



COUNCIL MEETING AGENDA – 18 JUNE 2020 WEST WIMMERA SHIRE COUNCIL

TO BE HELD:	Thursday 18 June 2020
LOCATION:	Kaniva Council Chamber & Zoom V/Link
COMMENCEMENT:	2.00pm
PUBLIC ACCESS:	Live Streaming from Council's website www.westwimmera.vic.gov.au

REQUIRED TO ATTEND:

Councillors	Senior Management Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Richard Hicks Tom Houlihan	David Leahy Chief Executive Officer (CEO) Ashley Roberts Director Corporate & Community Services (DCCS) Mark Marziale Director Infrastructure Development & Works (DIDW)

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

West Wimmera Shire Council Local Law No.7, 2017

42. Gallery to be silent

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

Vision Statement:

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



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1.0 WELCOME

OFFICER RECOMMENDATION:

That in view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian Government, public access to this meeting be limited to live streaming via Council's website.

2.0 OPENING PRAYER

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

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

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

3.3 DECLARATION OF CONFLICT OF INTEREST

All Councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 2020 with regard to Conflict of Interest disclosures.

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

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



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4.1.1 SPEED LIMIT REDUCTION – GREG BUTTLE

Could the Council please consider reducing the speed limit on Harrow Road from 60kms to 50kms from West Wimmera Highway to George Street in Edenhope.

The increase in truck traffic since the upgrade (widening of narrow sections along Edenhope Coleraine Road) has significantly increased the amount of trucks using the road. Hence the number accelerating out of Edenhope and in turn coming into town using exhaust brakes, adding so much extra noise pollution in the area.

The drop in the speed limit on 500mts of the road would have a great effect on improving the liveability of all residents located along and around Harrow Road, with minimal time restraint added to the trucking industry.

RECOMMENDATION:

That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.

4.2 VERBAL QUESTIONS WITHOUT NOTICE

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

RECOMMENDATION:

That Council resume Standing Orders.



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5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS PROVIDED BY COUNCILLORS TO GOVERNANCE SUPPORT OFFICER PRIOR TO AGENDA BEING ISSUED

5.1 COUNCILLOR BRUCE MEYER OAM (MAYOR)

21/05/2020	Virtual Morning Tea – National Volunteers' Week
22/05/2020	CEO David Leahy
22/05/2020	Wimmera Southern Mallee Media & Council Liaison Group
28/05/2020	CEO David Leahy
29/05/2020	Wimmera Southern Mallee Media & Council Liaison Group
03/06/2020	Councillor Forum
05/06/2020	CEO David Leahy
05/06/2020	Wimmera Southern Mallee Media & Council Liaison Group
12/06/2020	CEO David Leahy
12/06/2020	Wimmera Southern Mallee Media & Council Liaison Group
18/06/2020	Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

25/05/2020	Wimmera Primary Care Partnership Executive Meeting
03/06/2020	Councillor Forum
18/06/2020	Council Meeting

5.3 COUNCILLOR TREVOR DOMASCHENZ

03/06/2020	Councillor Forum
09/06/2020	Wimmera Development Association Board Meeting
16/06/2020	Wimmera Mallee Regional Tourism Association Meeting
18/06/2020	Council Meeting

5.4 COUNCILLOR RICHARD HICKS

22/05/2020	Wimmera Southern Mallee Regional Transport Group Meeting
03/06/2020	Councillor Forum
18/06/2020	Council Meeting

5.5 COUNCILLOR TOM HOULIHAN

27/05/2020	Revolving Energy Funds for Local Government
28/05/2020	Douglas Mine Environment Review Committee Q1 Meeting
18/06/2020	Council Meeting



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5.6 GENERAL DELEGATES' REPORTS

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

6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 20 MAY 2020

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday 20 May 2020 be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

10.0 COUNCILLOR FORUM RECORD – 3 JUN 2020

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 3 June 2020 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 PUBLIC TRANSPARENCY POLICY

FILE NUMBER: AD0186

REPORT AUTHOR: ELIZABETH MATUSCHKA, GOVERNANCE MANAGER

FOR DECISION

Introduction

West Wimmera Shire Council is required to adopt a Public Transparency Policy prior to 1 September 2020, pursuant to the new Local Government Act 2020.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

The objective of Council's Public Transparency Policy is to formalise its support for transparency in its decision-making processes, and the public awareness of the availability of Council information.

As a result, this policy seeks to promote:

- a) Greater clarity in Council's decision-making processes;
- b) Increased confidence and trust in the community through greater understanding and awareness;
- c) Enhanced decision making by the community;
- d) Improve Council's performance;
- e) Access to information that is current, easily accessible and disseminated in a timely manner; and
- f) Reassurance to the community that Council is spending public monies wisely.

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct, and how Council information is to be made publicly available.



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Risk Management Implications

Nil

Legislative Implications

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020*.

This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

Other relevant legislation:

Charter of Human Rights and Responsibilities Act 2006

Equal Opportunity Act 2010

Freedom of Information Act 1982

Local Government Act 1989 (where still applicable)

Privacy and Data Protection Act 2014

Environmental Implications

Not commented on.

Financial and Budgetary Implications

Not commented on.

Policy Implications

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

Community Engagement Policy

Information Privacy Policy

Public Transparency Policy

Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.



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- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

The adopted Public Transparency Policy will be added to Council's website, and emailed to all Councillors and Council Staff.

Conclusion

West Wimmera Shire Council is required to adopt a Public Transparency Policy prior to 1 September 2020, pursuant to the new Local Government Act 2020.

OFFICER RECOMMENDATION:

That Council adopt the draft Public Transparency Policy

Attachments:

No.	Name	RecFind Ref
12.1.1	Draft Public Transparency Policy	AD0186



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12.2 REVIEW OF DELEGATIONS

FILE NUMBER: AD0186

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

The following report is provided as an update of the review of delegations and alterations to the instruments brought about by the Local Government 2020, coming into force in March 2020.

Further reviews will be required to be endorsed prior to 1 September 2020, to enable compliance with the timelines of the implementation of the Local Government Act 2020.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* and *Local Government Act 2020* in the preparation of this report.

Background

As Council is aware, the various instruments of delegation are required to be reviewed a number of times each year. It is also a requirement of the Local Government Act 2020, to complete a full review and update of all instruments by September 1.

In addition to the reviewed instruments, a number of attachments are provided for information on delegations to Community Asset Committees, Joint Delegated Committees and Delegated Committees, all of which require a resolution to appoint people to them.

With respect to Delegated and Joint Delegated Committees, the Act spells out what circumstances requires the development of or conversion to one of these committees and what can and can't be delegated.

Under the Local Government Act 2020, the same provisions apply to the S5 instruments (delegations to the CEO) and these are included in the reviewed documents and will need to be re-endorsed by Council. The attached draft of the S 5 instruments contains no changes to the document currently in place.

Also under the Local Government Act 2020, the former S6 instruments of delegation (Council to Senior Officers) do not exist and have instead been included in the S7



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instruments (CEO to Officers). To manage the transition from one Act to the next, a mini review document has been provided by Maddocks and is attached. Titled S7A instruments of delegation, it covers provisions that are specific to the 2020 Act and others that are to remain in force from the 1989 Act for a period of time as the new Act is implemented.

Also attached is an explanatory letter from Maddocks on the reviewed documents to hopefully assist with the explanation.

It is also worth noting that the various instruments are relative to provisions within various pieces of legislation and do not necessarily contain every task that each officer is authorised to complete, hence the delegations are heavily weighted towards staff with regulatory and compliance roles.

Risk Management Implications

Not undertaking regular reviews of the various instruments, presents a risk of an action being completed by an officer without the appropriate authority.

Legislative Implications

The instruments within this review are predominantly related to the Local Government Act.

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

- Asset Capitalisation Policy
- Asset Disposal Policy
- Asset Management Policy
- Asset Management Strategy
- Borrowings Policy
- Building Fee Refunds Policy
- Building Permit Information Policy
- Business Assistance Scheme Policy
- Business Continuity Policy
- Election Period Policy
- Fraud & Corruption Control Policy
- Procurement Policy
- Protected Disclosures Policy



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Rate Recovery & Financial Hardship Policy
Risk Management Policy

Council Plan Implications

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

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

Communication Implications

Once endorsed by Council, each Officer with delegations will have them forwarded to them as a record.

Conclusion

A further review will be required prior to 1 September as more instruments are provided via the Maddocks subscription and are loaded on to the Reliansys program.

OFFICER RECOMMENDATION:

- 1. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), West Wimmera Shire Council (Council) RESOLVES THAT:**
 - a) **There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.**
 - b) **The instrument be signed and sealed by Council.**
 - c) **The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.**
 - d) **On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
 - e) **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in**



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accordance with any guidelines or policies of Council that it may from time to time adopt.

2. Councils resolves to:

- a. Revoke the previous authorisations to Authorised Officers and;
- b. Appoint the Officers included in the S11 Instrument of Appointment and Authorisation as Authorised Officers.

3. Council acknowledges the S13A Instrument of Delegation of CEO powers, duties and functions.

Attachments:

No.	Name	RecFind Ref
12.2.01	S7A May 2020	AD0186
12.2.02	P-Vic_C1 Committee package explanatory	AD0186
12.2.03	Example resolution – Community Asset Committee	AD0186
12.2.04	Community Asset Committee example	AD0186
12.2.05	P-VIC-S11-Staff package Delegations Inst of authorisation	AD0186
12.2.06	P-VIC-S5	AD0186
12.2.07	P-VIC-S2 Council resolution	AD0186
12.2.08	P-VIC-C4 Committee package instrument of delegation	AD0186
12.2.09	Explanatory letter	AD0186
12.2.10	S-13A CEO Powers, duties & functions	AD0186



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 DRAFT WEST WIMMERA SHIRE COUNCIL CORELLA MANAGEMENT PLAN 2020 - 2024

FILE NUMBER: AD0183

**REPORT AUTHOR: DAVID PIETSCH – MANAGER PLANNING AND
ENVIRONMENT**

FOR DECISION

Introduction

In December 2019, Council was presented with a report on the management options for the control of Corellas within West Wimmera Shire Council's townships. The Council resolution from this meeting states:

- 1) That for the 2019 – 2020 Corella season, Council approach and put a plan in place with suitably qualified and licenced contractors to undertake the culling of Corellas on Council managed land in strategic locations within the Shire (Edenhope and Kaniva), to be actioned if or when needed.*
- 2) That the Corella Management Working Group review options and update the West Wimmera Shire Corella Management Plan in consultation with DELWP and the local community. The Plan is to be presented to Council no later than June 2020.*
- 3) That Council officers prepare a letter to the State Government (DELWP) advocating for assistance and a regional coordinated approach to the management of Corellas.*

In relation to item 1, a contractor was in place to commence culling operations if needed. However, given there were no formal complaints received by Council throughout the Corella season, culling operations did not commence.

In accordance with item 2, this report presents the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 for Council's consideration.

In accordance with item 3, a letter was sent to the state government (Department of Environment, Land, Water and Planning) advocating for assistance and a regional coordinated response to the management of Corellas. At the time of writing this report, no response had been received.



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Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Over recent years West Wimmera Shire has experienced problems with large numbers of Corellas (*Cacatua Tenuirostris*) congregating into towns. In significant numbers, Corellas cause damage to trees, create noise issues and can potentially damage buildings and infrastructure.

The purpose of draft West Wimmera Shire Council Corella Management Plan 2020 - 2024 is to clearly identify the issue, understand the various management strategies available to Council and to outline a Corella action plan to be implemented within townships.

The objectives of Council's draft Corella Management Plan are:

- To be proactive in the management of Corellas.
- To lessen the impact of Corellas on West Wimmera Shire communities.
- To ensure Council's response is effective and proportionate to the impact of the issue.
- To have a suite of available options to Council when complaints are received.
- To work collaboratively with the community and relevant stakeholders including DELWP and the Victorian Police.

