



SPECIAL MEETING OF COUNCIL AGENDA – 19 AUGUST 2020 WEST WIMMERA SHIRE COUNCIL

TO BE HELD:	Wednesday 19 August 2020
LOCATION:	Kaniva Council Chamber & Zoom
COMMENCEMENT:	11:00am
PUBLIC ACCESS:	Live Streaming from Council's website <u>www.westwimmera.vic.gov.au</u>

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

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

West Wimmera Shire Council Local Law No.7, 2017

42. Gallery to be silent

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

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



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1.0 WELCOME

2.0 OPENING PRAYER

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

3.0 APOLOGIES AND LEAVE OF ABSENCE

4.0 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 Conflict of Interest disclosures.



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5.0 SUBMISSIONS TO DRAFT GOVERNANCE RULES

FILE NUMBER: AD0186

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

West Wimmera Shire Council released its draft Governance Rules for public comment / submission at the Council Meeting of 15 July.

This report is provided to enable Council to discuss any written submissions received regarding the draft Governance Rules.

Declaration of Interests

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

Background

Following the Local Government Act 2020 receiving Royal Assent and becoming active legislation, the process of implementing the various requirements of the new act began.

The Governance Rules is first stage of implementing the requirements of the Local Government Act 2020. The rules include, the meeting rules, election period policy and transparency policy.

Council gained access to a number of templates to assist with the development of the Governance Rules. Council utilised a template provided by Maddocks Lawyers and was greatly assisted by attending webinars on the various topics associated with the development of the Governance Rules and its various components.

The document predominantly contains the meeting procedure for Council and Delegated Committee Meetings. It also contains a number of policies such as the Transparency Policy (previously adopted), the Councillor Expense Policy and the Election Period Policy.



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The Councillor Code of Conduct is also included as an Annexure to the Rules.

A 28 day period of public consultation regarding the draft Governance Rules took place from 16 July 2020 to 13 August 2020, and during this time no written submissions were received from members of the community.

Following the adoption of the Governance Rules, Council has a number of other deadlines to meet to ensure compliance with the implementation schedule as prescribed by the state government. These include:

Friday 24 February 2021

- Councillor Code of Conduct

Monday 1 March 2021

- Community Engagement policy

Friday 30 April 2021

- Gift policy

Wednesday 30 June 2021

- Councillor Induction Training – undertaken within 6 months after the Oath of Office is taken
- Annual budget
- Revenue and Rating Plan

Sunday 31 October 2021

- Financial plan
- Council plan
- Community vision
- Annual report

Friday 31 December 2021

- CEO employment and remuneration policy
- Workforce plan
- Recruitment policy
- Staff Code of Conduct



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- Complaints policy
- Procurement policy

Thursday 30 June 2022

- Asset Management plans

While Council staff have completed a number of the above mentioned items in anticipation of a busy period of governance activities, there is a concern that many of these requirements align with the induction of a new Council and the development of a new Council Plan along with a Community Visioning exercise.

Risk Management Implications

Non-compliance with the recommended timelines will result in Council being named as in breach of the implementation requirements.

Legislative Implications

Compliance with the Local Government Act 2020, is an essential requirement of all Local Government Authorities.

Environmental Implications

Nil

Financial and Budgetary Implications

Minor costs of subscribing to information webinars and the appointment of a 0.6 Governance Support Officer to assist with workload.

Policy Implications

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

Advocacy Policy
Asset Capitalisation Policy
Asset Disposal Policy
Asset Management Policy
Asset Management Strategy
Borrowings Policy
Building Fee Refunds Policy



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Building Permit Information Policy
Business Assistance Scheme Policy
Business Continuity Policy
Change Management Policy
Communications Policy
Community & Commercial Advertising on Council Buildings & Structures Policy
Community Engagement Policy
Community Halls Policy
Community Support Fund Policy
Complaints Handling Policy
Corporate Credit Card and Purchase Cards Policy
Council Grants Policy
Council Major Hall Hire Policy
Councillor Code of Conduct Policy
Councillor Expense Entitlement & Support Policy
Customer Service Policy
Domestic Firewood Collection Policy
Election Period Policy
Environmental Policy
External Hire of Plant Policy
Fraud & Corruption Control Policy
Guarantor Policy
Human Rights Policy
Investment Policy
Media Relations Policy
Play Space Management Policy
Procurement Policy
Protected Disclosures Policy
Rate Recovery & Financial Hardship Policy
Recreation Policy
Risk Management Policy
Road and Street Naming Policy
Street Tree Policy
Support to Community Events Policy
Support to Public Art Policy
Temporary Street Closure Policy
Tourism Policy
Township Amenity Policy
Tree Plantations on Unused Road Reserves Policy
Tree Planting on WWSC Road Reserves 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

Following the adoption of the Governance Rules, the community will be alerted via the local media and the various documents will be displayed on the Council website.

