 inclusive (2 days); 8 to 10 March 2008 inclusive (3 days); 21 to 24 March 2008 inclusive (4 days); 5 and 6 April 2008 inclusive (2 days); 25 to 27 April 2008 inclusive (3 days); 3 and 4 May 2008 inclusive (2 days); and 10 and 11 May 2008 inclusive (2 days).

**6. Revocation**

Unless sooner revoked, this Fisheries Notice will be revoked at midnight 31 August 2008.

**Fisheries Act 1995****FISHERIES NOTICE NO. 6/2007**

I, Peter Appleford, delegate of the Minister for Agriculture, after consultation with the Fisheries Co-Management Council and the Victorian Recreational Fishing peak body (VRFish), make the following Fisheries Notice:

Dated 17 July 2007

PETER APPLEFORD  
Executive Director  
Fisheries Victoria

**FISHERIES (RECREATIONAL ABALONE CATCH LIMIT) NOTICE NO. 6/2007****1. Title**

This Notice may be cited as the Fisheries (Recreational Abalone Catch Limit) Notice No. 6/2007.

**2. Objectives**

The objective of this Notice is to take precautionary measures to protect stocks of abalone by introducing a stricter recreational fishing catch limit for Victorian marine waters other than central Victorian waters (as defined in regulation 503(3B) of the Fisheries Regulations 1998) during the 12 month period from 1 September 2007.

Note:

In regulation 503(3B) of the Fisheries Regulations 1998 “central Victorian waters” means the marine waters between longitude 143° 27’ 36” East (mouth of the Aire River near Cape Otway) and 145° 53’ 35” East, 38° 50’ 19” South (north-western part of Arch Rock in Venus Bay) where the eastern boundary is a line running due west from the most north-western part of Arch Rock to the seaward limit of State waters.

**3. Authorising provision**

This Notice is made under sections 152(1)(a) and 152(1)(f) of the **Fisheries Act 1995**.

**4. Commencement**

This Notice comes into operation on Saturday 1 September 2007.

**5. Catch limit**

(a) The daily catch limit with respect to the:

- (i) taking of abalone from Victorian marine waters other than central Victorian waters; or
- (ii) possession of abalone in, on or next to Victorian marine waters other than central Victorian waters –

is 5, of which no more than 2 fish may be greenlip abalone.

Penalty: 20 penalty units.

(b) Paragraph 5 is to be interpreted as if it were an amendment to the Table in regulation 503(3) of the Fisheries Regulations 1998.

(c) Paragraph 5(a) does not apply to the holder of an Abalone Fishery Access licence or any person acting under that licence in accordance with the Fisheries Regulations 1998.

**6. Revocation**

Unless sooner revoked, this Fisheries Notice will be revoked at midnight 31 August 2008.

**Geographic Place Names Act 1998****NOTICE OF INTENTION TO REGISTER A GEOGRAPHIC NAME**

The Registrar of Geographic Names hereby gives notice of intention to register the undermentioned place name(s) and/or amendments to the boundaries of the undermentioned localities. Any objections to the proposal(s) should be made in writing (stating the reasons therefor) and lodged with the Registrar within 30 days of publication of this notice. If no objections are lodged within this period, any newly proposed names will become the official names and/or any proposed locality boundary amendments will be registered in the Register of Geographic Names.

<b>File No.</b>	<b>Naming Authority</b>	<b>Place Name</b>	<b>Location</b>
GPN 1083	Hobsons Bay City	Altona North Early Childhood Centre	30 Ronald Avenue, Altona North.
LA/12/0056	Moirs Shire	Invergordon, Katunga, Marungi, Muckatah, Naring, Strathmerton.	As on version 4.3 of the plan showing the locality names and boundaries within the municipality.  Copies of this plan may be inspected at the municipal offices or at the office of the Registrar of Geographic Names following registration.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**

17th Floor

570 Bourke Street

MELBOURNE 3000

JOHN E. TULLOCH

Registrar of Geographic Names

**Geographic Place Names Act 1998****CORRIGENDUM**

In the Victoria Government Gazette No. G27, 8 July 1999, page 1592, under **Geographic Place Names Act 1998**, Notice of Registration of Geographic Names, the locality of Woorarra, within Wellington Shire, should read Woorarra East.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**

17th Floor

570 Bourke Street

MELBOURNE 3000

JOHN E. TULLOCH

Registrar of Geographic Names

**Interpretation of Legislation Act 1984**  
**EQUIPMENT (PUBLIC SAFETY) REGULATIONS 2007**

Notice of Incorporation of Documents

As required by section 32 of the **Interpretation of Legislation Act 1984**, I give notice that the Equipment (Public Safety) Regulations 2007 apply, adopt or incorporate matter contained in the following documents:

<b>Statutory Rule Provision</b>	<b>Title of document</b>	<b>Matter in document</b>
Regulation 105, definitions of AS 2030 Gas Cylinders; gas cylinder and pressure vessel and regulation 903(3)	AS 2030.1, The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases, Part 1: Cylinders for compressed gases other than acetylene	The whole
Regulation 105, definitions of AS 2030 Gas Cylinders; gas cylinder and pressure vessel and regulation 903(3)	AS 2030.2, The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases, Part 2: Cylinders for dissolved acetylene	The whole
Regulation 105, definitions of AS 2030 Gas Cylinders; gas cylinder and pressure vessel and regulation 903(3)	AS 2030.4, The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases, Part 4: Welded cylinders – Insulated	The whole
Regulation 105, definitions of boiler; pressure piping and pressure vessel	AS/NZS 1200, Pressure equipment	Appendix E
Regulation 105, definitions of boiler; pressure piping and pressure vessel and regulation 903(3)(b)	AS 4343, Pressure equipment – Hazard levels	Section 2
Regulation 903(3)(b)(ii)	AS/NZS 3509, LP Gas fuel vessels for automotive use	The whole
Regulation 903(3)(b)(iii)	AS 2971, Serially produced pressure vessels	The whole
Regulation 903(3)(f) and the Schedule	AS 3533.1, Amusement Rides and Devices – Part 1: Design and construction	The whole

Copies of the matter applied, adopted or incorporated by the regulations and contained in the documents were lodged with the Clerk of the Parliaments on 25 June 2007.

A copy of the matter contained in the documents is available for inspection, without charge, by the public during normal office hours at the offices of the Victorian WorkCover Authority, Ground Level, 222 Exhibition Street, Melbourne.

Dated 19 July 2007

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Interpretation of Legislation Act 1984****OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2007**

## Notice of Incorporation of Documents

As required by section 32 of the **Interpretation of Legislation Act 1984**, I give notice that the Occupational Health and Safety Regulations 2007 apply, adopt or incorporate matter contained in the following documents:

<b>Statutory rule provision</b>	<b>Title of document</b>	<b>Matter in document</b>
Regulation 1.1.5, definitions of Approved Criteria for Classifying Hazardous Substances, hazardous substance, risk phrase and safety phrase and regulation 4.1.6(1)(f)	Approved Criteria for Classifying Hazardous Substances, 3rd edition, declared by the National Occupational Health and Safety Commission in October 2004.	The whole
Regulation 1.1.5, definitions of AS 2030 – Gas Cylinders, gas cylinder and pressure vessel, and Schedule 2, Part 2, item 2.2	AS 2030.1, The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases, Part 1: Cylinders for compressed gases other than acetylene	The whole
Regulation 1.1.5, definitions of AS 2030 – Gas Cylinders, gas cylinder and pressure vessel, and Schedule 2, Part 2, item 2.2	AS 2030.2, The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases, Part 2: Cylinders for dissolved acetylene	The whole
Regulation 1.1.5, definitions of AS 2030 – Gas Cylinders, gas cylinder and pressure vessel and Schedule 2, Part 2, item 2.2	AS 2030.4, The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases, Part 4: Welded cylinders – Insulated	The whole
Regulation 1.1.5, definitions of boiler, pressure piping and pressure vessel	AS/NZS 1200, Pressure equipment	Appendix E
Regulation 1.1.5, definitions of boiler, pressure piping and pressure vessel	AS 4343, Pressure equipment – Hazard levels	Section 2
Regulation 1.1.5, definition of Construction Industry Basic Induction training course	Foundations for Safety Construction Industry Induction Training Agreement, with a commencement date of 1 February 2001	The whole
Regulation 1.1.5, definition of exposure standard	Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment, published by National Occupational Health and Safety Commission in 1995	The whole

Statutory rule provision	Title document	Matter in document
Regulation 1.1.5, definitions of hazardous substance, HSIS, risk phrase and safety phrase and regulations 4.1.6(1)(f), 4.1.14(1)(b) and 4.1.14(4)(b)	Hazardous Substances Information System, published by the Office of the Australian Safety and Compensation Council on its Internet site.	The whole
Regulation 1.1.5, definition of Membrane Filter Method	Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres, 2nd Edition, prepared for the National Occupational Health and Safety Commission and published in April 2005	The whole
Regulation 1.1.5, definitions of National Model Regulations for the Control of Scheduled Carcinogenic Substances, Schedule 1 carcinogenic substance and Schedule 2 carcinogenic substance	National Model Regulations for the Control of Scheduled Carcinogenic Substances, published by the National Occupational Health and Safety Commission in 1995	Schedules 1 and 2
Regulation 1.1.5, definitions of National Model Regulations for the Control of Workplace Hazardous Substances, Type I ingredient, Type II ingredient and Type III ingredient and regulations 4.1.13, 4.1.30(1)(a)(i)	National Model Regulations for the Control of Workplace Hazardous Substances, published by the National Occupational Health and Safety Commission in 1994	Schedules 1, 2, 3 and 5
Regulation 1.1.5, definition of occupational health and safety auditor	Procedure No. 02, Issue No. 2 dated 14 December 2001, General Requirements for Bodies Operating Assessment and Certification of Occupational Health and Safety Management Systems, published by the Joint Accreditation System of Australia and New Zealand	The whole
Regulation 1.1.5, definition of Rural Ambulance Victoria	Order in Council made under section 23 of the <b>Ambulance Services Act 1986</b> , dated 2 February 1999 and published in the Victoria Government Gazette of 4 February 1999, General Gazette G5, pages 212 to 213	The whole
Regulation 3.3.1(1)(b)(i)	AS 1657 – Fixed platforms, walkways, stairways and ladders – Design, construction and installation	The whole



Statutory rule provision	Title document	Matter in document
Regulations 4.1.10(1)(b) and 4.1.10(3)	Ag Labelling Code of the Australian Pesticide and Veterinary Medicines Authority, 3rd edition	The whole
Regulations 4.1.10(1)(c) and 4.1.10(3)	Vet Labelling Code of the Australian Pesticide and Veterinary Medicines Authority	The whole
Schedule 2, Part 1, item 1.8 and Part 2, item 2.7	AS 3533.1 – Amusement rides and devices – Part 1: Design and construction	The whole
Schedule 2, Part 2, item 2.2.(b)	AS/NZS 3509, LP Gas fuel vessels for automotive use	The whole
Schedule 2, Part 2, item 2.2(c)	AS 2971, Serially produced pressure vessels	The whole
Schedule 4, item 1, definition of AS 2593, items 2.5 and 2.6	AS 2593 – Boilers – Safety management and supervision systems	Sections 1, 2 and 3
Schedule 4, item 1, definition of AMBSC Code and items 2.7(a) and 2.8(a)	AMBSC Code Part 1, Issue 7, Copper Boilers, published by the Australian Miniature Boiler Safety Committee, 2001	The whole
Schedule 4, item 1, definition of AMBSC Code and items 2.7(a) and 2.8(a)	AMBSC Code Part 2, Issue 4, Steel Boilers, published by the Australian Miniature Boiler Safety Committee, 2	The whole

Copies of the matter applied, adopted or incorporated by the regulations and contained in the documents were lodged with the Clerk of the Parliaments on 25 June 2007.

A copy of the matter contained in the documents is available for inspection, without charge, by the public during normal office hours at the offices of the Victorian WorkCover Authority, Ground Level, 222 Exhibition Street, Melbourne. The Hazardous Substances Information System is available on the Australian Safety and Compensation Council website at [www.ascc.gov.au](http://www.ascc.gov.au)

Dated 19 July 07

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Local Government Act 1989****APPROVAL OF AUTHORISED MANNERS OF INVESTMENTS  
FOR THE PURPOSES OF SECTION 143(F) OF THE LOCAL GOVERNMENT ACT 1989**

I, Richard Wynne MP, Minister for Local Government, pursuant to section 143(f) of the **Local Government Act 1989** (the Act), hereby revoke all investments previously authorised generally to apply to all councils and regional library corporations under this provision.

Pursuant to section 143(f) of the Act, I authorise as approved manners of investment to apply generally to all councils and regional library corporations:

**1. Certificates of Deposit and Bills of Exchange**

- (a) a certificate of deposit, whether negotiable, convertible or otherwise, issued by an authorised deposit taking institution as defined by section 3 of the **Trustee Act 1958**;
- (b) a bill of exchange which at the time of acquisition has a maturity date of not more than 200 days and which if purchased for value confers on the holder in due course a right of recourse against an authorised deposit taking institution, as defined by section 3 of the **Trustee Act 1958**, as the acceptor or endorser of the bill for an amount equal to the face value of the bill.

**2. Investments in the Treasury Corporation of Victoria****3. Investment in managed investment schemes**

Investments in managed investment schemes which:

- have a rating of AAm or a rating of AAf from Standard and Poors Australian Ratings;
- are registered under section 601EB of the **Corporations Law 2001** (Commonwealth); and
- are liquid within the meaning of section 601KA(4) of the **Corporations Law 2001** (Commonwealth) and have a constitution that provides for members to withdraw from the scheme.

**4. Fixed interest securities of an Australian Authorised Deposit Taking Institution and Shares listed on the Australian Stock Exchange**

Investments in:

1. fixed interest securities of or guaranteed by an Australian authorised deposit taking institution; and
2. shares of a corporation listed on the Australian Stock Exchange.

Investments in fixed interest securities of an Australian authorised deposit taking institution and shares listed on the Australian Stock Exchange are subject to the following terms and conditions.

**Terms and Conditions**

These investment powers may only be used by councils which have:

- (a) lodged a report on financial and investment objectives and investment strategies under Section 6 of the Prudential Statement on Investment Powers of Councils dated February 1998; and
- (b) received confirmation from the Department of Treasury and Finance that the council complies with the requirements of the Prudential Statement.

Investments must not be made directly but only through trust vehicles managed by the Victorian Funds Management Corporation or a private sector fund manager with specialist expertise in investment.

**5. Fixed interest securities of the Australian States and Territories**

Investments in the fixed interest securities of the other Australian States and Territories subject to these securities being:

- issued and guaranteed by a State or Territory Government; and
- which have a credit rating equivalent to a Standard & Poor's rating of AA or better.

Dated 19 July 2007

RICHARD WYNNE MP  
Minister for Local Government

**Occupational Health and Safety Act 2004****VICTORIAN WORKCOVER AUTHORITY****Notice of Issue of Major Hazard Licence**

On 13 July 2007, a licence under Chapter 6 of the Occupational Health and Safety Regulations 2007 was issued to Terminals Pty Ltd and authorises the facility located at 40 Wharf Road, Corio, Victoria 3214, to be operated as a major hazard facility.

The Major Hazard Facility Licence was issued for a term of 5 years and will expire on 15 July 2012.

The following condition is attached to the licence:

That by 1 July each year, Terminals Pty Ltd demonstrates to the Authority that the results of its performance monitoring and auditing, as described in Table 3.8.1 of the Safety Case, verify the effectiveness of the safety management system.

The following Schedule 9 materials were authorised by the licence:

**From Table 1 of Schedule 9**

<b>Material</b>	<b>UN Nos. included under name</b>
Nil	Nil

**From Table 2 of Schedule 9**

<b>Material</b>	<b>Description</b>
Compressed and liquefied gases	Compressed and liquefied gases of Class 2.1 or Subsidiary Risk 2.1
Flammable materials	Liquids which meet the criteria for Class 3 Packing Group I Materials
Flammable materials	Liquids which meet the criteria for Class 3 Packing Group II or III

GREG TWEEDLY  
Chief Executive

**Private Agents Act 1966****NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES  
UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966**

I, the undersigned, being the Deputy Registrar of the Magistrates' Court of Victoria at Frankston hereby give notice that application, as under, have been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any of such applications must:—

- (a) lodge with me a notice in the prescribed form of his/her objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver
  - (i) where the objection is not made by the officer in charge of the police district in which the Court is situated – a copy of the notice to such officer; and
  - (ii) where the objection is not made by the Registrar or Deputy Registrar – a copy to the Registrar

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing</i>
Benjamin David Reidy	PO Box 3010, Mornington	Commercial Sub-Agents	13 August 2007

Dated at Frankston 16 July 2007

LOUISE GROSE  
Deputy Registrar

**State Superannuation Act 1988****DECLARATION OF ELIGIBLE SALARY  
SACRIFICE CONTRIBUTIONS**

I, Tim Holding MP, Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **State Superannuation Act 1988** ("the Act"), by this instrument declare the officers employed by Sinclair Knight Merz Pty Limited who are members of the New Scheme and Revised Scheme (as those terms are defined in the Act) to be eligible salary sacrifice contributors from the date of gazettal.

Dated 17 July 2007

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Transport Superannuation Act 1988****DECLARATION OF ELIGIBLE SALARY  
SACRIFICE CONTRIBUTIONS**

I, Tim Holding MP, Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **Transport Superannuation Act 1988** ("the Act"), by this instrument declare the officers employed by Sinclair Knight Merz Pty Limited who are members of the Transport Scheme (as those terms are defined in the Act) to be eligible salary sacrifice contributors from the date of gazettal.

Dated 17 July 2007

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Victorian Institute of Teaching Act 2001****NOTIFICATION CANCELLING  
REGISTRATION OF A TEACHER**

Pursuant to section 42 of the **Victorian Institute of Teaching Act 2001**, the Victorian Institute of Teaching may find a teacher has engaged in serious misconduct, has been seriously incompetent and/or is not fit to teach and may make a determination pursuant to subsection 42(2) including cancelling the registration of a teacher.

On 14 May 2007, Terrence James Wescott, born 21 September 1948, was found guilty of serious misconduct and not fit to teach.

On 14 May 2007, Terrence James Wescott's registration to teach was cancelled, effective from 14 May 2007.

SUSAN HALLIDAY  
Chairperson  
Disciplinary Proceedings Committee  
Victorian Institute of Teaching

**Water Act 1989****EXTENSION OF THE  
GOULBURN-MURRAY IRRIGATION  
DISTRICT ORDER 2007**

I, Peter Harris, Secretary, Department of Sustainability and Environment, as delegate of the Minister for Water, Environment and Climate Change, make the following Order:

Extension of the Goulburn-Murray Irrigation District Order 2007.

1. This Order is called the Extension of the Goulburn-Murray Irrigation District Order 2007.
2. This Order is made under Section 96(11)(b) of the **Water Act 1989** and all other available powers.
3. This Order takes effect from the date it is published in the Government Gazette.
4. The proposal for the extension of the Goulburn-Murray Irrigation District of the Goulburn-Murray Rural Water Authority submitted on 7 May 2007 to the Department of Sustainability and Environment by Goulburn-Murray Rural Water Authority is approved.
5. The Goulburn-Murray Irrigation District of Goulburn-Murray Rural Water Authority is extended by the extent of the area shaded in blue on the accompanying plan, numbered GMW194. Copies of the plan may be inspected at the office of the Goulburn-Murray Rural Water Authority situated at 40 Casey Street, Tatura.

Dated 11 July 2007

PETER HARRIS  
Secretary  
Department of Sustainability  
and Environment  
(as delegate for the Minister for Water,  
Environment and Climate Change)

**Planning and Environment Act 1987****CASEY PLANNING SCHEME****Notice of Approval of Amendment****Amendment C101**

The Minister for Planning has approved Amendment C101 to the Casey Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment makes typographical and mapping corrections to:

- Amend the location of the Business 1 Zone on Glasscocks Road approximately 80 metres to the east. Consequently, changes have also been made to the Schedule to the Business 1 Zone (Plan 16) and diagrams 1 to 3 within Schedule 14 to the Development Plan Overlay to reflect the relocation of the Business 1 Zone on Glasscocks Road approximately 80 metres to the east. Minor text changes have also been made to Schedule 14 to improve clarity and reflect Council's adopted position.
- Amend the extent of the Residential 1 Zone and Business 1 Zone to accord with the Development Plan Overlay (DPO14) and Development Contributions Plan Overlay (DCPO11) on land at 1585 Thompsons Road, Cranbourne North.
- Amend the application of the Development Plan Overlay (DPO14) such that it is consistent with zone boundaries as it affects 1585 Thompsons Road, Cranbourne North and 745 Berwick-Cranbourne Road, Cranbourne North.
- Amend the location of the Public Acquisition Overlay (PAO3) on Glasscocks Road to accord with the revised alignment of Glasscocks Road, as shown in Diagram 1: Structure Plan contained within Schedule 14 to the Development Plan Overlay.
- Amend the location of the Public Acquisition Overlay (PAO3) on Hilltop Park to accord with property boundaries.
- Amend the location of the Development Contributions Plan Overlay (DCPO11) such that it is consistent with Residential 1 Zone, Business 1 Zone and Mixed Use Zone boundaries within the Cranbourne North development plan area.

- Amend the Schedule to Clause 52.01 such that the 12.5% open space requirement for land within the Cranbourne North development plan area is consistently applied.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne and at the offices of the Casey City Council, Magid Drive, Narre Warren.

GENEVIEVE OVERELL

General Manager

Office of Planning

and Urban Design

Department of Sustainability

and Environment

**Planning and Environment Act 1987****CORRIGENDUM****South Gippsland Planning Scheme****Amendments C36**

In Government Gazette No. G28, dated 12 July 2007 on page 1597 under the Notice headed **Planning and Environment Act 1987**, South Gippsland Planning Scheme, Notice of Approval of Amendment, Amendment C36, the first paragraph should read "The Minister for Planning has approved Amendment C36 to the South Gippsland Planning Scheme".

GENEVIEVE OVERELL

General Manager

Office of Planning

and Urban Design

Department of Sustainability

and Environment

**ORDERS IN COUNCIL****State Owned Enterprises Act 1992****DECLARATION OF  
VICTORIAN RAIL TRACK AS A  
STATE BUSINESS CORPORATION****Order in Council**

The Governor in Council under section 17 of the **State Owned Enterprises Act 1992** declares that Victorian Rail Track, a statutory corporation established pursuant to section 8 of the **Rail Corporations Act 1996**, is a State business corporation.

Dated 24 July 2007

Responsible Minister  
JOHN BRUMBY MP  
Treasurer

RUTH LEACH  
Clerk of the Executive Council

**Prahran Mechanics' Institute Act 1899****APPROVAL OF THE RULES OF THE  
PRAHRAN MECHANICS' INSTITUTE AND CIRCULATING LIBRARY****Order in Council**

The Governor in Council under section 5 of the **Prahran Mechanics' Institute Act 1899** approves the attached Rules of the Prahran Mechanics' Institution and Circulating Library.

This Order is effective from the date it is published in the Government Gazette.

Dated 24 July 2007

Responsible Minister  
RICHARD WYNNE MP  
Minister for Local Government

RUTH LEACH  
Clerk of the Executive Council

Rules of the Prahran Mechanics' Institution and Circulating Library 2007.  
(Constituted under the **Prahran Mechanics' Institute Act No. 1617**  
of the Parliament of the Colony of Victoria, 27 October 1899.)

**SECTION 1 – NAME AND GENERAL CONSTITUTION OF THE SOCIETY**

1. The Prahran Mechanics' Institution and Circulating Library Incorporated (hereafter called the Institute), founded in 1854, was incorporated by the Prahran Mechanics' Institute Act on 27 October 1899.
2. These rules are made pursuant to the Prahran Mechanics' Institute Act, and should only be read in conjunction with the Act.
3. The Institute shall consist of all persons who are and have been duly admitted as members, and who have otherwise fully complied with the rules and regulations of the Institute.

**SECTION 2 – OBJECTS OF THE INSTITUTE**

4. The objects of the Institute shall be –
  - (a) to provide a circulating and reference library which shall include works on Victorian history and in particular history of Victorian places
  - (b) to organise and conduct educational activities for the benefit of members and the general public, and
  - (c) to encourage and facilitate historical and other educational research.

**SECTION 3 – MEMBERSHIP**

5. All rules shall be binding on members.
6. The Committee may award a Life Membership to any member deemed to have contributed long-lasting and outstanding service to the Institute.

**Fees and Subscriptions**

7. The Committee has the power to determine subscription rates and charges.
8. Life members and institutional subordinate members shall be exempt from subscription fees.
9. All subscriptions are due in advance.
10. Any subscriber in arrears to the extent of one month shall be barred from all rights until the same be paid, otherwise the subscriber is considered to be “financial”.

**Institutional Membership**

11. The Committee may admit as Institutional Members schools, colleges, businesses and other organisations, the students, staff or members of which (institutional subordinate members) shall be entitled to use the library.

**Member Information**

12. Members are responsible for ensuring that contact details in their member records are accurate at all times.
13. The Secretary shall ensure that unless written consent is given by members, their personal information remains private and confidential, and that this information is used only for the purpose of communication between the Institute and members.

**SECTION 4 – COMMITTEE****Power and Duties**

14. The Committee shall have the custody, care and supervision of all the property of the Institute, the administration of its funds, and the appointment, control and dismissal of all salaried officers and employees.
15. The President, Vice President and Secretary shall be authorised to sign all necessary agreements, contracts and documents for the management of the Institute and its properties. The terms of such documents are to be approved by the Committee.
16. All subordinate appointments shall be made, regulated and terminated by and at the discretion of the Committee. This includes the appointment of the Secretary.
17. In the event of any doubt or difficulty arising as to the meaning of these rules and regulations, the Committee shall make the final decision.

**Constitution and Membership**

18. Six Committee members elected under sub-section 6(1)(b) of the Act hold office for four years. Two members are to retire in one year and one member in the following year. Retiring members shall be eligible for re-election.
19. The President, Vice-President and Treasurer shall be elected by the Committee from the Committee at its first meeting after the A.G.M.
20. Any member of the Committee who shall have been absent from four consecutive Committee meetings without apology shall be considered to have vacated office.

**Election of Committee Members**

21. Nominations of candidates for election of members of the Committee:
  - (a) must be made in writing, signed by two members of the Institute of at least three months' standing and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and



- (b) must be delivered to the Secretary of the Institute at least seven days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- 22. If insufficient nominations are received to fill all vacancies on the Committee, the candidate(s) nominated are taken to be elected and further nominations may be received at the Annual General Meeting. If insufficient nominations are received, the Committee should fill any vacancies by appointment within 60 days after the Annual General Meeting.
- 23. If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held at the Annual General Meeting in such a manner as the Committee may direct.

#### **Committee Meetings**

- 24. The Committee shall cause fair and accurate minutes of the proceedings to be kept. Minutes of proceedings at a committee meeting must be signed by the chair of the meeting or by the chair of the following Committee meeting.
- 25. At a meeting of the Committee:
  - (a) the President, or in the President's absence, the Vice-President, is to preside, or
  - (b) if the President and the Vice-President are absent or unable to act, one of the remaining members of the Committee may be chosen by the Committee members present at the meeting to preside.
- 26. The votes of Committee members shall be taken by a show of hands or by ballot, if demanded, and the chair of a committee meeting shall, in that capacity, in every case of equal division, have a casting vote.
- 27. Proxy and postal voting are not permitted at committee meetings.
- 28. Sub-committees may be appointed when necessary for the proper working of the Institute.
- 29. The Committee shall meet at least five times per year but additional meetings may be called when desirable or necessary.

#### **Duties of Secretary**

- 30. Full records of the affairs of the Institute shall be recorded by, or under the personal direction of, the Secretary, including:
  - (a) a list of members, showing the amount of each subscription, when paid, and to what date
  - (b) a complete catalogue of all books, periodicals, papers, etc belonging to the Institute
  - (c) registers of all items borrowed from and returned to the library
  - (d) the minute-book, cash-book and ledger of the Institute and any other records the Committee may specify
  - (e) the petty cash, which shall be controlled by the imprest system
- 31. The Secretary shall record minutes of all meetings, conduct correspondence, manage the library and generally be in charge of the premises.
- 32. The Secretary shall ensure that the minutes of all Committee and general meetings are open to inspection, free of charge, by members of the Institute during the opening times of the library.
- 33. The Secretary shall act as Returning Officer for all elections.

#### **Financial Regulations**

- 34. Printed receipts shall be given by the duly appointed officer in the name of the Institute for all money received.
- 35. A cash book and ledger shall be kept in which all pecuniary transactions of the Institute shall be promptly entered in full detail and duly classified in appropriate accounts.

36. Every payment on account of the Institute shall be made by cheque or by direct debit. Each cheque and direct debit authority shall be signed jointly by an office-bearer and one other authorised Committee member.
37. The cash-book, receipts-book and accounts of the Institute shall be examined regularly and the statement of receipts and payments shall be laid before every Committee meeting balanced to date.

## **SECTION 5 – GENERAL MEETINGS**

### **Annual General Meetings**

38. The Annual General Meeting of the Institute shall be held on or before the thirty-first day of May.
39. The following shall be the order of business observed at Annual General Meetings:
  - (a) The Secretary shall table the minutes of the last Annual General Meeting and of any subsequent special general meetings.
  - (b) The Secretary shall read all alterations and amendments, if any, made by the Committee to the rules and regulations during the preceding calendar year.
  - (c) The report of the Committee shall be presented and shall contain the following particulars for the preceding calendar year:
    - the total amount of money received during the year;
    - the total amount expended;
    - the balance of the cash account at the close of the year;
    - a list of donations and gifts and names of donors;
    - the number of new members enrolled during the year;
    - the number who have ceased to pay their subscription;
    - the total number of members; and
    - any other information the Committee may desire to communicate.
  - (d) The meeting shall consider any resolutions that may be duly brought forward.
  - (e) Elections.
  - (f) Appointment of Auditor.

### **Special General Meetings**

40. Special general meetings may be convened by the Secretary in the same manner as Annual General Meetings, whenever four members of the Committee or fifteen members of the Institute shall sign a requisition stating the objects.
41. The meeting shall be held within twenty-one days from the date of requisition.
42. No matters shall be entertained at special meetings but those specified in the requisition.

### **General Meetings**

43. At least 21 days' notice of general meetings shall be given to all members.
44. Fifteen members entitled to vote shall constitute a quorum at general meetings.

### **Presiding Member**

45. The President, or in the President's absence, the Vice-President, is to preside as chair at each general meeting of the Institute.
46. If the President and the Vice-President are absent or unable to act, the members present must elect one of their number to preside as chair of the meeting.

### **Voting**

47. Every individual financial member of not less than three months' standing, and every life member shall be entitled to one vote at general meetings of the Institute.

48. Each institutional member of not less than three months' standing is entitled to one vote at general meetings of the institute. In order to vote the institutional member must authorise, in writing on its letterhead and signed by an officer, a representative to vote on its behalf.
49. The votes of members shall be taken by a show of hands, or by ballot, if demanded, and the chair of a general meeting shall, in that capacity, in every case of equal division, have a casting vote.
50. Proxy and postal voting are not permitted at general meetings.

**SECTION 6 – LIBRARY**

51. The library shall be administered according to the Library Policy Statement, which is to denote the date the statement was ratified by the Committee, and be signed by the President or Vice-President and the Secretary. Copies of this statement shall be available to all members of the Institute.
  52. Alterations to the Library Policy Statement and its schedule of fees may be made by the Librarian with the approval of, and ratification by, the Committee.
-

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# **SUBORDINATE LEGISLATION ACT 1994 NOTICE OF MAKING OF STATUTORY RULES**

Notice is hereby given under Section 17(2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

82. *Statutory Rule:* Agricultural and Veterinary Chemicals (Control of Use) Regulations 2007
- Authorising Act:* Agricultural and Veterinary Chemicals (Control of Use) Act 1992
- Date of making:* 24 July 2007
83. *Statutory Rule:* Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) (Amendment) Regulations 2007
- Authorising Act:* Agricultural and Veterinary Chemicals (Control of Use) Act 1992
- Date of making:* 24 July 2007
84. *Statutory Rule:* Drugs, Poisons and Controlled Substances (Precursor Chemicals) Regulations 2007
- Authorising Act:* Drugs, Poisons and Controlled Substances Act 1981
- Date of making:* 24 July 2007

# **SUBORDINATE LEGISLATION ACT 1994 NOTICE THAT STATUTORY RULES ARE OBTAINABLE**

Notice is hereby given under Section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 505 Little Collins Street, Melbourne on the date specified:

79. *Statutory Rule:* Estate Agents (Fees) Regulations 2007
- Authorising Act:* Estate Agents Act 1980
- Date first obtainable:* 24 July 2007
- Code A*
80. *Statutory Rule:* Heritage (Historic Shipwrecks) Regulations 2007
- Authorising Act:* Heritage Act 1995
- Date first obtainable:* 24 July 2007
- Code B*
81. *Statutory Rule:* Terrorism (Community Protection) (Prescribed Standards) Regulations 2007
- Authorising Act:* Terrorism (Community Protection) Act 2003
- Date first obtainable:* 24 July 2007
- Code A*

**PRICING FOR SPECIAL GAZETTE,  
PERIODICAL GAZETTE AND  
VICTORIAN LEGISLATION**

As from 1 January 2007 the pricing structure for the Victoria Government Gazette and Victorian Government Legislation will be as follows.

Retail price varies according to the number of pages in each Victoria Government Special Gazette, Victoria Government Periodical Gazette and Victorian legislation. The table below sets out the prices that apply.

<i>Price Code</i>	<i>No. of Pages (Including cover and blank pages)</i>	<i>Price*</i>
A	1–16	\$3.80
B	17–32	\$5.70
C	33–48	\$7.80
D	49–96	\$12.20
E	97–144	\$15.75
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H	241–288	\$22.90
I	289–352	\$25.75
J	353–416	\$30.10
K	417–480	\$34.35
L	481–544	\$40.10
M	545–608	\$45.80
N	609–672	\$50.55
O	673–736	\$57.25
P	737–800	\$63.00

*\*All Prices Include GST*

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# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY	
<b>FRAUD &amp; CORRUPTION CONTROL POLICY</b>	Policy No:
	Adopted by Council:
	Next review date: March 2022
Senior Manager:	Director Corporate & Community Services
Responsible Officer:	Manager Business Performance and Development
Functional Area:	Financial Services
Introduction & Background	<p>West Wimmera Shire Council is committed to controlling fraud and corruption, being committed by or against the organisation. A key strategy in managing the risks associated with fraud and corruption is a sound ethical culture, underpinned by a fraud and corruption control framework that makes clear the roles, rights and responsibilities of all members of the organisation. This policy sets the framework for the fraud and corruption control program.</p> <p>The policy applies to all employees, Councillors, contractors and volunteers engaged directly by Council.</p>
Purpose & Objectives	<p>The purpose of this policy is to provide a framework for managing risk exposure associated with fraud and corruption that aligns to the Australian Standard 8001-2008, Fraud and Corruption Control.</p> <p>Council is committed to protecting the assets (whether financial, reputational, infrastructure, data or in any other form) of the organisation and its ratepayers from loss or damage from within or by others seeking to gain by deceit.</p> <p>The objectives of the policy are:</p> <p>To ensure that Council and Management are aware of their responsibilities for identifying exposures to fraudulent activities and for establishing controls and procedures for preventing such fraudulent activity and/or detecting such fraudulent activity when it occurs.</p> <p>To provide guidance to employees, contractors and volunteers as to which action should be taken when they suspect any fraudulent activity.</p> <p>To provide a clear statement to all those involved with Council activities forbidding any illegal activity, including fraud for the benefit of the Council.</p>





# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

	<p>To provide clear guidance as to responsibilities for conducting investigations into fraudulent activities.</p> <p>To provide assurances that any and all suspected fraudulent activity will be fully investigated.</p> <p>To provide adequate protection and guidance in circumstances where a person is / could be victimized as a consequence of reporting, investigating or being witness to fraudulent activities.</p> <p>To provide a suitable environment for the reporting of matters that appear or raise concern of corrupt conduct, criminal conduct, criminal involvement or serious improper conduct.</p> <p>To enable fraud exposures to be recorded in the risk register.</p>
Definitions	<p>Fraud and corruption are forms of dishonesty, deceit or false representation (including electronic or cyber representation) which may be used to gain an unjust or unlawful advantage or benefit. The following definitions are summarised from the standard (AS8001-2008)</p> <p><b>Corruption</b></p> <p>Dishonest activity of a person associated with Council, acting contrary to the interests of Council, abusing their position of trust in order to achieve some gain for themselves, another, or for the organisation itself.</p> <p>Examples may include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Release of confidential information</li> <li>• Collusive tendering</li> <li>• Manipulation of the tendering process</li> <li>• Payment or solicitation of donations</li> <li>• Serious conflict of interest</li> </ul> <p><b>Fraud</b></p> <p>Dishonest activity causing actual or potential financial loss to any person or Council including theft of money or other property by anyone (either internal or external) where deception is involved.</p> <p>Examples include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Theft or private use of plant and equipment</li> <li>• Theft of inventory</li> <li>• False invoicing or other theft of funds</li> <li>• Unauthorised use of a credit card</li> <li>• Theft of intellectual property or other confidential information</li> <li>• Release or use of misleading or inaccurate information for the</li> </ul>



# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

	<p>purposes of deceiving, misleading or to hide wrongdoing</p> <ul style="list-style-type: none"> <li>• Insider trading</li> </ul> <p><b>Employee</b></p> <p>For the purpose of this policy, 'employee' includes Councillors, Council employees (Including full-time; part-time; temporary and casual), contractors, volunteers or the employees of anybody providing services on Council's behalf.</p>
<b>Policy Details</b>	
1.	<p><b>Principles</b></p> <p>This Policy sets the framework for fraud and corruption control across prevention, detection and response.</p> <p>All Council employees have an obligation to fulfil responsibilities in complying with all relevant policies and procedures to establish and promote an environment and culture of good governance and integrity. It is the responsibility of Councillors and Senior Management to demonstrate to employees and customers a genuine and strong commitment to fraud and corruption control.</p> <p>Council will provide information and training on fraud and corruption control and reporting through Council's induction process and will support this with training provided at least every three years.</p> <p>Council's Codes of Conduct clearly outline expected behaviours and the need for staff and Councillors to be fully aware of their responsibility to foster and develop the highest standards of integrity and to promote an ethical workplace culture.</p>
2.	<p><b>Responsibility for Fraud and Corruption Control</b></p> <p>Council has a corporate responsibility and obligation to all of its stakeholders to ensure the good governance of the municipality. It is responsible for setting the highest standards of honesty and integrity to provide assurance to the community and for the management of the organisation.</p> <p>Council will ensure that Management has appropriate resources to support the implementation of the Fraud and Corruption Control Framework for the prevention, detection and response to fraud and/or corruption.</p> <p><b>2.1 Chief Executive Officer's Responsibilities</b></p> <p>The Chief Executive Officer accepts ultimate responsibility for the prevention and detection of fraud and is responsible for ensuring that appropriate and effective internal control systems are in place.</p> <p><b>2.2 All Director's Responsibilities</b></p> <p>All Directors must take responsibility for the prevention and detection of fraud and for the implementation of the Risk Management Strategy. Similarly, managers, all staff and volunteers must share in that responsibility.</p> <p>It is the responsibility of all Directors to ensure that there are mechanisms in place</p>



within their area of control to:

- Assess the risk of fraud;
- Promote employee and volunteer awareness of ethical principles subscribed to by Council; Educate employees and volunteers about fraud prevention and detection; and
- Facilitate the reporting of suspected fraudulent activities.

### 2.3 Director Corporate and Community Services' Responsibilities

The Director Corporate Services is responsible for:

- Assisting Directors and Managers in strengthening internal controls;
- Serving as the official contact for reporting fraudulent acts;
- Conducting of necessary initial reviews;
- Managing of fraud incident review and analysis in a timely manner, including the completion of the fidelity 'Significant Incident Analysis';
- Communicating incidents, findings and recommendations for action to the Chief Executive Officer and the Audit and Risk Committee;
- Notifying police of incidents of fraud, unless deemed unnecessary;
- Developing a Risk Management Strategy;
- Recording of fraud exposures in the Risk Register and an annual review of the Risk Register;
- Developing and delivering of appropriate training programs for managers, other staff and volunteers relative to fraud; and
- Providing regular advice to managers as to literature (including abstracts thereof) relevant to fraud.

All complaints of suspected fraudulent behaviour will be thoroughly and carefully investigated, adhering to Council Policy – Public Interest Disclosures and the Public Interest Disclosure Procedures. Provision for the protection of those individuals making the complaint, and natural justice to those individuals being the subject of such complaint will be provided.