The plan identifies five key strategies:

- Culling birds
- Dispersing birds
- Public education
- Asset design solutions
- Advocacy and partnerships

Risk Management Implications

The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 is proposing to use a licenced pest control contractor to undertake culling operations, therefore significantly reducing the operational risk to Council.

Legislative Implications

There is no regulatory requirement for Council to undertake Corella control measures.



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The following Acts are relevant to this report:

- Wildlife Act 1975
- Firearms Act 1996
- Prevention of Cruelty to Animals Act 1994
- Catchment and Land Protection Act 1994

Environmental Implications

Corellas are wildlife native to Victoria and part of the West Wimmera landscape. Their migration patterns have been consistent for years, varying slightly according to climatic conditions, water availability and food sources.

The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 seeks to reach a balanced approach to appropriately respond to nuisance Corella flocks within townships.

Financial and Budgetary Implications

The cost to Council in relation to engaging a pest control contractor is anticipated within the 2020 – 2021 Council budget. Other recommendations within the plan are within the current Local Laws budget and resource allocation.

Policy Implications

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

- West Wimmera Council Plan 2017 – 2021 (2.6.2)
- Communication Policy
- Risk Management Policy
- Environmental Policy

Council Plan Implications

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

- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 7: Providing access to and promoting the natural environment.



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Communication Implications

It is recommended that the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 be placed on public exhibition for a period of two (2) weeks for community input and feedback. It is proposed to promote the plan by:

- Council's website
- Council's Facebook Page
- Local Newspaper

Conclusion

The draft West Wimmera Shire Council Corella Management Plan 2020 – 2024 has been prepared in accordance with the December Council resolution. The draft plan is currently being reviewed by DELWP and the Victorian Police.

It is recommended that Council resolve to place the draft plan on public exhibition for a period of two (2) weeks to allow the community to provide input and feedback.

OFFICER RECOMMENDATION:

That Council:

- 1. Consider the draft West Wimmera Shire Council Corella Management Plan 2020 – 2024.**
- 2. Resolve to place the draft Plan on public exhibition for a period of two (2) weeks, to allow the community to provide input and feedback.**
- 3. Notify the community of this opportunity via Council's website, Council's Facebook page, the local press, and any other relevant communication modes.**

Attachments:

No.	Name	RecFind Ref
13.1.1	Draft West Wimmera Shire Council Corella Management Plan 2020 - 2024	AD0183



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13.2 ASSET MANAGEMENT POLICY – REVIEW 2020

FILE NUMBER: AD0186

REPORT AUTHOR: MARK MARZIALE, DIRECTOR INFRASTRUCTURE DEVELOPMENT AND WORKS & HAYDEN BAIRD, ASSET AND GIS COORDINATOR

FOR DECISION

Introduction

The Asset Management Policy (the Policy) is part of the framework that enables strategic and quality governance of physical assets owned by West Wimmera Shire Council, or assets for which it is responsible for as delegate Committee of Management.

Strategic Asset Management is an essential part of good governance and prudential financial management. The Policy reflects Council Plan objectives pertaining to Asset Management and service delivery.

The purpose of the Policy, is to ensure that Council manages its assets in accordance with:

- National and State legislation, guidelines, frameworks and codes,
- Council's policies and procedures, and
- Council's current Council Plan.

The primary objective is to provide 'fit for purpose' assets to enable sustainable service levels.

Declaration of Interests

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

Background

The Current Policy was adopted by the Council at its March 2018 Meeting.

The Policy had been developed through a series of Councillor workshops held from October 2017 to February 2018. Council's Asset Management Steering Group has met



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several times to consider the evolution of the Policy and associated asset management documents.

Council had previously decided to review the Policy on a cycle of four (4) years.

The new Local Government Act 2020 will require review of all Council Policies in the first year of each electoral cycle.

Risk Management Implications

Financial Risk: without good & timely maintenance Council Assets may dilapidate to the extent that they become both a substantial and unexpected financial liability to address dilapidation, and further Public Safety Risk for users, and the subsequent public liability hazard through claims.

Strategic Asset management optimises the timing of both the purchase or disposal of assets to maximise the financial, community and environmental benefits to the community of the Shire.

The risks are:

- Maintenance & Service levels which do not address workplace or public safety standards, or meet the community expectations, in that the asset may become no longer fit-for-purpose.
- An increase in renewal gap which will lead to financial unsustainability of Council infrastructure.
- Increased public liability risk and litigation risk from poorly monitored and maintained infrastructure.

OHS Risk Hazard Mitigation – for Assets is managed by a combination of passive and active asset risk assessment, against a prerequisite measurable intervention levels.

Reputational Risk – The standards of maintenance of Council Assets can affect the attractiveness of the area to residents and visitors, and may affect investor confidence in the area.

Legislative Implications

Local Government Act, 1989

Local Government Act 2020 – In particular, Division 1 Strategic planning, Part 4, Section 92 – Requirement for 10 Year Asset Planning and S.9(3) Supporting Principles

Crown Land (Reserves) Act 1978



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Road Safety Act 1986

Occupational Health and Safety Act 2004

Building Act 1993 and National Construction Codes

Environmental Implications

The Policy provides a framework for environmental sustainability consideration, through inclusion of lifecycle cost analysis and measures including adaptive reuse of buildings and assets or even their component materials, locally, and therefore provides environmental risk mitigation in the management of community assets.

Financial and Budgetary Implications

The Policy provides a risk management framework for prudential financial management of its physical assets, in its requirement for consideration of lifecycle cost analysis and other financial sustainability considerations and therefore provides risk mitigation for Council. The resources required to implement the plan are factored into Council's Budget.

Policy Implications

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

Asset Capitalisation Policy
Procurement Policy
Asset Disposal Policy

Council Plan Implications

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

- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.



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Communication Implications

With the increased requirement of Councils to engage with their communities, it will become more and more incumbent on Council to explain Council's policies and strategies. A communications strategy relating to Council's Asset Management Policy and other associated documents could be considered.

Conclusion

The Policy has been updated to reflect the changing and contemporary approach to asset management at Council.

OFFICER RECOMMENDATION:

That Council resolves to adopt the revised Asset Management Policy 2020.

Attachments:

No.	Name	RecFind Ref
13.2.1	WWSC Asset Management Policy – Reviewed May 2020	AD0186



13.3 ASSET DISPOSAL POLICY – REVIEW 2020

FILE NUMBER: AD0186

**REPORT AUTHOR: MARK MARZIALE, DIRECTOR INFRASTRUCTURE
DEVELOPMENT AND WORKS & HAYDEN BAIRD, ASSET AND GIS
COORDINATOR**

FOR DECISION

Introduction

The Asset Disposal Policy is the framework that enables strategic, quality governance of West Wimmera Shire Council (Council) controlled assets through the whole lifecycle of the asset, from acquisition to disposal. The policy meets the relevant Council Plan objectives pertaining to Asset Management and service delivery.

Declaration of Interests

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

Background

The current Asset Disposal Policy was adopted by Council at its meeting held March 2018.

The primary objective of the Policy was to inform Council of the importance of asset management asset disposal processes, and to guide the Council into the future.

Council was scheduled to review the Asset Disposal Policy every two (2) years.

Risk Management Implications

Financial Risk: without good & timely maintenance Council Assets may dilapidate to the extent that they become both a substantial and unexpected financial liability to address dilapidation, and further Public Safety Risk for users, and the subsequent public liability hazard through claims.

Strategic Asset management optimises the timing of both the purchase or disposal of assets to maximise the financial, community and environmental benefits to the residents and ratepayers of the Shire.



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The risks are:

- Maintenance & Service levels which do not address workplace or public safety standards, or meet the community expectations, in that the asset may become no longer fit-for-purpose.
- An increase in renewal gap which will lead to financial unsustainability of Council infrastructure.
- Increased public liability risk and litigation risk from poorly monitored and maintained infrastructure.

OHS Risk Hazard Mitigation – for Assets is managed by a combination of passive and active asset risk assessment, against a prerequisite measurable intervention levels.

Reputational Risk – The standards of maintenance of Council Assets can affect the attractiveness of the area to residents and visitors, and may affect investor confidence in the area.

Legislative Implications

Local Government Act 1989

Local Government Act 2020 – In particular, Division 1 Strategic planning, Part 4, Section 92 – Requirement for 10 Year Asset Planning and S.9(3) Supporting Principles

Crown Land (Reserves) Act 1978

Road Safety Act 1986

Occupational Health and Safety Act 2004

Building Act 1993 and National Construction Codes

Environmental Implications

Environmental implications are likely to differ according to the asset. The Asset Disposal Policy considers lifecycle and environmental benefits in the consideration.

Financial and Budgetary Implications

At this point in time, costs to dispose of assets are negotiated case by case with Council. With the development of Council's Long-term Financial plan and the major projects pipeline, it is predicted that future budgets will nominate discrete budget for planned disposals.



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Disposing of an asset is usually a short-term financial impact, delivering savings to Council over the longer term.

Policy Implications

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

Asset Capitalisation Policy
Asset Management Policy
Procurement Policy

Council Plan Implications

The Asset Disposal Policy supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

With the increased requirement of councils to engage with their communities, it will become more and more incumbent on Council to explain Council's policies and strategies.

A communications strategy relating to Council's Asset Management Strategy and the other associated documents could be considered.

Conclusion

The Asset Disposal Policy has been updated to reflect the changing approach to Asset Management at Council.

OFFICER RECOMMENDATION:

That Council resolves to adopt the revised Asset Disposal Policy 2020.

Attachments:

No.	Name	RecFind Ref
13.3.1	WWSC Asset Disposal Policy – Reviewed May 2020	AD0186



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 REVIEW OF PUBLIC INTEREST DISCLOSURE POLICY

FILE NUMBER: AD0041

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) falls under the provisions of the *Public Interest Disclosure Act 2012*, which allows for a process for complaints of improper conduct to be made against Victorian Public Sector Agencies and to provide for certain protections to people making those complaints.

This report seeks that Council adopt the reviewed Public Interest Disclosure Policy.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

The Public Interest Disclosure Policy has effect under the *Public Interest Disclosures Act 2012* (the 'PID Act'). The *Public Interest Disclosures Act* was formerly referred to as the *Protected Disclosures Act (2012)*.

There are also references in the *Local Government Act 2020* to the PID Act, notably concerning Division 4 of the *Local Government Act 2020* which deals with investigations by the Chief Municipal Investigator.

Essentially a Public Interest Disclosure is a complaint of improper conduct made against a Councillor or Council Officer. Such a disclosure can relate to the improper conduct itself, or detrimental action taken against someone who has made or may make a disclosure. It is important to note that a disclosure may relate to activity that has occurred, is occurring or may occur.



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It is also important to note that the PID Act allows that a Public Interest Disclosure may exist where a complaint or disclosure is made under any other Act. This therefore extends the protections of the PID Act to that person making a disclosure under any other Act.

A Public Interest Disclosure may be made anonymously.

Council has made some relatively minor changes to its Public Interest Disclosure Policy, including adding a general definition and description of what a Public Interest Disclosure is, along with some minor formatting and grammatically changes.

Risk Management Implications

Council is exposed to significant risk of litigation and reputational damage by not having a Public Interest Disclosure Policy and Procedure, should a disclosure be made.

Legislative Implications

Council is required to comply with the *Public Interest Disclosure Act 2012*.

There are some associated requirements for Council to comply with this Act referenced in the *Local Government Act 2020*.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

The cost of the Protected Disclosure Coordinator and Officer is incorporated into the salaries of existing staff.

Policy Implications

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

Complaints Handling Policy
Fraud & Corruption Control Policy
Human Rights Policy
Procurement Policy
Public Interest Disclosures Policy



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Council Plan Implications

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

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

Communication Implications

All staff will be made aware of the Public Interest Disclosure Policy.

The Policy will also be made publically available on Council's website.

Conclusion

The *Public Interest Disclosure Act 2012* is a mechanism that enables staff and members of the public to report improper conduct or a detrimental action in accordance with the policy.

The Act is designed to perform the function of deterring or completely preventing unethical behaviour by public officials. Lodging a disclosure can sometimes be difficult as the accuser can feel threatened by their identity being exposed.

It is the intention that this policy and associated procedure provide sufficient security against identifying the person making the disclosure and that people lodging a disclosure should not fear any reprisals from lodging the disclosure.

OFFICER RECOMMENDATION:

That Council adopts the revised Public Interest Disclosure Policy.

Attachments:

No.	Name	RecFind Ref
14.1.1	Draft amended Public Interest Disclosure Policy	C20/003748



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14.2 MAJOR HALL HIRE POLICY REVIEW

FILE NUMBER: AD0041

**REPORT AUTHOR: NOLA MCFARLANE, MANAGER BUSINESS
PERFORMANCE AND DEVELOPMENT**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) owns two major halls that are available for public hire, the Kaniva Shire Hall and the Edenhope Community Centre. In the last two years Kaniva has had a major maintenance and refurbishment program, and the facility at Edenhope is undergoing a complete rebuild that is nearing completion.

The need for a hire policy that reflects the diversity of hire opportunities these facilities now present to the communities, and manages the potential risks arising to both council and hirer was the main consideration in the review of the policy. Hiring of the facility should be a straightforward process that gives all parties a level of comfort in a successful outcome.

The review of the Policy aims to ensure community needs are met, the facilities are well utilised and risk to all parties is minimised.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Council owns and manages for the benefit of the community two major community facilities within the Shire: the Kaniva Hall and the Edenhope Community Centre. In order to provide clear and transparent framework for the administration and management of these facilities a policy outlining the principles of hire was first adopted in 2015 and has been subsequently updated in 2018.

The purpose of the policy is to provide clarity and risk management for the hirer, users, and Council (and thus the ratepayers). The policy was due for review in 2020, however the review in part reflects the works that have been undertaken at both facilities in the past 12 months, and the increased functionality of the facilities.



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The revised policy also reflects the current understanding of the need for a hire agreement and induction process for those hiring Council owned facilities on either a regular or occasional basis.

A hire agreement, induction checklist/acknowledgement and guidelines including operation of installed equipment and location of key safety items and procedures will be developed for each facility.

Risk Management Implications

Providing Hirers of the facilities with a clear statement of expectations of their responsibilities for keeping the facility to the appropriate standard so that it remains fit for purpose during the course of the hire is a key step in risk mitigation for Council.

Those that hire the facilities for a function or event have a responsibility to keep the space safe for patrons and the public during the course of that function or event.

Council is required to ensure that at the time of hiring this expectation is clearly understood, and any equipment available to support this outcome (such as access to cleaning stores) is part of the site induction.

The Policy also continues to set the requirement for insurance and security against damage.

Legislative Implications

Not commented on

Environmental Implications

Not commented on

Financial and Budgetary Implications

The 2020/21 draft budget contains a pricing recommendation for the Kaniva Hall.

A recommendation for the Edenhope Community Centre will be developed in consultation with the community advisory committee. This will be proposed to Council for adoption once developed and will follow a cost recovery/user pays model.

Policy Implications

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

Asset Management Policy

Asset Management Strategy

Communications Policy

Community Engagement Policy



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Community Halls Policy
Council Major Hall Hire Policy

Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Once adopted the Major Hall Hire policy will be made available to the public on Council's website, and will be emailed to all staff.

Hire agreements and Procedures manuals will be communicated to all potential hirers of the facilities.

Conclusion

West Wimmera Shire Council is an important facilitator of community functioning and a key part of this is the provision of venues to enable the community to gather and conduct events and functions.

The draft Major Hall Hire Policy seeks to provide a clear and transparent framework for the administration and management of these facilities at Kaniva and Edenhope.

OFFICER RECOMMENDATION:

That Council adopt the draft Major Hall Hire Policy.

Attachments:

No.	Name	RecFind Ref
14.2.1	Draft Major Hall Hire Policy	AD0041



14.3 COUNCIL INVESTMENT POLICY

FILE NUMBER: FM0021

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

Due to the introduction of *Local Government Act 2020* (the Act), we have updated the existing Investment Policy to reflect the sections within the new Act.

Additionally, we have proposed to increase the investment spread to allow for a higher percentage of funds to be invested in both A-1 and A-2 rated institutions. This is due to the current investment climate of extremely low rates of return which is expected to continue for the foreseeable future.

As such, the draft updated Investment Policy provides Council with a framework to allow for the prudent and sustainable investment of surplus funds in a manner which maximises the return on those investments while minimising Councils exposure to risk.

The Investment Policy was last reviewed in February 2018 and was due to be reviewed in February 2021, however due to the aforementioned legislative changes and current investment conditions, we have brought this review forward.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* (the Act) in the preparation of this report.

Background

Council must adhere to the financial management principles as stated in section 101 of the Act:

- (1) The following are the financial management principles—
 - (a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) financial risks must be monitored and managed prudently having regard to economic circumstances;
 - (c) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;



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- (d) accounts and records that explain the financial operations and financial position of the Council must be kept.
- (2) For the purposes of the financial management principles, ***financial risk*** includes any risk relating to the following—
 - (a) the financial viability of the Council;
 - (b) the management of current and future liabilities of the Council;
 - (c) the beneficial enterprises of the Council.

One of the cornerstones of sound financial management is to invest surplus funds in a prudent and effective manner to maximise Council's earnings while minimising Council's risk exposure.

There are three steps to sound investment practices:

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

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

Risk Management Implications

The Risk Management implications of market investments are many and complex. All investments subject to market conditions carry some form of risk. This risk may vary from interest rate fluctuations reducing the expected return to the risk that the institution holding the investment may not be sufficiently financially viable to be able to redeem the investment to the investor when due.

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

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

There are two main strategies for achieving this goal:

1. Diversification of investment portfolio; and



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2. Use of investment ‘ratings’ from an independent third party.

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

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

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

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

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

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

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

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



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Legislative Implications

As mentioned above, Council must comply with the financial management principles as outlined in s.101 of the Act. The provision of an Investment Policy is in line with this requirement.

Additionally, s.102 prescribes the requirements of Council's financial policies:

102 Financial policies

- (1) A Council must prepare and adopt financial policies that give effect to the financial management principles.
- (2) A financial policy must include any matters prescribed by the regulations.

Section 103 of the Act also dictates what nature of investments Council may invest in. The section states:

103 Investments

A Council may invest any money—

- (a) in Government securities of the Commonwealth; and
- (b) in securities guaranteed by the Government of Victoria;
- (c) with an ADI; and
- (d) with any financial institution guaranteed by the Government of Victoria; and
- (e) on deposit with an eligible money market dealer within the meaning of the *Corporations Act*; and
- (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.

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

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

Environmental Implications

Nil.

Financial and Budgetary Implications

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



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

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

Policy Implications

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

Risk Management Policy

Council Plan Implications

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

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

Communication Implications

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

Conclusion

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

OFFICER RECOMMENDATION:

That Council adopt the updated draft Investment Policy.



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Attachments:

No.	Name	RecFind Ref
14.3.1	Draft Investment Policy	E20/000101
14.3.2	Govt. Gazette (attachment per 2(f) of the Draft Investment Policy)	E20/000101



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14.4 FRAUD AND CORRUPTION CONTROL POLICY REVIEW

FILE NUMBER: AD0041

**REPORT AUTHOR: NOLA MCFARLANE, MANAGER BUSINESS
PERFORMANCE AND DEVELOPMENT**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is committed to controlling fraud and corruption being committed by or against the organisation.

Council is committed to:

- protecting its revenue, property, information and other assets from any attempt, by any person, to gain by deceit, financial or other benefits.
- protecting the interests of the organisation and its ratepayers from persons attempting to gain financial or other advantage by fraudulent and corrupt conduct.
- planning and implementing governance, risk management and control measures to prevent fraud and corruption and to deal with suspected or actual instances promptly, effectively and fairly.

The review of the attached policy aims to ensure that the commitment statements above are reflected in the provision of a policy framework to support these outcomes.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Fraud was estimated by the Australian Competition and Consumer Commission to have cost consumers \$489 Million in 2018. The Australian Standard on which this revised policy was based estimated that in 2005 63% of Australian organisations experienced economic crime over a two year period.

A Fraud and Corruption Control Policy sets the framework for the resourcing, prevention, detection and response to fraud and corruption to minimise the risks and potential harm to Council.



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Council operates in an environment in which ethical conduct is expected, encouraged and supported, with no tolerance for corrupt conduct or fraudulent activities.

All Councillors and Council staff are placed in a position of trust and are required to maintain and enhance the public's confidence in the integrity of Council and to be active in protecting public money and property;

Council will ensure that it has in place effective operational controls and procedures for the planning and resourcing, prevention, detection and response to fraudulent or corrupt conduct. The reviewed policy is based on the Australian Standard 8001-2008, Fraud and Corruption Control, and seeks to make clear the roles, rights and responsibilities of all members of the organisation.

Risk Management Implications

The AS8001-2008 upon which this policy is based notes that it is important that Council view the Fraud and Corruption Control Policy “as an integral part of an overall risk management plan on the premise that fraud and corruption are business risks that are controlled by risk management principles.”

The Standard goes on to state that it is important that accountability for the implementation and ongoing monitoring of the fraud and corruption control plan, that the policy document sets the framework for “be allocated to a person with appropriate seniority, skills and experience and sufficient time allotment to discharge this responsibility”.

The attached policy provides detail on the roles and responsibilities of all employees, Councillors, contractors, and volunteers engaged by Council.

However, there are clear role and responsibility statements linked to levels of seniority and several positions. These staff require time allocated to the execution of these duties for this policy to be effective.

Legislative Implications

This Policy aligns to a number of Acts as stated in the Policy. It is not expected that there are any arising legislative implications rather that this policy supports Council in meeting its responsibilities under the Local Government Act and that the other stated Acts support Council in the execution of this Policy.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Fraud and corruption have the ability to have a significant impact on the financial security and viability of West Wimmera Shire Council. A strong Policy position, resourced to be



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appropriately implemented, sends a strong message of deterrence. Prevention, detection and response mechanisms are designed to mitigate loss and the regular review of our policy is key in ensuring that West Wimmera Shire Council has an effective Policy that supports all members of the organisation in the mitigation of the risk of this loss.

Policy Implications

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

This policy supports all risk and finance related policies.

Council Plan Implications

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

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Once adopted the Fraud and Corruption Control Policy will be made available to the public on Council's website and will be emailed to all staff.

A review of the supporting Fraud and Corruption Control Procedure will be undertaken and communicated to all employees.



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Conclusion

West Wimmera Shire Council's stated commitment to control of fraud and corruption needs to be supported by strong policy and robust, resourced and monitored procedures.

The reviewed policy has been reviewed to align with the current Australian Standard and strengthen the responsibilities within the policy for the key functions in achieving this outcome.

The draft Fraud and Corruption Control Policy seeks to provide a clear and transparent framework for the governance and management of an effective fraud and corruption control plan as described in the procedures supporting this policy.

OFFICER RECOMMENDATION:

That Council adopt the draft Fraud and Corruption Control Policy.

Attachments:

No.	Name	RecFind Ref
14.4.1	Draft Fraud & Corruption Control Policy	AD0041



**14.5 ESTABLISHMENT OF AUDIT & RISK COMMITTEE AND APPROVAL
OF AUDIT & RISK COMMITTEE CHARTER UNDER LOCAL
GOVERNMENT ACT 2020**

FILE NUMBER: AD0041

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is required under s.53 of the *Local Government Act 2020* (the Act) to establish an Audit & Risk Committee, and under s.54 of the Act to approve an Audit and Risk Committee Charter under which that Audit & Risk Committee will operate.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

With the repeal of s.139 of the former *Local Government Act 1989* Council is required to establish its Audit and Risk Committee under s.53 of the *Local Government Act 2020*.

Whilst S.54(8) allows an Audit and Risk Committee which was extant under the antecedent *Local Government Act 1989* to continue until such time as the first Audit and Risk Committee is established under S.53 of the Act, it is prudent to establish that Audit and Risk Committee via resolution of Council before the next scheduled meeting of the Audit and Risk Committee.

The next scheduled meeting of Council's Audit and Risk Committee is in late June - tentatively 23 June 2020.

S.53 of the Act states:

- (1) A Council must establish an Audit and Risk Committee.
- (2) An Audit and Risk Committee is not a delegated committee.



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- (3) An Audit and Risk Committee must—
 - (a) include members who are Councillors of the Council; and
 - (b) consist of a majority of members who are not Councillors of the Council and who collectively have—
 - (i) expertise in financial management and risk; and
 - (ii) experience in public sector management; and
 - (c) not include any person who is a member of Council staff of the Council.
- (4) The chairperson of an Audit and Risk Committee must not be a Councillor of the Council.
- (5) Sections 123 and 125 and Division 2 of Part 6 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.
- (6) A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.

It is proposed that the Audit and Risk Committee established under the Act take the same form as the Audit & Risk Committee took under the previous legislation.

This consists of a total of five members, two of whom are Councillors and three of whom are independent members appointed on the basis of their expertise in financial and/or risk management, with the chair being an independent member.

Section 54 of the Act requires that Council prepare and approve an Audit and Risk Committee Charter. It is proposed that the Audit and Risk Committee charter prepared under the requirements of the *Local Government Act 1989* and adopted by Council at the April 2020 Ordinary Council Meeting, be revised and amended as required (i.e to reflect the updated legislation).

It is considered that this charter will comply with the requirements of s.54 of the Act.

Risk Management Implications

The Charter outlines the duties and responsibilities of the Audit and Risk Committee, therefore it is important that the Charter be reviewed and updated as required to ensure continued compliance with the Act.

Council faces financial, reputation and operational risk from not having sufficient risk oversight of its operations. Even with an Audit and Risk Committee in place, a missing or inappropriate charter may lead to that Audit and Risk Committee to not be able to effectively discharge its duties and responsibilities.

Legislative Implications

By establishing the Audit and Risk Committee under s.53 and approving the Audit and Risk Committee Charter under s.54 of the *Local Government Act 2020* Council is complying with its legal responsibilities.



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Environmental Implications

Not commented on.

Financial and Budgetary Implications

The Audit and Risk Committee Charter allows for independent Members of the Audit and Risk Committee to be remunerated for attendance at meetings. These amounts are adjusted by CPI annually and include an additional 10% allowance for the chair.

Currently these are set at \$605.00 per meeting for the chair and \$550.00 per meeting for an independent member. The charter allows for a CPI increase each year.

All payments are covered by Council's budget.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Fraud & Corruption Control Policy
Risk Management Policy

Council Plan Implications

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

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

Communication Implications

Council's Audit and Risk Committee Charter represents a key risk management and transparency document to Council. It shall be distributed to all Councillors and Audit Committee Members and shall be available to members of the public.

Conclusion

Council is obliged to establish an Audit and Risk Committee under s.53 of the *Local Government Act 2020* and to prepare and approve an Audit and Risk Committee Charter to guide the operation of the Committee under s.54 of the Act.



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These replace the Committee and Charter previously constituted under s.139 of the *Local Government Act 1989*. Council considers it prudent to establish the Audit and Risk Committee and approve the Audit and Risk Committee Charter before the next meeting of the Committee in late June 2020.

OFFICER RECOMMENDATION:

That Council resolve to:

- 1. Establish an Audit and Risk Committee under s.53 of the *Local Government Act 2020*; and**
- 2. Appoint to the Audit and Risk Committee three independent members and two Councillors, being the same members of the Audit and Risk Committee as appointed under s.139 of the *Local Government Act 1989*, these being:**
 - **Mr Geoff Price (Independent Member)**
 - **Ms Celeste Gregory (Independent Member)**
 - **Ms Monica Revell (Independent Member)**
 - **Cr Bruce Meyer (Councillor Member)**
 - **Cr Jodie Pretlove (Councillor Member)**
- 3. Adopt the draft Audit and Committee Charter as attached as per s.54 of the *Local Government Act 2020*.**
- 4. Thank Mr Geoff Price for his excellent service to West Wimmera Shire Council as Chair of the Audit and Risk Committee, as the June 2020 Audit and Risk Committee Meeting will be his last.**

Attachments:

No.	Name	RecFind Ref
14.5.1	Draft Audit and Risk Committee Charter	AD0041



COUNCIL MEETING AGENDA – 18 JUNE 2020 WEST WIMMERA SHIRE COUNCIL

14.6 WIMMERA REGIONAL LIBRARY AGREEMENT

FILE NUMBER: PS0025

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is an ongoing member of the Wimmera Regional Library Corporation (the Corporation), which provides library services to Council's static facilities in Edenhope, Goroke, Harrow and Kaniva.

This arrangement is governed by a Regional Library Agreement, which due to the withdrawal of three member Councils from the Corporation, needs to be re-drafted to reflect the ongoing membership.

This report presents the revised Library Agreement to Council requesting that Council approve, sign and seal the Wimmera Regional Library Corporation Agreement.

Declaration of Interests

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

Background

As has been reported to Council previously, the structure of the Wimmera Regional Library Corporation is undergoing significant change, with three of the five member Councils (being Hindmarsh Shire Council, Northern Grampians Shire Council and Yarriambiack Shire Council) resolving to withdraw from the Corporation from 30 June 2020. This leaves Council and the Horsham Rural City Council as remaining members of the Corporation.

To reflect this the Wimmera Regional Library Corporation Agreement must be re-drafted to ensure that the withdrawing member councils are removed. This is due to the including items such as the funding formula, which will change due to the change in membership, and the rights and responsibilities of each member.

There are also some changes made to the agreement to cover the legal aspects of the change, particularly around compliance with the *Local Government Act 1989*.



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While the *Local Government Act 2020* does not specifically mention Regional Library Corporations as the antecedent legislation does (although there is mention of ‘Beneficial Enterprises’ under s.110 which could potentially be applied to some extent), there is a general recognition that Regional Library Corporations may continue to exist in and operate under the provisions of the *Local Government Act 1989* for such time that their membership does not change.