Conclusion

The development and collation of the material for the Governance Rules represents a considerable milestone for West Wimmera in the implementation of the Local Government Act 2020.

Work will now continue on the subsequent phases of the implementation process, along with Councillor induction preparations.

OFFICER RECOMMENDATION:

That Council receive and note the draft Governance Rules, as no written submissions were received from members of the community during the 28 day public consultation period from 16 July 2020 to 13 August 2020.

Attachments:

No.	Name	RecFind Ref
5.1	Governance Rules	AD0186



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6.0 SUBMISSIONS TO LOCAL LAW NO.8 OF 2020 – USE OF COMMON SEAL

FILE NUMBER: AD0107

**REPORT AUTHOR: DAVID LEAHY – CHIEF EXECUTIVE OFFICER AND
ELIZABETH MATUSCHKA – GOVERNANCE MANAGER**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) proposes to create a new Local Law, regarding the use of the Common Seal.

This report is provided to enable Council to discuss any written submissions received regarding the draft Local Law No.8.

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

On 15 February 2017 Council resolved to adopt the West Wimmera Shire Council Local Law No.7 of 2017 – Meeting Procedure and Common Seal Local Law. This Local Law dictates:

1. Election of the Mayor.
2. Procedures applying to the conduct of Council Meetings.
3. Use of the Common Seal.

Local Law No.7 has a ten year life span, unless it is revoked earlier.

The Local Government Act 2020 came into effect this year, and requires Council to adopt Governance Rules by 1 September 2020. The Governance Rules are a substantial document and must include:



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1. Election of the Mayor.
2. Procedures applying to the conduct of Council Meetings.

The Governance Rules are being addressed at this Council Meeting, in an earlier Agenda item.

Creation of the Governance Rules does not in itself cancel or revoke Local Law No.7 – Meeting Procedure and Common Seal Local Law, even though the Governance Rules will contain a large portion of the content of Local Law No.7.

The Victorian Government has advised that a Local Law can only be revoked through the creation of another Local Law.

Council is therefore now proposing to adopt a new Local Law, named the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal.

Adopting this new Local Law No.8 will achieve the following:

1. Legal revocation of Local Law No.7 in its entirety.
2. A continuance of laws regarding the use of Council's Common Seal.

At the 15 July 2020 Council Meeting, Council resolved to undertake community consultation regarding the new Local Law No.8 for a period of 28 days, from 16 July 2020 to 13 August 2020. Notices were published in the Victorian Government Gazette and local newspapers in relation to this consultation and Council's intention to adopt the new Local Law No.8.

No written submissions were received from members of the community in relation to the draft Local Law No.8, during the 28 day community consultation period.

Risk Management Implications

Council is managing risk implications by moving to adopt the new Governance Rules and Local Law No.8 at the 2.00pm Wednesday 19 August 2020 Council Meeting, while also revoking Local Law No.7 at the same Council Meeting. This will occur in advance of the 1 September 2020 deadline.

Legislative Implications

Local Government Act 1989: Section 111
Local Government Act 2020: Section 14



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Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

Council Plan Implications

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

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

Communication Implications

Following its adoption, Council will add the new Local Law No.8 to its website.

Formal Notices will be published in the Victorian Government Gazette and the local newspapers, confirming the adoption of the new Local Law No.8.

Conclusion

Council is proposing to adopt a new Local Law, named the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal, which includes the revocation of Local Law No.7 of 2017 – Meeting Procedure and Common Seal Local Law.



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OFFICER RECOMMENDATION:

That Council receive and note the draft Local Law No.8 – Use of the Common Seal, as no written submissions were received from members of the community during the 28 day public consultation period from 16 July 2020 to 13 August 2020.

Attachments:

No.	Name	RecFind Ref
6.1	Draft Local Law No.8 – Use of the Common Seal	AD0107
6.2	Local Law No.7 of 2017 – Meeting Procedure and Common Seal Local Law	AD0107

MEETING CONCLUDED: