



**SPECIAL COUNCIL MEETING MINUTES – 19 AUGUST 2020**  
**WEST WIMMERA SHIRE COUNCIL**

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**HELD:** Wednesday 19 August 2020

**LOCATION:** Kaniva Council Chamber & Zoom

**COMMENCEMENT:** 11:00am

**PUBLIC ACCESS:** Live Streaming from Council’s website  
[www.westwimmera.vic.gov.au](http://www.westwimmera.vic.gov.au)

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<b>IN ATTENDANCE:</b>	
<b>Councillors</b>	<b>Senior Management Group</b>
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor	David Leahy Chief Executive Officer
Trevor Domaschenz Richard Hicks	Ashley Roberts Director Corporate & Community Services
	Mark Marziale Director Infrastructure Development & Works
	<b>Officers</b> Elizabeth Matuschka, Governance Manager

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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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## SPECIAL COUNCIL MEETING MINUTES – 19 AUGUST 2020 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

The Mayor welcomed everyone to the meeting

### 2.0 OPENING PRAYER

The CEO read the opening prayer

### 3.0 APOLOGIES AND LEAVE OF ABSENCE

None received

### 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.*

None declared



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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.**

**Moved: Cr Richard Hicks**

**Seconded: Cr Jodie Pretlove**

**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.**

**Carried (4/0)**

### **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.**

**Moved: Cr Jodie Pretlove**

**Seconded: Cr Trevor Domaschenz**

**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.**

**Carried (4/0)**

**Attachments:**

<b>No.</b>	<b>Name</b>	<b>RecFind Ref</b>
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: 11.10AM**