As such it is important that the Wimmera Regional Library Agreement be approved, signed and sealed by Council and lodged with the Minister for Local Government prior to June 30.

The other significant proposed change to the agreement is the inclusion of a community representative from each remaining member to be appointed to the Board of Management. This decision was taken due the current board considering that two representatives per member, as is the current arrangement would result in a very small board of four which may be unworkable. It is considered that having suitable community representatives on the board would enhance communication and interaction with the library’s prime users.

A summary of the changes to the Wimmera Regional Library Agreement is attached for Councillors information, along with a copy of the Wimmera Regional Library Corporation Agreement 2020 for approval, signing and sealing by Council.

Risk Management Implications

The Wimmera Regional Library Corporation Agreement is a fundamental governance document which sets out the over-arching governance and operations of the Corporation. It is imperative that Council have input to and approve such document to safeguard Council’s interests and reduce risk.

Legislative Implications

If adopted, signed and sealed prior to 30 June 2020 the Wimmera Regional Library Agreement 2020 will be covered by s.196 of the *Local Government Act 1989* and will fall under the sunset of that section – i.e the Corporation will continue to operate under s.196 of the *Local Government Act 1989* until such time as the agreement or membership changes.

Environmental Implications

Not commented on



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Financial and Budgetary Implications

Council budgets to contribute to the Wimmera Regional Library Corporation annually. The amount of contribution is governed by the formula detailed in the Library Agreement and the Corporation's cost profile.

A detailed financial analysis was undertaken and presented to Council upon the announcement of the three withdrawing members' resolution to withdraw from the Corporation, and has been previously presented to Council. This analysis showed that Council was in a stronger financial position to remain within the Corporation rather than attempting to fund the provision of library services on its own.

Council's draft budgeted contribution to the Corporation for the 2020-21 year is \$188,711.00.

Policy Implications

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

Community Engagement Policy
Recreation Policy
Risk Management Policy

Council Plan Implications

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

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

Communication Implications

The Wimmera Regional Library Agreement once signed and sealed by Council and the Corporation will be lodged with the Minister for Local Government.



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Conclusion

The Wimmera Regional Library Corporation Agreement is a fundamental governance document which governs the provision of library services to our community. It is imperative that Council protects its interests by having an agreement document in place.

OFFICER RECOMMENDATION:

That Council resolves to sign and seal the Wimmera Regional Library Corporation Agreement 2020.

Attachments:

No.	Name	RecFind Ref
14.6.1	Draft Wimmera Regional Library Corporation Agreement 2020.	C20/003793
14.6.2	Changes to Wimmera Regional Library Corporation incorporated in 2020 document.	C20/003794



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14.7 WIMMERA REGIONAL LIBRARY AND WEST WIMMERA SHIRE SERVICE AND FUNDING AGREEMENT 2020-2023

FILE NUMBER: PS0025

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is an ongoing member of the Wimmera Regional Library Corporation (the Corporation), which provides library services to Council's static facilities in Edenhope, Goroke, Harrow and Kaniva.

This arrangement is governed by an overarching Regional Library Agreement, below which sits an individual Service and Funding agreement between the Corporation and its members.

This Service and Funding Agreement is due for resigning and sealing. This report presents the Service and Funding Agreement between the Corporation and Council requesting Council to sign and seal the document.

Declaration of Interests

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

Background

The Service and Funding Agreement between Council and the Corporation sets out detailed provisions, rights and responsibilities for both Council and the Corporation as a result of Council being a member of the Wimmera Regional Library Corporation.

As a result of a renewed Wimmera Regional Library Agreement (presented in another report to Council at this meeting), it is required that Council renew the Service and Funding Agreement which follows on from that Regional Library Agreement.

Essentially the details of the Service and Funding Agreement remain largely unchanged, with revisions to the dates covered by the agreement the major change. This is due to the



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fact that little has changed to the service levels provided to Council despite the changes to the membership of the Corporation.

Risk Management Implications

The Service and Funding Agreement is a highly important document in reducing Council's risk exposure in dealing with the Corporation. It sets out defined responsibilities and methodologies involved in the relationship between Council and the Corporation.

Legislative Implications

If adopted, signed and sealed prior to 30 June 2020 the Service and Funding Agreement 2020 will be covered by s.196 of the *Local Government Act 1989* and will fall under the sunset of that section – i.e the Corporation will continue to operate under s.196 of the *Local Government Act 1989* until such time as the agreement or membership changes.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Council budgets to contribute to the Wimmera Regional Library Corporation annually. The amount of contribution is governed by the formula detailed in the Library Agreement and the Corporation's cost profile.

A detailed financial analysis was undertaken and presented to Council upon the announcement of the three withdrawing members' resolution to withdraw from the Corporation, and has been previously presented to Council. This analysis showed that Council was in a stronger financial position to remain within the Corporation rather than attempting to fund the provision of library services on its own.

Council's draft budgeted contribution to the Corporation for the 2020-21 year is \$188,711.00.

Policy Implications

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



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Council Plan Implications

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

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

Communication Implications

The Service and Funding Agreement between Council and the Corporation once signed and sealed by Council and the Corporation will be lodged with the Minister for Local Government, along with the Wimmera Regional Library Agreement.

Conclusion

The Service and Funding Agreement between Council and the Wimmera Regional Library Corporation is a fundamental governance document which details the provision of library services to our community.

It is imperative that Council protects its interests by having an agreement document in place.

OFFICER RECOMMENDATION:

That Council resolves to sign and seal the Service and Funding Agreement 2020-2023 between Council and the Wimmera Regional Library Corporation.

Attachments:

No.	Name	RecFind Ref
14.7.1	Draft Service and Funding Agreement 2020-2023 between WWSC and WRLC	C20/003795



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15.0 LATE ITEMS OF BUSINESS

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

28. *Urgent Business*

Business must not be admitted as urgent business unless it:

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

16.0 SEALING SCHEDULE

17.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66 (2)(a))

MEETING CONCLUDED:

NEXT MEETING:

**WED 15 JULY 2020
EDENHOPE COUNCIL CHAMBER**