### 2.4 All Manager's Responsibilities

Managers should ensure that they:

- Display a positive, appropriate attitude towards compliance with laws, rules and regulations;
- Are reasonably aware of indicators/symptoms of fraudulent or other wrongful acts (e.g. by participation in relevant staff and volunteer training programs and/or consideration of relevant literature) and respond to those indicators as appropriate;
- Establish and maintain proper internal controls to provide for the security and accountability of Councils resources and prevent/reduce the opportunity for fraud, including;
  - Segregation of duties,
  - Suitable recruitment procedures
  - Internal checking,
  - Security (including physical and computer security),
  - Documentation of procedures,
  - Approvals within delegated authority,



# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

	<ul style="list-style-type: none"> <li>○ Budget control,</li> <li>○ Regular review of management reports,</li> <li>○ Reconciliations,</li> <li>○ Consideration of risk, and</li> <li>○ Quality assurance.</li> </ul> <ul style="list-style-type: none"> <li>• Are aware of the risks and exposures inherent in their area of responsibility, and</li> <li>• Respond to all allegations or indications of fraudulent or wrongful acts</li> </ul> <p><b>2.5 All Employees' and Volunteers' Responsibilities</b></p> <p>Employees and volunteers are prohibited from conducting any intentional dishonest act or omission, including those that benefit Council. Employees and volunteers expected behaviours are defined in the IP 025 – Code of Conduct.</p> <p>All employees and volunteers have the responsibility to advise their manager of facts which may give rise, at the time or later, to a conflict between their personal interest and the performance of their duties.</p> <p>All employees and volunteers have the responsibility to report suspected fraud. Any employee or volunteer who suspects fraudulent activity must immediately notify the Director Corporate Services. In situations where a Director is suspected of involvement in fraudulent activity, the matter should be notified to the Chief Executive Officer. In any event, all staff, volunteers and the public are able to make a statement to the State Ombudsman.</p>
2	<p><b>Fraud Prevention and Detection</b></p> <p>Additional to the fraud prevention strategies mentioned under specific areas of responsibilities, directors and managers must create an environment and culture in which employees and volunteers believe that dishonest acts will not be tolerated, and which will be fully investigated when they are suspected. To this end they must:</p> <ul style="list-style-type: none"> <li>• Participate in in-house training programs covering fraud, fraud detection and fraud prevention;</li> <li>• Ensure that employees and volunteers understand that the internal controls are designed and intended to prevent and detect fraud;</li> <li>• Encourage employees and volunteers to report suspected fraud directly to those responsible for investigation without fear of disclosure or retribution; and</li> <li>• As far as is practicable, require vendors and contractors to agree in writing as part of the contract process, to abide by Council's Policies and Procedures, and thereby avoid any conflict of interest.</li> </ul> <p>Recruitment policy and practices underpin fraud prevention. All staff, volunteers and managers, must support the human resource recruitment strategies aimed at fraud prevention, which include;</p> <ul style="list-style-type: none"> <li>• Pre-employment Police checks, as per Council's Pre-employment Police Checks Standard Operating Procedure;</li> <li>• Contacting previous employers, volunteer agencies and referees; and</li> <li>• Verifying transcripts, qualification, publications and other certification or documentation.</li> </ul>



# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

3	Compliance, monitoring and review
	<p>This policy sits within the Directorate of Corporate Services portfolio, with the Manager Business Finance Coordinator responsible for ensuring the policy:</p> <ul style="list-style-type: none"> <li>• Reflects the current process and requirements;</li> <li>• Is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and</li> <li>• Is reviewed to evaluate its continuing effectiveness</li> </ul>
4	Reporting
	<p>Independent Broad-Based Anti-Corruption Commission (IBAC)</p> <p>From 1 December 2016, Council must notify IBAC of any matter which it suspects on reasonable grounds that corrupt conduct has occurred or is occurring. After receiving notification IBAC will assess the information and either choose to complete an investigation or refer the matter back to Council for internal investigation.</p> <p>Public Interest Disclosures Act 2012</p> <p>The Public Interest Disclosure Act 2012 is designed to encourage people to come forward and make complaints by offering legal protection.</p>
5	Audit Responsibility for Fraud and Corruption Prevention and Detection
	<p>The Audit Committee monitors the identification of risk and that the appropriate controls are in place and operating effectively to protect Council's resources and assets.</p> <p>Internal audit assists in the overall deterrence of fraud and corruption by independently examining and evaluating the adequacy and effectiveness of the internal control environment and to ensure that processes are in place to support Council's ongoing commitment in promoting an anti-fraud culture.</p>
6	Investigation Standards
	<p>Employees who make complaints will not be victimised or disadvantaged. The person against whom the complaint is made will be treated with procedural fairness.</p> <p>Any person who feels they have been victimised as part of this process has recourse to the Discrimination Resolution Procedures, and to the <i>Protected Disclosures Act 2012</i>.</p>
7	Procedures
	<p>A set of procedures has been established under this Policy and will be subject to amendment by the Chief Executive Officer, as and when required.</p>



# Council Policy Manual

## WEST WIMMERA SHIRE COUNCIL

8	Related Documents and Legislation
	<ul style="list-style-type: none"> <li>• Employee Code of Conduct &amp; Ethical Behaviour</li> <li>• Councillor Code of Conduct</li> <li>• Protected Disclosures Policy</li> <li>• Risk Management Policy</li> <li>• Procurement Policy</li> <li>• Fraud and Corruption Control Procedures</li> <li>• <i>Local Government Act 2020</i></li> <li>• <i>Local Government (General) Regulations 2015</i></li> <li>• <i>Protected Disclosure Act 2012</i></li> <li>• <i>Crimes Act 1958</i></li> </ul>
9	Review
	The Fraud and Corruption Control Policy shall be reviewed every two years, as determined by the Chief Executive Officer or as required in the light of significant legislative change.

<b>Policy Adopted:</b>	Ordinary Meeting 18/06/15	Minute Book Page 30667	RecFind 15/002612
<b>Policy Reviewed:</b>	Ordinary Meeting 21/02/18	Minute Book Page 37594	RecFind 18/000616



# WEST WIMMERA SHIRE COUNCIL



*The best of country living*

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# AUDIT AND RISK COMMITTEE CHARTER

## 1. Purpose

Section ~~439-53~~ of the *Local Government Act (2020-989)* (The Act) requires that each Council establish an Audit Committee. The Audit and Risk Committee is a formally appointed Advisory Committee of Council.

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations relevant to its charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities. The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance and overseeing responsibilities in relation to financial reporting, internal control, risk management systems, ethical accountability and the internal audit function.

The Audit and Risk Committee (The Committee) does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management. The Committee does not have any role in relation to issues normally addressed by Council or a sub-committee of Council, which may have delegated powers and financial management responsibilities in relation to budgets, financing decisions and expenditure priorities. The Committee is a separate activity and acts independently of Council and does not have any role in relation to financial management issues or have any executory role or powers.

The Committee is not a special-delegated committee under Section 86-63 of The Act. It is an advisory committee established according to section ~~439-53~~ (12) of The Act.

## 2. Authority

The Committee is an advisory committee and has the responsibility for advising Council on:

- Providing appropriate advice to Council in relation to:
  - Governance and internal controls
  - Financial Reporting and compliance
  - Risk Management
  - Internal Audit
  - Ethics
  - Legislative compliance
- Review the investigation of and recommend internal control responses to any incidents of fraud detected within Council's operations
- Providing oversight and guidance to Council on Conflicts of Interest and Related Party transactions
- Seeking resolution on any disagreements between management and the external auditors on financial reporting.
- Seeking information it requires from Council members, and Council staff via the Chief Executive officer and external parties; and  
Formally meeting with Council staff, internal and external auditors as necessary.

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## AUDIT AND RISK COMMITTEE CHARTER

### 3. Composition

The Audit and Risk Committee will consist of five members, comprised as follows:

- Two Councillors; and
- Three suitably qualified independent representatives, one of whom will be appointed annually as Chair of the Committee.
  - One of the independent members should be financially literate with relevant experience and/or qualifications.

Council shall seek applications from suitably qualified and/or experienced candidates at the end of each term and as a casual vacancy arises. The Audit and Risk Committee members shall be appointed through a resolution by Council.

Independent members will be appointed for an initial term of three years, after which time they may be eligible for re-appointment following a formal review of their performance.

The Chief Executive Officer, Director Corporate and Community Services, and Finance **Manager Coordinator** are not members, but should attend meetings in an advisory capacity. Council's Internal and External Auditors are to attend meetings as required to present their reports and findings in an advisory capacity. Other Senior Officers of Council may attend Audit Committee meetings on invitation by the Chair if the need arises.

### 4. Meetings

- The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require;
- All Committee members are expected to attend each meeting in person, or via teleconference or video conference;
- The Chief Executive Officer will facilitate the meetings of the Committee and invite members of management, auditors or others to attend meetings to provide information as necessary;
- Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials;
- Management, including the Chief Executive Officer, may be asked to leave a meeting at any time should the Chairperson consider it appropriate;
- Minutes will be prepared and reported to Council at the next Forum and/or Council Meeting after the Audit and Risk Committee meeting; and to the Audit Committee in a timely manner; and
- Each meeting will require a quorum of three members of the Committee, two of whom should be independent members.

### 5. Responsibilities

The Audit and Risk Committee will carry out the following responsibilities:

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## AUDIT AND RISK COMMITTEE CHARTER

### 5.1 Monitoring financial and regulatory reporting, including:

#### 5.1

- Scrutinising financial statements and providing advice to the Council.
- Monitoring compliance with Council policies, accounting policies and financial management compliance framework.
- Monitoring the adequacy of, and compliance with internal control systems.
- Reviewing the acceptability, disclosure and correct accounting treatment of significant and non-routine transactions.
- Reviewing related-party transactions.
- Meeting with the external auditors:
  - Prior to the annual audit to discuss the audit plan; and
  - Following the annual audit.
- To be informed and abreast of evolving compliance requirements.
- Sign-off on accounting policies.
- Financial reports provided to the Council will also be included with agenda papers for Committee meetings.
- To exercise Risk Management Principles in providing advice / recommendations regarding financial management.

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### 5.2 Perform independent review and assessment of key risks by independent audit including:

- Develop, review, and recommend to Council a risk based internal audit program.
- Regularly review and approve the Internal Audit Charter.
- Managing the procurement, scope of works, performance and quality of internal audit service provision.
- Considering the scope, quality and findings of the external audit.
- Review relationships that may impact the internal and external auditor's independence.

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### 5.3 Regular review of Council's Risk Management Policy and Risk Management Framework.

### 5.4 Review the adequacy of Council's Risk Register, associated internal controls and strategies to mitigate the risks, including:

- Monitoring the presence and effectiveness of internal controls.
- Monitoring the implementation of internal audit and external audit findings and associated management actions.
- Monitoring key risks and trigger events, including; prevention and investigation of fraud, ethical culture, protection of assets and insurance.

### 5.5 Ensuring that there is a suitable framework and process for compliance with legislation, regulations, standards, and best practice guidelines.

### 5.6 Monitor processes and practices of Council to ensure for effective business continuity.

### 5.7 In accordance with section 54(5) of The Act, the Audit and Risk Committee shall prepare a biannual audit and risk report that describes the activities of the Audit and

## AUDIT AND RISK COMMITTEE CHARTER

Risk Committee and includes its findings and recommendations. This report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

### 5.75.8 Other responsibilities:

- Deal with matters delegated by Council;
- Annually review the Audit Committee Charter and request Council approval for any proposed changes.
- Annually review and undertake an annual assessment of the Audit and Risk Committee's performance against the Audit and Risk Committee Charter. The assessment is to be tabled at the next Council meeting, the performance of the Committee.
- In accordance with the Act, Committee members must declare any conflicts of interest at the start of each meeting and such details shall be appropriately minuted.
- In accordance with the Act, Committee members are to submit a primary and ordinary return in the prescribed form to the Chief Executive Officer within 30 days of becoming a member of The Committee; 30 June or within 40 days after 30 June; and 31 December or within 40 days after 31 December.
- Prior to 30 September each year, the Chairperson shall report to Council a summary of the activities and achievements of the Committee during the financial year. In accordance with section 54(3) of the Act, the Audit and Risk Committee must adopt an annual work plan.

## 6. Payment of members

- 6.1 Independent members shall be remunerated for attendance at all meetings. An exception to this shall be applied where an independent member is part of a reciprocal arrangement with another municipality. In this instance no payment shall be made.
- 6.2 The chair shall receive an additional 10% allowance over the allowance paid to other members.
- 6.3 The payment amount shall be indexed annually on 1 January by the immediately preceding December quarter Melbourne all groups CPI.
- 6.4 Payment shall be made via Council's Accounts Payable process upon receipt of an appropriate invoice from the member.

### Document control

Author	Approver	Date approved	Version	Review date
Andrea Gash	Council	19 December 2018	1	May 2019
<del>Ashley Roberts</del> Melanie Jordan	Council	15 April 2020	2	<del>November 2019</del> April 2021
Melanie Jordan	Council	17 June 2020	3	June 2021

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## AUDIT AND RISK COMMITTEE CHARTER

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## WIMMERA REGIONAL LIBRARY CORPORATION AGREEMENT 2020

THIS AGREEMENT is made on 2020

BETWEEN: **Horsham Rural City Council**, established as a body corporate under an Order in Council made pursuant to the *Local Government Act 1989* of Roberts Avenue, Horsham 3400 (**Horsham**); and

**West Wimmera Shire Council**, established as a body corporate under an Order in Council made pursuant to the *Local Government Act 1989* of 49 Elizabeth Street, Edenhope 3318 (**West Wimmera**).

### RECITALS:

- A. The Wimmera Regional Library Corporation (**the Regional Library**) was established by Hindmarsh, Horsham, Northern Grampians, West Wimmera, Yarriambiack and Buloke Shire Council (**Buloke**) on 16 April 1996, by an agreement made under section 196 of the *Local Government Act 1989* (**the Original Agreement**).
- B. The Original Agreement was varied by a Deed of Amendment, made in 2011.
- C. In 2017 Buloke gave notice of its intention to withdraw from the Original Agreement, such withdrawal effective as at 30 June 2018.
- D. Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack (**the Continuing Councils**) desired to continue to operate a regional library to service the area comprising their municipal districts pursuant to section 196 of the *Local Government Act 1989*.
- E. The Continuing Councils in 2018 decided to substitute another Agreement (**the 2018 Agreement**) for the Original Agreement and to continue the operation of the Regional Library to service the area comprising their municipal districts and with the intention that section 196 of the Act would continue to apply.
- F. In 2019 Hindmarsh, Northern Grampians and Yarriambiack gave notice of its intention to withdraw from the 2018 Agreement, such withdrawal effective as at 30 June 2020.
- G. Horsham and West Wimmera (**the Continuing Councils**) desired to continue to operate a regional library to service the area comprising their municipal districts pursuant to section 196 of the *Local Government Act 1989*.
- H. This Agreement (**the 2020 Agreement**) substitutes the 2018 Agreement and records the terms on which the Continuing Councils will continue to operate such a regional library with the intention that section 196 of the Act will continue to apply.

## **AGREEMENT**

### **1. DEFINITIONS**

In the interpretation of the Agreement, including the Recitals, except where the context otherwise requires: -

- (a) The following words shall have the following meaning –

“Act” means the Local Government Act 1989.

“asset” means defined resources made available to the Regional Library Councils to assist in the provision of library services and consisting of such items as real property, machinery, furniture, fittings and equipment.

“Board” means the governing body of the Regional Library established under clause 3.1.

“Chief Executive Officer” means the person appointed in accordance with the Act.

“Council” means a party to this Agreement.

“Dispute” means any dispute or difference between a Council and the Regional Library or between any of the Councils which arises out of this Agreement or concerns the Regional Library.

“Local Law” means a Local Law made in accordance with Part 5 of the Act.

“Minister” means the Victorian Government Minister responsible for administering the Act.

“Original Agreement” means the agreement to establish the Regional Library made on 16 April 1996, as amended.

“Regional Library” means the Regional Library Corporation provided for under this Agreement.

“Service Point” is any location that offers services requested by a Council, including, but not limited to, a static library or mobile library and includes virtual library services through kiosks and similar services.

- (b) Words denoting the singular shall include the plural and vice versa.
- (c) Words denoting any gender include all genders.
- (d) Headings are for convenience only and shall not affect the interpretation of the Agreement.

## **2. CONTINUATION OF THE REGIONAL LIBRARY**

There shall continue to be constituted a Regional Library Corporation for the purpose of section 196 of the Act by the name of Wimmera Regional Library Corporation, to –

- Provide resources and programs aimed at meeting the information, creation, educational and cultural needs of the diverse communities of Horsham and West Wimmera in an equitable, effective, efficient, responsive and forward-looking manner in accordance with the values and objectives of the Library Plan;
- (a) Provide, subject to any service level agreements or any conditions attached to any State government library subsidies and grants to the Regional Library or the Councils, a quality, customer-focused regional library service for Council's municipal districts as determined by the Board;
- (b) Make Local Laws relating to the Regional Library;
- Perform any other functions which are conferred on the Regional Library under this Agreement or the Act, including defining overall policy objectives,
- (c) developing Strategic Policy and a Financial Strategy, approving a Library
- (d) Plan, developing an Annual Budget; preparing an Annual Report; and
- To do all things necessary or expedient in accordance with this Agreement and the Act for the carrying out of its functions.
- (e)

## **3. MEMBERSHIP OF THE BOARD**

- 3.1 The Board of the Regional Library shall consist of the following members –
- (a) One councillor appointed by each Council;
  - (b) One other member of Council staff appointed by each Council; and
  - (c) One community representative appointed by each Council following a process calling for expressions of interest.
- 3.2 A Council may appoint a councillor to act as deputy in place of its appointed councillor member.
- 3.3 A Council may appoint a member of council staff to act as deputy in place of its appointed staff member.
- 3.4 A member and deputy shall hold office until the term of his/her appointment expires, until removed or the person resigns or ceases to be a councillor or member of council staff, whichever occurs first.
- 3.5 A Council may remove from office its appointed member or deputy.
- 3.6 A Council must fill a vacancy in its members as soon as possible and notify the Board in writing of the new member.
- 3.7 The office of a member automatically becomes vacant if he/she is absent (whether or not the member is represented by a deputy) for three consecutive meetings without leave of the Board.
- 3.8 (a) Notwithstanding clause 3.7 above, the Board may exercise discretion with the application of clause 3.7 if extenuating circumstances can be shown to exist.

## **4. (b) OBJECTIVES, ROLE AND FUNCTIONS OF THE BOARD**

### **4.1 Objectives of the Board**

The primary objective of the Board is to achieve the best library service outcomes for the communities of the Councils within the context of each Council's available resources and competing demands.

In seeking to achieve its primary objective, the Board must have regard to the following facilitating objectives –

- (i) To ensure that Regional Library resources are used efficiently and effectively, and library services are provided in accordance with Best Value Principles to best meet the needs of the community;
- (ii) To support local business and employment opportunities;
- (iii) To ensure that library services and facilities provided by the Regional Library are accessible within each Council community;
- (iv) To ensure the equitable imposition of any library fees and charges; and
- (v) To ensure transparency and accountability in Board decision making.

#### 4.2 Role of the Board

The Board is appointed to provide leadership for the good governance of the Regional Library.

The role of the Board includes –

- (a) (i) Ensuring that the library services provided by the Regional Library are provided in accordance with the Library Plan, Strategic Resource Plan and Annual Budget;
- (b) (ii) Providing leadership by establishing Regional Library strategic objectives and monitoring their achievement;
- (iii) Providing advice as requested to a Council on the planning and provision of library services and facilities;
- (iv) Maintaining the sustainability and viability of the Regional Library by ensuring that resources are managed in a responsible and accountable manner;
- (v) Advocating the library service interests of the local community to other communities and governments;
- (vi) Acting as a responsible partner in government by taking into account the aspirations and needs of other communities; and
- (vii) Ensuring that the library service continues to contribute to the social and economic wellbeing of the community.

#### 4.3(a) Functions of the Board

The functions of the Board include –

- (i) Ensuring the benefits of the Regional Library service are equitable for the two member Councils whilst delivering flexible responses to member Council communities, in conjunction with each Council;
- (ii) Ensuring the Regional Library exercises, performs and discharges its duties, functions and powers under the Act and other relevant Acts; and
- (b) (iii) Adopting procedures and reporting practices at Board level that will ensure transparent decision making and the good governance of the Regional Library.

For the purpose of achieving its objectives, the Board may perform its functions inside and outside the Councils' municipal districts.

#### 4.4 Subject to the provisions section 89 of the Act, Board meetings will be open to members of the public.

### 5. PROCEEDINGS OF THE BOARD

5.1 The Board shall hold an ordinary meeting at least once in every three months.

5.2 If a special meeting is called, it must be called by the Chief Executive Officer on the request of the Chairperson or any three members of the Board.



- 5.3 The Board shall elect a board member to be the Chairperson of the Board and they shall hold office for twelve months, unless they go out of office earlier in accordance with clause 3.4.
- 5.4 The Board shall elect a board member to be Deputy Chairperson of the Board and they shall hold office for twelve months, unless they go out of office earlier in accordance with clause 3.4.
- 5.5 The Chairperson shall preside at a meeting of the Board.
- 5.6 In the absence of the Chairperson from a Board meeting, the Deputy Chairperson shall assume the chair, however, in that person's absence the remaining members of the Board may elect one of their number to preside at that meeting.
- 5.7 Notice of motion to recommend amendment of this Agreement and notice of motion for the adoption or amendment of Local Laws by the Board shall be given in writing to Councils at least one month before the meeting of the Board at which a motion is to be discussed.
- 5.8 The quorum for any meeting of the Board is a majority of the number of members.
- 5.9 The Board shall make Local Laws governing the conduct of meetings for the Board.

## **6. CHIEF EXECUTIVE OFFICER**

- 6.1 The Board shall appoint a Chief Executive Officer of the Regional Library.
- 6.2 In addition to any responsibilities imposed on a Chief Executive Officer under the Act, the Chief Executive Officer shall be responsible to the Board for the finances and administration of the Regional Library including the implementation of the Library Plan, the Financial Strategy, preparation of the Annual Budget and Annual Report, delivery of the service either internally, and/or externally by a third party service provider, administrative support for the Board and any other duties specified.
- 6.3 The Chief Executive Officer shall be responsible for preparing a Library Plan for approval by the Board within six months of each general election of the Councils in accordance with section 125(1) of the Act.

## **7. EQUITY AND OPERATING COSTS**

- 7.1 The Councils acknowledge that, as at the date of this Agreement, the Regional Library occupies and operates the branch libraries (including Service Points) described in Schedule 1.
- 7.2 The occupancy of branch (including Service Points) libraries may be subject to an agreement between the relevant Council and Regional Library that sets out the obligations and the responsibilities of the parties.
- 7.3 Each Council agrees to the Regional Library using the assets set out in the Statement of Council Assets in Schedule 1.
- 7.4 Nothing in this clause 7 or this Agreement generally requires a Council to continue to provide the facilities provided to the Regional Library at the commencement of this Agreement or subsequently, nor restricts a Council from adding to, changing or withdrawing any of the facilities provided to the Regional Library.
- 7.5 Where a Council adds to, changes or withdraws any of the services provided by, or facilities provided to, the Regional Library that leads to excess staff being employed, then that Council will be liable for the redundancy costs for such excess staff (whether deployed in branch libraries, the administration of the Regional Library or otherwise) subject to every attempt being first made by the Regional Library to redeploy the affected staff within its operations.

- 7.6 A Council must, unless otherwise agreed by the Board, give twelve months' notice in writing to the Chief Executive Officer of its intention to withdraw assets from the use of the Regional Library.
- 7.7 The Chief Executive Officer shall maintain a register of the assets owned and used by the Regional Library including those provided by a Council for library use.
- 7.8 The Regional Library shall, unless otherwise agreed, be responsible for the maintenance, repair, and replacement and operating costs of assets owned by the Regional Library as outlined in Schedule 2, and in accordance with Schedule 4.
- 7.9 Each Council shall, unless otherwise agreed by the Board, be responsible for the major maintenance, repair, and replacement and operating costs of assets owned by it but provided for the use of the Regional Library.
- 7.10 Each Council must pay to the Regional Library an agreed amount each year to cover the recurrent costs of operating a council owned or rented facilities as outlined in Schedule 1, and in accordance with Schedule 4.
- 7.11 Where the Regional Library agrees to assume responsibility for specific maintenance, repair, replacement and operating costs of assets owned by any one or more of the Councils, the relevant Council will negotiate in good faith an increase in its annual contribution to cover the maintenance, repair, replacement and operating costs of the assets.
- 7.12 The Regional Library shall, unless otherwise agreed by Councils and subject to Clauses 7.8 and 7.9, be responsible for its own operating costs.

## **8. STRATEGIC PLANNING**

- 8.1 A Library Plan (including a Strategic Resource Plan) will be prepared and approved in accordance with section 197D of the Act. The Chief Executive Officer shall each year provide each Council with a copy of the Regional Library's adopted Library Plan.
- 8.2 The Strategic Resource Plan shall include a program for the delivery of services by the Regional Library which identifies the financial and other resource requirements of the Regional Library.
- 8.3 The Strategic Resource Plan shall include a program for the delivery of services by the Regional Library which identifies the nature and extent of proposed services and an estimate of the costs of the provision of those services.
- 8.4 The Regional Library must adopt a Library Plan and a Strategic Resource Plan by the date specified in the Act.

## **9. ANNUAL BUDGET**

- 9.1(a) The Chief Executive Officer shall by 1 May each year provide each Council with a copy of
- (b) the Regional Library's proposed Annual Budget prepared in accordance with section
- (c) 144 of the Act and taking account of the proposals from each Council.
- 9.2 The proposed Annual Budget shall include –
- (d) The amount of funds currently held by the Regional Library;
- (e) The amount of each Council's proposed financial contribution to the Regional Library for the financial year commencing 1 July;
- (f) The amount of funds to be received from any other source by the Regional Library in the financial year commencing 1 July;
- Standard statements and description of activities and initiatives to be funded in the budget;
- A statement as to how activities and initiatives will contribute to the achievement of strategic objectives on the Library Plan;
- Key strategic activities performance targets and measures; and

All proposed borrowings (other than refinancing of existing loans).

## **10. ANNUAL FINANCIAL CONTRIBUTIONS**

- 10.1 The amount to be contributed to the Regional Library by each Council during each financial year shall be the sum of –
- (g) The amount specified in the Regional Library's adopted Annual Budget;  
All State Government library subsidies and grants received by the Council for library services; and  
Funds received by the Council from any other source for library services.
- 10.2 The Councils must agree on a funding formula for the purpose of making annual financial contributions to the Regional Library under Clause 10.1 (a) and (b). Schedule 3 sets out the funding formula to be applied unless another funding formula is agreed to in writing.
- (a)
  - (b)
  - (c)
- 10.3 Each Council's financial contribution to the Regional Library shall be paid in quarterly instalments on the first day of July, October, January and April each year.
- 10.4 If the proposed Annual Budget has not been approved by the Board and each Council by 1 July the first instalment shall be the same amount paid by the Council in the previous quarter and the second instalment shall include any adjustment to ensure the two instalments together equal half the amount payable by that Council for that financial year in accordance with clause 10.1(a).
- 10.5 Council contributions under clause 10.1(a) shall be paid within one month of receipt of an invoice from the Regional Library.
- 10.6 The Regional Library is to use its best endeavours to ensure quarterly invoices are forwarded to Councils with at least 30 days' notice of payments due.
- 10.7 In addition to the contributions payable under this clause, a Council shall be responsible for the Regional Library's costs in providing any additional service or resources by the Council and such costs are to be paid within 30 days of the Council receiving an invoice from the Regional Library.
- 10.8 Interest shall be paid on any amount payable under clause 10.1(a) which is not received by the Chief Executive Officer within 14 days of the due date at the rate fixed by the Governor in Council for the purposes of section 172 of the Act and calculated monthly from the date the amount became due until it is received by the Chief Executive Officer.

## **11. ANNUAL REPORTING AND ACCOUNTS**

- 11.1 The Chief Executive Officer shall, within three months of the end of each financial year, provide each Council with a copy of the Regional Library's Annual Report prepared in accordance with section 131 of the Act.
- 11.2 The books of accounts and all other financial records of the Regional Library shall be available for inspection at all reasonable times by any person authorised by a Council, or by any person authorised by the Secretary of the Department responsible for administering State Government library subsidies and grants from which the Regional Library receives or Councils receive funds.

## **12. ENTRY AND EXIT OF PARTIES**

- 12.1 A council which is not a party to this Agreement may, by supplementary agreement with the Councils, be admitted as a party to this Agreement and, subject to the provisions of the supplementary agreement, shall have the same rights, duties and obligations of the Councils under this Agreement.

- 12.2 A Council may withdraw from this Agreement having given not less than twelve months' notice in writing to the Chief Executive Officer of its intention to do so.
- 12.3 A Council which has given notice under clause 12.2 must, unless otherwise agreed by the Councils, withdraw from this Agreement on 30 June in any year.
- 12.4 A Council which withdraws from this Agreement shall be entitled to a portion of the net assets (including digital assets) of the Regional Library as at the date of its withdrawal from the Agreement, less an amount which represents the full costs to the Regional Library of the Agreement.
- 12.5 The portion of net assets to which a Council is entitled under clause 12.4 –
- Shall be calculated according to the value of the assets as disclosed by the relevant audited financial statements;
  - Shall be in the same proportion as its financial contribution to the Regional Library bears to all member Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement;
  - and
  - (b) Shall include those books and like materials housed within a branch library allocated to its municipal district
- and may not be taken in the form of property or cash unless the Board agrees.
- 12.6<sup>(c)</sup> For the purposes of clause 12.4, the cost to the Regional Library of a Council's withdrawal from this Agreement shall include (but not be limited to) –
- Redundancy costs for excess staff (whether deployed in branch libraries, the administration of the Corporation or otherwise);
  - (a) the cost of removing books and like materials housed within a branch library allocated to its municipal district;
  - (b) The cost of extracting bibliographic records for that Council's books and materials; and
  - (c) The cost of amending bibliographic records to account only for those books and materials which remain
- and may be taken in such combination of property and cash as agreed between the Council and the Board, and if it is agreed that a Council is entitled to library materials, the cost of removing them shall be paid for by the Council.
- 12.7 A Council, which withdraws from this Agreement, shall be liable for a portion of the liabilities, including contingent liabilities, of the Regional Library as at the date of its withdrawal from the Agreement.
- (a)
- 12.8 The portion of the liabilities and contingent liabilities to which a Council is liable under clause 12.7 –
- (b) Shall be calculated according to the liabilities and contingent liabilities as disclosed by the relevant audited financial statements and reports, and any other notes attached to them;
  - (c) Shall be in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement; and
- Where contracts for goods and services are affected, shall be the full cost of any additional payments for variations to contractual arrangements resulting from the withdrawal.

### **13. DISSOLUTION OF REGIONAL LIBRARY**

- 13.1 Subject to section 197G of the Act, the Regional Library may be dissolved by all parties to the Agreement of the parties to this Agreement or, if more parties are admitted to the Agreement by supplementary agreement, by agreement of a least three quarters

of the parties to this Agreement, including those admitted as a party by supplementary agreement.

13.2 If the Regional Library is dissolved under this clause –

Each Council shall be entitled to a portion of the Regional Library's assets, as at the date of dissolution, in the same proportion as its financial contribution to the Regional Library bears to all the Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement; and

- (a) Each Council shall be liable for a portion of the liabilities and contingent liabilities of the Regional Library in the same proportion as its financial contribution to the Regional Library bears to all the Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement.
- (b)

## 14. DISPUTE RESOLUTION

14.1 If any dispute arises between and among the Councils or between one or more Councils and the Regional Library which cannot be resolved by the Board, the parties to the dispute must use their best endeavours, and act in good faith, to settle that dispute.

14.2 If there is any dispute or difference between a Council and the Regional Library or between any of the Councils which arises out of this Agreement or concerns the Regional Library, that is unable to be settled, the Councils must agree to the appointment of an independent mediator. If the Councils are unable to agree on a person to act as an independent mediator, the mediator will be appointed by the President of the Law Institute of Victoria.

14.3 The parties to the mediation shall –

- (a) Be responsible for their own mediation costs; and
- (b) Share the mediator's costs equally.

14.4 The function of the mediator is to mediate not arbitrate. The mediator will not have the power to make any decision. If the dispute is not resolved through mediation, the Councils may proceed to arbitration in accordance with clause 14.6.

(a)  
14.5 A party must not commence proceedings in respect of a dispute unless –  
(b) The dispute as first been referred to a mediator; and  
The dispute remains unresolved.

14.6 If there remains a dispute the matter shall be determined as a dispute under the  
(a) *Commercial Arbitration Act 2011* and the arbitrator's decision shall be final and  
(b) binding on the parties to the dispute.

14.7 The parties to the arbitration shall –

- Be responsible for their own arbitration costs; and
  - Unless otherwise determined by the arbitrator, share the arbitrator's costs
- (a) equally.
  - (b)

## 15. AGREEMENT AMENDMENT

An amendment to this Agreement has no effect unless it is -

In writing and signed by all parties to the Agreement; and

Approved by the Minister by notice published in the Government Gazette.

The parties agree that if a Council transfer its assets to the Regional Library or makes available additional assets for the use of the Regional Library as set out in clause 7.4, this is not to constitute an amendment to this Agreement.

## **16. COMPLIANCE WITH SERVICE AND FUNDING AGREEMENT**

Each of the Councils agree to comply with the provisions and conditions of the existing service and funding agreement it has previously made with the Regional Library Corporation.

## **17. AGREEMENT REVIEW**

- 17.1 The Councils shall, together with the Board, review the operations of this Agreement at least once every five years.
- 17.2 The parties will monitor the Local Government Bill 2019 until Assent Date and upon operation of the new Local Government Act will conduct a review of the Agreement.

## **18. COMMENCEMENT**

This Agreement commences on the day on which it is approved by the Minister in accordance with section 196(2) of the Act.

## **19. TERMINATION OF 2018 AGREEMENT**

- 19.1 Subject to clause 19.2, the 2018 Agreement ends on the day this Agreement commences operation.
- 19.2 Any:
  - (a) Right accrued; or
  - (b) Obligation incurred; and
  - (c) By reason of the 2018 Agreement will continue to exist notwithstanding the cessation of the 2018 Agreement.

**Executed as an Agreement.**

IN WITNESS WHEREOF

In accordance with a Resolution of the Horsham Rural City Council made on

.....  
THE COMMON SEAL of the Horsham Rural City Council  
Was hereunto affixed on in the presence of –

..... Mayor

.....Councillor

.....Chief Executive Officer

In accordance with a Resolution of the West Wimmera Shire Council made on

.....  
THE COMMON SEAL of the West Wimmera Shire Council  
Was hereunto affixed on in the presence of –

..... Mayor

.....Councillor

.....Chief Executive Officer

**Note:**

This Agreement was executed by Horsham pursuant to a resolution of that Council passed at a meeting of Council held on

This Agreement was executed by West Wimmera pursuant to a resolution of that Council passed at a meeting of Council held on

**SCHEDULE 1  
STATEMENT OF COUNCIL ASSETS**

**HORSHAM RURAL CITY COUNCIL**

- Library Building, 28 McLachlan Street, HORSHAM
- Library service sites at Laharum and Natimuk
- Shelving, furniture, fixtures and fittings at the listed branch library and service sites

**WEST WIMMERA SHIRE COUNCIL**

- Library Building, 49 Elizabeth Street, EDENHOPE
- Library Building, 30 Main Street, GOROKE
- Library Building, 29 Blair Street, HARROW
- Library Building, 25 Baker Street, KANIVA
- Shelving, furniture, fixtures and fittings at each of the branch libraries listed

**SCHEDULE 2  
STATEMENT OF REGIONAL LIBRARY ASSETS AND LIABILITIES**

The Regional Library will maintain a detailed asset register of assets owned and purchased by the Regional Library for use at the Branch Libraries and Regional Library's Regional Support Office.

The Chief Executive Officer shall provide each Council a copy of the Regional Library's Annual Report including asset values and depreciation schedules of all books and library materials, plant, equipment and liabilities and contingent liabilities.

The apportionment of net assets and liabilities to which a Council is entitled under Clause 12.5 of the Regional Library Agreement.

The Regional Library will be responsible to supply and maintain:

- Furniture and equipment (excluding fixed furniture and shelving)
- ICT equipment
- Motor vehicles
- Books and library materials

Note: The Regional Library's asset register includes furniture and equipment purchased by Friends of the Libraries and other organisations which is used in the Branch Libraries.



### SCHEDULE 3 WRLC FUNDING FORMULA

Each member Council contributes to the operating expenses on the following basis:

	Member Council
Annual Library Site Operating Costs (including direct salary, building maintenance, utilities, and building insurances)	100%
Annual Regional Support Equity Split between member Councils	50%
Annual Regional Staff Support (based on EFT of staff between member councils)	Horsham 62% West Wimmera 38%
Annual Regional IT (based on number of PCs (staff and public) between member councils)	Horsham 65% West Wimmera 35%
Annual Regional Support (based on membership/population between member councils)	Horsham 80% West Wimmera 20%
Property/Capital Costs	Location of service point; 100%
Library Material	Per capita

In drawing up the funding principles Councils have agreed to the following principles and formulae for funding the operations of the Regional Library.

#### 1. Sustainable Funding

Councils will provide a sufficient proportion of funding to enable the Regional Library to deliver the key strategic goals in the Library Plan.

#### 2. Service Points

##### **Definition**

A service point is defined as a library or library service site that offers at least lending services.

- 2.1 A Council is responsible for determining the number and location of service points in its own municipality, and subject to consideration by the Board on the likely impact of any changes to regional resources and service levels.
- 2.2 A Council will fully fund any general service in its municipality that is not considered to be a regional service, unless the Regional Library agrees to incorporate the service as a regional service. General services include lending services, branch administration, reference, early year's literacy, youth and adult services.
- 2.3 Councils shall share the combined total regional operating costs to service points across the region according to an average percentage of population (as per Australian Bureau of Statistics) for each municipality. Regional operations include local history, visiting authors, special children's programs and special

youth and adult programs performed at a number of service points across the region.

- 2.4 A Council will fully fund new initiatives within general library operations, such as extensions to hours or services, or new service points.
- 2.5 Funding of a new service point is to include funding for a new Collection if required by the Board.
- 2.6 Funding formula for library service sites include travel time to sites, set up and pack up time, as well as opening hours.

### **3. Collection Development**

#### ***Definition***

Collection development includes policy, selection, withdrawal and transfer of materials, acquisitions, cataloguing, data input, processing, repairs, binding, reservations and inter-library loans.

- 3.1 Collection size and composition will be maintained in response to community need and population size.
- 3.2 New and replacement lending materials will be distributed to service points in such a way that each municipality receives its due proportion of material based on population, plus any additional materials according to 2.2.

### **4. Population**

Where the funding basis is to be population, the population figure is to be based on the last published provisional Australian Bureau of Statistics population figures at the time the Budget is prepared.

### **5. State Funding**

Expected State Funding will be attributed back to the member Councils' on the basis of an average of the population, as referred to in Clause 4 of the Funding Principles.

## **SCHEDULE 4**

### **MAINTENANCE RESPONSIBILITIES**

For service points identified in Schedule 1 Councils are responsible for maintenance and infrastructure provision and identified recurrent utility costs:

- Reroofing, recladding
- Floor coverings
- Window coverings
- Carparks and car park delineation
- Mobile street signage
- Mobile Library provision of electrical outlets
- External building signage
- Security system installation
- Air-conditioning (heating and cooling) installations and upgrades
- Painting – internal and external
- Solar power and energy building installations
- Fixed lighting installations and upgrades
- Building fabric including doors, windows, ceilings, ramps and handrails
- Gardens, paths and landscaping
- Cleaning
- Plumbing callouts
- Lighting/electrical maintenance
- Electricity, gas, water and garbage charges
- Loose furniture provision and maintenance
- Rates

The Corporation will be responsible for maintenance and identified recurrent utility costs:

- Telephone charges
- Internal signage
- Building content and vehicle insurances
- Shelving and loose furniture provision and maintenance (except for new libraries)
- Fuel and tyres
- Vehicle replacement and maintenance
- Photocopier provision and maintenance
- ICT infrastructure and maintenance
- Broadband installation and recurrent costs

## Regional Library Agreement 2020 changes

The following changes have been incorporated into the Regional Library Agreement 2020

**Between** Removed      Hindmarsh Shire Council  
Northern Grampians Shire Council  
Yarriambiack Shire Council

### Recitals

- E Amended**      Continuing Councils in 2018 decided to substitute 2018 Agreement for the Original Agreement and to continue the operation of the Regional Library to services the area comprising their municipal districts with the intention that section 196 of the Act would continue to apply
- F Added**      In 2019 Hindmarsh, Northern Grampians and Yarriambiack gave notice of its intention to withdraw from the 2018 Agreement, such withdrawal effective as at 30 June 2020
- G Added**      Horsham and West Wimmera (**the Continuing Councils**) desired to continue to operate a regional library to service the area comprising their municipal districts pursuant to section 196 of the Local Government Act 1989
- H Added**      This Agreement (**the 2020 Agreement**) substitutes the 2018 Agreement and records the terms on which the Continuing Councils will continue to operate such a regional library with the intention that section 196 of the Act will continue to apply

### Clause 3      **Membership of the Board**

- 3.1(c) Added**      One community representative appointed by each Council following a process calling for expressions of interest

### Clause 5      **Proceedings of the Board**

(Changes election of a councilor member to a board member)

- 5.3 Amended**      The Board shall elect a **board** member to be the Chairperson of the Board and they shall hold office for twelve months, unless they go out of office earlier in accordance with clause 3.4
- 5.4 Amended**      The Board shall elect a **board** member to be Deputy Chairperson of the Board and they shall hold office for twelve months, unless they go out of office earlier in accordance with clause 3.4

### Clause 17      **Agreement Review**

- 17.2 Added**      Parties will monitor the Local Government Bill 2019 until Assent Date and upon operation of the new Local Government Act will conduct a review of the Agreement

### Clause 19      **Termination of 2018 Agreement**

(Changes from Original Agreement to the 2018 Agreement)

**19.1 Amended** Subject to clause 19.2, the 2018 Agreement ends on the day this Agreement commences operation

**19.2 Amended** Any:

- (a) Right accrued; or
- (b) Obligation incurred; and
- (c) By reason of the 2018 Agreement will continue to exist notwithstanding the cessation of the 2018 Agreement

**Schedule 3      WRLC Funding Formula**

**Table** amended

Added the following funding formulas

Annual Regional Support Equity Split between member Councils	50%
Annual Regional Staff Support (based on EFT of staff between member councils)	Horsham 62% West Wimmera 38%
Annual Regional IT (based on number of PCs (staff and public) between member councils)	Horsham 65% West Wimmera 35%
Annual Regional Support (based on membership/population between member councils)	Horsham 80% West Wimmera 20%

# Service and Funding Agreement

## 2020 – 2023

West Wimmera Shire Council  
and  
Wimmera Regional Library Corporation

Schedule A: General Conditions

Schedule B: Funding Arrangements

Schedule C: Core Services

Schedule D: Base Level Services and Standards

Schedule E: Added / Modified Services

Appendix 1: Maintenance of Library Premises

**The Agreement:**

This Service and Funding Agreement is made on 1 July 2020, between the West Wimmera Shire Council, established as a body corporate under an order in Council made pursuant to the Local Government Act 1989, 49 Elizabeth Street, Edenhope, Vic., 3318

THE COMMON SEAL OF WEST WIMMERA SHIRE COUNCIL  
was affixed hereto by authority of the  
Council under the Local Government Act  
1989 in the presence of:

..... Councilor

..... Councilor

.....Chief Executive Officer                      Dated.....2020

AND

The Wimmera Regional Library Corporation.

Signed and sealed for and on behalf of the Wimmera Regional Library Corporation

THE COMMON SEAL OF WIMMERA REGIONAL LIBRARY CORPORATION  
was affixed hereto in the presence of:

..... Member of the Board

..... Member of the Board

.....Chief Executive Officer                      Dated.....2020

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**Introduction:**

This Service and Funding Agreement details the responsibilities and obligations of the Wimmera Regional Library Corporation and the two councils served by the Library Corporation. The Agreement is an extension to the Wimmera Regional Library Agreement and constitutes a legally binding contract between the parties to the Agreement.

**Recitals:**

1. The Buloke Shire Council, Hindmarsh Shire Council, Horsham Rural City Council, Northern Grampians Shire Council, West Wimmera Shire Council and the Yarriambiack Shire Council (the member councils) established the Wimmera Regional Library Corporation (WRLC) on 16<sup>th</sup> April 1996 and are signatories to the Regional Library Agreement.
2. The Regional Library Agreement establishes the Wimmera Regional Library Corporation (WRLC) as an independent corporate entity, sets out the parameters within which the WRLC may operate, establishes an obligation to comply with the relevant sections of the Local Government Act 1989 and Corporations law, and prescribes a number of key reporting and operating requirements.
3. The member councils contribute funds to the WRLC to provide public library services across their municipalities. In aggregate, library services are provided across an area of 13,375 square kilometres to a population of approximately 23,000 (ABS 2018)
4. The member councils provide, maintain and, where necessary, replace buildings, furniture and fittings suitable for the delivery of library services. The member councils also secure, clean and maintain these assets, including associated areas, such as gardens, paths, exterior signs and parking areas.
5. The WRLC's mission is to provide library services that are relevant to the current and future informational, recreational, educational and cultural needs of the communities served.

**Scope of Service and Funding Agreement:**

1. This Service and Funding Agreement will specify the base (i.e. minimum) level services and standards to apply across the region, as well as council-specific arrangements for added and/or modified services.
2. This Agreement operates in conjunction with and supports the underlying principles and objectives of the Regional Library Agreement.
3. This Agreement comprises five principal parts. These are:
  - (a) Schedule A which details the general conditions of this Agreement;
  - (b) Schedule B which details the funding arrangements;
  - (c) Schedule C which details the WRLC's obligation with respect to core services;
  - (d) Schedule D which specifies the base level services and standards which will apply to all member councils;
  - (e) Schedule E which specifies those added and/or modified services which councils have negotiated directly with the WRLC.
4. This Service and Funding Agreement will apply for a period of three years from 1<sup>st</sup> July 2020 to 30<sup>th</sup> June 2023.

## **SCHEDULE A: GENERAL CONDITIONS**

This schedule sets out the general conditions that will apply to all member councils and the WRLC in relation to the provision of public library services.

### **1. Governance:**

1.1 Clause 3 of the Regional Library Agreement specifies that the WRLC will be governed by a Board consisting of the following members:

- (a) One Councillor appointed by each Council;
- (b) One other person appointed by each Council; and
- (c) One community representative appointed by each Council following a process calling for expressions of interest.

1.2 The Library Board will meet at least once every three months.

1.3 Persons accepting a position on the Library Board will:

- (a) Participate in an induction program to acquire the understanding of library operations necessary to effectively fulfill the duties of a Board member;
- (b) Be an active and visible supporter of the library service;
- (c) Consider matters before the Board from a regional perspective, as well as from the perspective of the member council represented;
- (d) Make full and accurate reports of Board and WRLC matters to the member council represented;
- (e) Act as an advocate for the WRLC to influence the allocation of resources and service delivery in all dealings with external parties, including the member council represented.

1.4 The Chief Executive Officer appointed by the Board will:

- (a) Ensure compliance with financial and statutory requirements;
- (b) Administer the delivery of library services across the region;
- (c) Advise, assist and support the Board in the execution of its duties, with particular emphasis on policy development and strategic planning;
- (d) Perform other duties and responsibilities imposed under the Local Government Act 1989 and the Regional Library Agreement;

1.5 Urgent Business:

When the Board must make a decision between meetings, a decision may be made by circular resolution. In carrying out a vote by circular resolution, the CEO

must attempt to contact all Board members. A circular resolution will be taken to be carried only when the majority of board members vote in the affirmative. Where the Board conducts a vote by circular resolution, the outcome of the vote is to be tabled at the first Board meeting held after the conclusion of the voting period specified in the message seeking the vote and recorded in the minutes of that meeting.

**2. Policies and Standards:**

The WRLC will provide and manage library services that conform to relevant national, state and local government policies and standards, as well as those policies and standards set by the WRLC Board.

If, for any reason, this is not achievable, the WRLC will report those areas of non-conformance to the Library Board and recommend appropriate strategies to achieve conformance. Where the non-conformance creates or may create a public or occupational health and safety risk, the WRLC will take immediate action to eliminate the risk, including the temporary or permanent closure of library services if appropriate.

**3. Advocacy:**

The WRLC will act as advocate for existing and prospective library users and will make representations to councils, government bodies and other organisations and individuals to influence the allocation of resources assigned to the WRLC and the public library sector generally.

**4. Accountability and Reporting:**

The WRLC will comply with all direct and indirect accountability and reporting requirements imposed legislatively or through agreements entered into by, or on behalf of, the WRLC. These agreements include, but are not limited to:

- Australian accounting standards;
- The Local Government Act 1989;
- The Regional Library Agreement;
- Funding and Service Agreements between the WRLC and the Department of Environment, Land, Water and Planning; and
- This Service and Funding Agreement.

**5. Insurance:**

- 5.1 The WRLC will ensure that adequate and current insurance cover is maintained for:
- Work Cover
  - Public Liability
  - Professional Indemnity
  - Industrial Special Risk
  - Contents
  - Motor Vehicles
  - Other insurances as required
- 5.2 Member councils are responsible for the insurance of assets used by the WRLC but owned and maintained by those councils.
- 5.3 At the WRLC's discretion, insurance may be arranged through member councils and reimbursed by the WRLC.

**6. Dispute Resolution:**

- 6.1 If there is a dispute or difference between the parties in connection with this Agreement, the parties undertake to use all reasonable endeavours to settle the dispute or difference by negotiation.
- 6.2 If the parties cannot settle the dispute within 21 days, the matter shall be determined as a dispute under the Commercial Arbitration Act 1984 and the arbitrator's decision shall be final and binding on the parties.
- 6.3 The parties to the arbitration shall be responsible for their own costs and, unless otherwise determined by the arbitrator, share the arbitrator's costs equally.

**7. Agreement Review:**

The Agreement will be reviewed at least once every three years, six months prior to the end of each period. However, where changes to the Local Government Act 1989 have a significant impact on the Agreement, such changes are to be accommodated within the Agreement at the earliest opportunity.

**8. Termination of the Agreement:**

- 8.1 There are no provisions for early termination of this Agreement on the grounds of a party or parties wishing to downgrade the base level services and standards specified at Schedule D.
- 8.2 Parties wishing to terminate any or all of the added/modified services specified at Schedule E may only do so by approval of the Library Board and agreeing to compensate the other member councils for any costs or contingent liabilities incurred as a consequence of their action(s).
- 8.3 If the Agreement is terminated as a consequence of the WRLC being dissolved, or a party or parties withdrawing from the WRLC, then the relevant conditions from the Regional Library Agreement will extend to this Agreement.

## **SCHEDULE B: FUNDING ARRANGEMENTS**

To maintain the provision of library services, the WRLC requires funding support from the member councils and other parties. This schedule expands on clause 10 of the Regional Library Agreement and establishes the responsibilities of the member councils with respect to funding current and future library operations.

### **1. Source of Funds:**

The WRLC may fund its operations from a variety of sources, including:

- 1.1 Contributions by member councils in accordance with the funding formula approved by the Library Board;
- 1.2 A government contribution in the form of the State Government's Public Libraries Grant and other specific funding programs which apply from time to time. Such contributions will be paid directly to the WRLC;
- 1.3 Revenues earned from user fees and charges;
- 1.4 Interest on investments;
- 1.5 Donations in the form of bequests and contributions;
- 1.6 Borrowings in accordance with the conditions imposed by section 197A of the Local Government Act 1989.

In addition to the above sources, funds may also be drawn down from accumulated reserves if deemed appropriate by the Library Board.

### **2. Application of Funds:**

The funds available to the WRLC will be applied to:

- 2.1 Operating costs of the library service, including expenditures in relation to static branches and headquarters;
- 2.2 Capital requirements of the library service, including the amount required to maintain the WRLC's materials collection in accordance with the Collection Management Plan and the amount required for the acquisition of other fixed assets, whether new or replacement;

2.3 Ensuring that adequate provision is made to meet the WRLC's future obligations with respect to staff entitlements for sick leave, annual leave and long service leave, and that payment is made in accordance with statutory requirements to approved superannuation funds;

2.4 Investing in financial instruments authorised by the Local Government Act 1989 and other governing agreements;

2.5 Repaying borrowed funds;

2.6 Retaining funds for future purposes.

### **3. Specific Funding Requirements:**

In allocating funds, the following conditions will apply:

3.1 The Board will not approve budgets that would result in an operating deficit;

3.2 Capital contributions are not to be used for operating purposes;

3.3 Government and other grants are to be applied in accordance with the terms and conditions applicable to such grants and are not to be used for other purposes unless prior permission is obtained in writing from the provider of the grant;

3.4 Funds will not be applied to severance payments incurred as a result of decisions made by a member council(s) to restructure branch operations. Although severance payments (as specified by the Enterprise Bargaining Agreement) will be disbursed by the WRLC, the member council(s) will be wholly responsible for funding such payments.

### **4. Funds Management Responsibility:**

As an independent corporate entity, the WRLC will manage the acquisition, application and investment of funds. It is at the WRLC's discretion whether this responsibility is met internally or contracted, wholly or in part, to third parties.

### **5. Funding Formula:**

Clause 10.2 of the Regional Library Agreement requires the Library Board to agree on a funding formula to determine the financial contributions to be made by the member councils:



- 5.1 For each static service point, the net recurrent expenditure will be wholly borne by the member council for the municipal district in which the service point is located. (Recurrent expenditure is the difference between revenues earned from branch operations and operating costs, excluding depreciation and capital expenditures);
- 5.2 The revenues and expenditures associated with the WRLC's headquarters unit will be shared between the member councils by apportioning each item in accordance with the criterion deemed to be the most equitable. In making such apportionments, the following conditions will apply:
- (a) Revenues and expenditures incurred specifically in relation to non-base services will be identified and allocated to the corresponding non-base services;
  - (b) No member council will incur increased costs as a result of other councils significantly reducing the level of branch services primarily to reduce operating and overhead costs;
- 5.3 Capital expenditures (including amounts transferred to reserves) will be apportioned between the member councils in a manner that equitably reflects the intended use of the assets acquired. This will include additions to the library collections, which will be apportioned in accordance with the allocation criteria specified in the WRLC's Collection Development Plan;
- 5.4 The base for the apportionment of revenues and expenditure across the member councils will be the WRLC's Annual Budget as determined prior to 30 April each financial year, against which the principles outlined in sections 5.1 to 5.3 will be applied to calculate the financial contribution to be made by each member council.

**6. Timing of Contributions:**

Member councils will remit their financial contributions in four quarterly installments payable on the first day of July, October, January and April of each year:

- 6.1 If the financial contributions payable by the member councils have not been finalised and approved by each Council prior to 1<sup>st</sup> July of each year, the first installment shall be the same amount as was paid by Council for the previous quarter. Adjustments will be incorporated in the second installment;

- 6.2 All other contributions received by member councils on behalf of the WRLC will be remitted to the WRLC no later than one month following receipt of such contributions. Wherever practicable, member councils will make arrangements for contributions intended for the WRLC to be paid directly to the WRLC;
- 6.3 Any amounts payable by member councils to the WRLC that are in arrears by 14 days or more will attract interest from the date the amount became due until the date it is received by the WRLC. The interest charged will be calculated monthly at the rate fixed for the purposes of section 172 of the Local Government Act 1989.

## **SCHEDULE C: CORE PUBLIC LIBRARY SERVICES**

As the recipient of a State Government Public Libraries Grant, the WRLC is required to provide a range of core services as part of the public library role carried out by the organisation. Core services can be classified as basic services which are free of charge, as distinct from value added services for which charges may, at the Library Board's discretion, be imposed.

The definitions of basic and value-added services currently recognised and endorsed by the Victorian Public Library and Australian Library and Information Association are repeated below.

### **1. Core Services - Basic:**

Basic public library services are those which:

- 1.1 Provide free entrance to the library;
- 1.2 Provide access to the library's information resources, regardless of the format in which material is held, and including print, CD, DVD and networked electronic resources.

Free access to networked information resources must be provided at each library branch to a level sufficient to meet a reasonable volume of demand;
- 1.3 Provide access to standard office software, such as Microsoft Office;
- 1.4 Provide assistance with the use of the collection and with reference enquiries;
- 1.5 Provide training in the use of public access catalogues;
- 1.6 Lend items from the collection to members of the public for specific periods of time;
- 1.7 Educate the public in the effective use of public libraries;
- 1.8 Provide regular programs such as rhyme time and story time;
- 1.9 Provide any additional service which enables access to other basic services (For example, home library services and bulk loans).

## **2. Core Services - Value Added:**

Libraries sometimes charge for services which provide greater ease of access, convenience or private benefit, and which may attract additional costs to the library service provider. These services are distinguished from the basic services listed above. They may have a higher level of value added by the library. Other services include:

- 2.1 Use of remote online resources where access is only obtainable by payment of a specific per use charge, but excluding use of online resources which are paid for by subscriptions, site licenses or other non-use-based charges;
- 2.2 Providing access to loans from collections outside the public/State library network, such as academic, government or special libraries;
- 2.3 Reserving specific items in library collections, such as book club stock;
- 2.4 Providing printed or electronic copies of materials held or accessed by the library;
- 2.5 Requiring staff to undertake research or to provide other high-level support;
- 2.6 Providing any service which attracts an external service charge, e.g. visiting authors, speakers, theatre performances.

In the case of services not defined as basic, the Wimmera Regional Library Corporation will be free to determine those services which would attract a charge providing that due consideration is given to the possible impact on neighbouring library services caused by such decisions.

## **SCHEDULE D: BASE LEVEL SERVICES & STANDARDS**

This schedule focuses on establishing the base level services and standards to apply to library services provided by the WRLC. By establishing a base level, the opportunity is created for the member councils to negotiate further council-specific services with the WRLC in order to customise services to the particular needs of their communities. This may take the form of additional services such as extended opening hours and/or providing different services not included within the base level.

### **1. Accessibility:**

In order to ensure that the region's library services are reasonably accessible to all members of the community, the following base level standards will apply:

- 1.1 Access to the core library resources (Schedule C Section 1) and assistance with their use will be free of charge;
- 1.2 Members will have free access to all loan items in the WRLC's collection regardless of location and may return borrowed items to any of the WRLC's service points;
- 1.3 Membership is free and available to any resident of Victoria upon providing proof of identity and residence;
- 1.4 Individual membership records will remain confidential. Aggregate data may be drawn from these records, but will in no way identify or enable individuals to be identified;
- 1.5 Members are to be provided with information about library services and members' rights and responsibilities and are entitled to borrow immediately upon joining;
- 1.6 Institutional membership will be available to commercial organisations and not for profit organisations;
- 1.7 Library service points will fully comply with relevant public and occupational health and safety requirements in order to provide safe access to and use of facilities for all members of the community;
- 1.8 Library service points will be open to the public, barring exceptional circumstances, for the hours established by the Library Board. When determining library hours, the Board shall endeavour to structure the hours

in a manner which maximises accessibility for all sections of the community served;

1.9 Departures from the agreed schedule will be allowed for gazetted public holidays and any early closing periods at, e.g., Christmas and Easter. Notice of closures will be provided to the member councils and notices will be prominently posted at the service points at least 30 calendar days prior to closure, except in exceptional circumstances;

1.10 Member councils will maintain the library service points to the standard set out in Appendix 4. The WRLC will inform the member councils of the need for any maintenance or repair tasks and an annual Facilities Review will be undertaken jointly by the WRLC and the member councils.

## **2. Circulation:**

The core service provided by the region's libraries is that of lending materials (both physical and digital) to library members for periods established by the Library Board. To ensure that an appropriate balance is maintained between customer service and operating effectiveness, the following base level standards will apply:

2.1 Library users will receive courteous attention and prompt service at the circulation desk;

2.2 Return dates for borrowed items will be provided in writing at the time of borrowing;

2.3 Items may be returned to any service point in the region;

2.4 Returned items will be processed and returned to shelf, or available for transfer to the host branch, no later than close of business on the next opening day;

2.5 For inter-branch requests, 95 per cent of shelf items will be available for transfer at the next scheduled courier delivery/pick-up;

2.6 Loan renewals may be made in person, via the telephone or via the WRLC's web site;

2.7 Loan periods on digital materials are determined by the vendor.

### **3. Collection Management:**

Building and maintaining a collection that is relevant to the community's needs in both scale, quality and variety of format, is fundamental to the provision of an effective library service. The collection encompasses physical material, digital material and access to digital portals (subscriptions). The management of these formats will vary. Similarly, managing the collection through the various stages from selection to disposal of materials will require adherence to the following base standards:

- 3.1 A Collection Management Plan which incorporates a five-year plan to revitalise the collection will be prepared and reviewed annually;
- 3.2 The collection will be aggressively weeded to identify and remove from display, those materials that:
  - (a) Are irretrievably damaged;
  - (b) Have not been borrowed for two years;
  - (c) Are out of date and/or could present misleading information to patrons;

The weeding process is also to identify materials that have not been borrowed and ascertain whether such materials should be relocated to other service points or disposed of;

- 3.3 Review all materials prior to disposal to ensure that items of value, historical significance or potential use are retained within the region;
- 3.4 The rate of acquiring new materials should be set at a level which enables community demand to be met and acceptable collection turnover rates to be achieved. Industry standards indicate that this would require an acquisitions strategy geared towards a collection of at least 1.8 items per capita, with 10 per cent of the collection replaced per annum;
- 3.5 Materials selection and acquisition will be the responsibility of the WRLC's Headquarters and will take place through a combination of the following activities:
  - (a) Direct purchases from suppliers. Selections will be made predominantly by the Headquarters, but an allowance will be provided to the Branch Librarians/Officers to benefit from their knowledge of local preferences;
  - (b) Purchases via consortium arrangements with other library services;
  - (c) Acquisition of materials from other sources;

- 3.6 Following receipt, new library materials will be catalogued and available on shelves no later than:
  - (a) One week for periodicals;
  - (b) Two weeks for items requested by patrons or purchased to fulfill reservations;
  - (c) Five weeks for all other items;
- 3.7 Allocate materials to service points using the criteria in the Collection Management Plan, which will take into account the service point profile, expressed and anticipated community needs and preferences, collection size and the existing collection;
- 3.8 Headquarters and branch staff will monitor collection performance in order to build their knowledge of the community's preferences and refine the selection process.

#### **4. Catalogues and Location Aids:**

Library users select materials and access information in a variety of ways ranging from browsing the shelves to pre-selecting items prior to their visit. To aid this process the WRLC will comply with the following minimum standards:

- 4.1 The Library website and on-line public access catalogues (OPACs) will accurately reflect the Library's holdings, including the location and status of items;
- 4.2 At least one OPAC terminal will be provided at each service point. Additional terminals will be provided based on user demand;
- 4.3 Catalogue entries will be accurate, up-to-date and include sufficient detail to enable users to find the required information;
- 4.4 Signage which assists users to easily locate items and facilities will be provided at all service points.

#### **5. Reference and Information Services:**

The following minimum standards will guide the delivery of such services:

- 5.1 Access to the reference and information resources of the region and assistance with their use will be free of charge to those eligible for membership. Where it is necessary to access external information sources



and/or inter-library loans, any significant costs incurred may be recovered from the enquirer;

- 5.2 The region's services may be accessed in person, by telephone or via the WRLC's web page;
- 5.3 Staff will be trained in the use of reference resources available in the region, whether provided in print or non-print formats. Staff will also be trained in the skills of conducting reference interviews and will have knowledge of the general resources available from common referral points;
- 5.4 80 per cent of reference enquiries will be answered or acknowledged within five minutes. Persons in extended queues will be informed of the expected waiting time;
- 5.5 When an enquiry cannot be satisfied from resources within the service point, further research or referral will be undertaken and the enquirer will be advised of the expected time frame;
- 5.6 Photocopy services will be provided at all service points. Charges for photocopies will be reviewed annually;
- 5.7 The WRLC will periodically review its ability to deliver more effective reference services across the region.

**6. Information Technology and Technology Support:**

Information technology-based library services are an expected component of the service mix provided by public libraries:

- 6.1 The provision of information technology-based services is supported by the WRLC's Library Plan;
- 6.2 Charges may be imposed for the use of public access IT facilities. Charges may be imposed for:
  - a) Printing materials generated during the use of public access IT facilities;
  - b) The provision of consumables such as USBs;
- 6.3 All public access IT facilities (including OPACs) will be maintained in working order. PCs and OPACs will be on-line, or capable of being on-line, for 95 per cent of the opening hours of the service point, except where external causes such as power or telecommunications failures create the

downtime. Failures involving critical equipment will be rectified within the next open day of the service point;

- 6.4 All staff will be trained in the use of the Internet and PC-based information technology and will facilitate basic access for the public as required;
- 6.5 Where appropriate, staff will also receive basic training in the use of public access PC software programs for word processing and spreadsheets in order to facilitate basic public use;
- 6.6 The WRLC will participate in relevant programs and initiatives as a means of planning for and developing the necessary infrastructure to enhance the services provided to the community. Any involvement in such programs will be reviewed annually to determine their ongoing relevance and benefit to the WRLC.

## **7. Library Programs:**

- 7.1 The WRLC will provide regular Story time sessions for pre-school children. Means by which to introduce Story time sessions to the region's more remote areas will be continuously pursued;
- 7.2 The WRLC will promote and participate in appropriate literary programs;
- 7.3 The WRLC will take part in other events as deemed appropriate by the Library Board. These may include the provision of stands or information displays at events such as field days, local festivals and shire service days.

**SCHEDULE E: ADDED/MODIFIED SERVICES**

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## Appendix 1

### Maintenance of Library Premises

1. Member councils are required to nominate a responsible person to whom all **requests for repairs and maintenance** of Library premises may be directed. Similarly, the WRLC is required to nominate a liaison person for such matters.
2. **Repair and maintenance issues** may be reported by the WRLC in person, via telephone or in writing via email, facsimile or letter.
3. **Urgent repairs** that are necessary for the security of buildings and their contents, or faults which present a health and/or safety hazard to Library staff and/or the public must be attended to within four hours of the report and the WRLC CEO notified of the outcome and/or the nature, appropriateness and likely longevity of any temporary arrangements that may have been made.
4. **Cleaning** of Library premises should occur outside operating hours for that location.
5. **Daily cleaning** includes but is not limited to:
  - a) vacuuming of carpeted areas and wet mopping of other floor areas;
  - b) dusting and wiping of all tables, desks, bench and other work surfaces;
  - c) cleaning of toilets toilet areas and replenishment of necessary supplies for those areas;
  - d) spot cleaning of glass doors and windows; and
  - e) removal of rubbish from both inside the Library premises and outside entry areas.
6. **Periodic cleaning** should be undertaken by member councils in accordance with a schedule agreed between the member council and the WRLC. Periodic cleaning includes but is not limited to:
  - a) Carpet cleaning;
  - b) Window washing; and
  - c) Floor waxing.
7. **Litter** in parking areas, gardens and other associated areas shall be removed at not less than weekly intervals. Should the amount of litter become excessive the WRLC may request Council to organize its removal within 24 hours.
8. The WRLC and member councils will develop a schedule of programmed maintenance to be undertaken by those councils to maintain Library premises, associated areas and relevant furniture and fittings.