



COUNCIL MEETING MINUTES – 16 DECEMBER 2020 WEST WIMMERA SHIRE COUNCIL

HELD:	Wednesday 16 December 2020
LOCATION:	Edenhope Council Chamber
COMMENCED:	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	Paul Brumby Interim Chief Executive Officer (CEO)
Trevor Domaschenz Tom Houlihan	Ashley Roberts Director Corporate & Community Services (DCCS)
Tim Meyer	Mark Marziale Director Infrastructure Development & Works (DIDW)
	Officers Kaddie Cother, Governance Support Officer Anna Ferguson, Communications Officer

*The West Wimmera Shire Council Governance Rules
set out the meeting procedure rules for this Council Meeting.*

*Members of the public are reminded that they are required to remain silent
during this meeting, except during Section 4.0 Questions from the Gallery.*

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 and Victorian Governments, public access to this meeting be limited to live streaming via Council's website.

Moved: Cr Jodie Pretlove

Seconded: Cr Tom Houlihan

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

Carried (5/0)

2.0 OPENING PRAYER – CEO

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

Nil

3.2 LEAVE OF ABSENCE

Nil



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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.

Cr Tom Houlihan declared a Conflict of Interest on item 17.3 – Australia Day Awards 2021

Cr Trevor Domaschenz queried if any other Councillors has any Conflict of Interest – in any matters on the agenda – no other conflicts were declared.

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE (2:04)

Governance Rules – Division 8 Section 53:

53.4 Questions submitted to Council can be submitted as follows:

53.4.1 In writing, stating the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and

53.4.2 Placed in the receptacle designated for the purpose at the place of the meeting at least two hours prior to the Council meeting, or be lodged electronically at the prescribed email address at least two hours prior to the Council meeting.

53.5 No person may submit more than two questions at any one meeting.

The Question on Notice template is available from the Edenhope and Kaniva Council Offices, and from Council's website.

Written Questions on Notice submitted to Council no later than the deadline of 5:00pm on the Monday in the previous week to the relevant Council Meeting, will be included in the Agenda.

Written Questions on Notice submitted subsequent to that deadline can be lodged electronically to govmanager@westwimmera.vic.gov.au, no later than two hours prior to the Council Meeting.



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4.1.1 Are Councillors supportive of new businesses establishing in the township zone?

Cr Pretlove – Very supportive of new business looking to establish. Only positive having them filled.

Cr Houlihan– Very supportive of businesses and new businesses and very wary that we need to look after our existing businesses, especially ones that have served for a lot of years.

Cr Domaschenz – Supportive of the positions outlined by Councillor’s Pretlove and Houlihan.

Cr T Meyer – Very supportive of new businesses.

Director IDW - The planning scheme is very supportive of new businesses set out in the planning scheme.

Cr B Meyer – Any new business that can establish is a bonus, however, there are restrictions on parking, access. There are a number of shops that are vacant. However there is a restriction on pop-up businesses are restricted under local laws and must meet with requirements.

RECOMMENDATION:

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

Moved: Cr Jodie Pretlove

Seconded: Cr Tom Houlihan

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

Carried (5/0)



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4.2 VERBAL QUESTIONS WITHOUT NOTICE

Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, following the removal of standing orders and when prompted by the Mayor (Governance Rules Division 8 S53.4.3)

Members of the Gallery providing verbal questions without notice at a Council Meeting must state their name, to be recorded in the minutes (Governance Rules Division 8 S53.4.4)

No person may submit more than two questions at any one meeting (Governance Rules Division 8 S53.5)

RECOMMENDATION:

That Council resume Standing Orders (2:10)

Moved: Cr Jodie Pretlove

Seconded: Cr Tom Houlihan

That Council resume Standing Orders.

Carried (5/0)



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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)

19/11/2020	CEO David Leahy
20/11/2020	Councillor Induction
25/11/2020	CEO David Leahy
25/11/2020	Kaniva & District Progress Association Meeting
26/11/2020	Kaniva Community Roadhouse AGM
27/11/2020	MAV Councillor Induction Program
01/12/2020	Investiture of the OAM
02/12/2020	Councillor Forum
03/12/2020	CEO Paul Brumby
03/12/2020	MAV Councillor Induction Program
07/12/2020	Cricket Trail Meeting
08/12/2020	Regional Development Victoria Meeting
10/12/2020	Volunteers Morning Tea
11/12/2020	Wimmera Regional Library Corporation Board Meeting
15/12/2020	Council Agenda Review with Senior Management Group
16/12/2020	Council Meeting

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

20/11/2020	Councillor Induction
23/11/2020	Wimmera Primary Care Partnership Special General Meeting & Executive Meeting
27/11/2020	MAV Councillor Induction Program
02/12/2020	Councillor Forum
03/12/2020	MAV Councillor Induction Program
08/12/2020	Regional Development Victoria Meeting
08/12/2020	CEO Paul Brumby
15/12/2020	Council Agenda Review with Senior Management Group
16/12/2020	Council Meeting



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5.3 COUNCILLOR TREVOR DOMASCHENZ

20/11/2020	Councillor Induction
27/11/2020	MAV Councillor Induction Program
02/12/2020	Councillor Forum
03/12/2020	MAV Councillor Induction Program
07/12/2020	CEO Paul Brumby
08/12/2020	Regional Development Victoria Meeting
08/12/2020	Wimmera Development Association Board Meeting
15/12/2020	Wimmera Mallee Regional Tourism Association Meeting
15/12/2020	Council Agenda Review with Senior Management Group
16/12/2020	Lake Wallace Advisory Committee Meeting
16/12/2020	Council Meeting

5.4 COUNCILLOR TOM HOULIHAN

20/11/2020	Councillor Induction
26/11/2020	Douglas Mine Review Committee Meeting
27/11/2020	MAV Councillor Induction Program
02/12/2020	Councillor Forum
03/12/2020	MAV Councillor Induction Program
08/12/2020	Regional Development Victoria Meeting
10/12/2020	CEO Paul Brumby
11/12/2020	Grampians Central West Waste & Resource Group Board Meeting
15/12/2020	Council Agenda Review with Senior Management Group
16/12/2020	Council Meeting

5.5 COUNCILLOR TIM MEYER

20/11/2020	Councillor Induction
26/11/2020	Kaniva Community Roadhouse AGM
27/11/2020	MAV Councillor Induction Program
27/11/2020	Western Highway Action Committee Meeting
02/12/2020	Councillor Forum
03/12/2020	MAV Councillor Induction Program
04/12/2020	Rail Freight Alliance Meeting
08/12/2020	Regional Development Victoria Meeting
09/12/2020	CEO Paul Brumby
15/12/2020	Council Agenda Review with Senior Management Group
16/12/2020	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

6.1 JOHN WILSON FEDER

Mr John Wilson Feder was elected as a Councillor of the former Shire of Kaniva in 1993. He was elected Kaniva Shire President in 1994, and held this role until the establishment of West Wimmera Shire Council on 20 January 1995.

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 18 NOV 2020

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday 18 November 2020 be taken as an accurate record and confirmed.

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That the Minutes of the Council Meeting held on Wednesday 18 November 2020 be taken as an accurate record and confirmed.

Carried (5/0)

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil



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9.0 NOTICES OF MOTION

9.1 KANIVA COMMUNITY HUB PROJECT – NOM 2020/04 – CR TIM MEYER

Preamble

The Kaniva Community Hub Project currently has a debt owing of \$160,000 by the Kaniva-Leeor United Football Club to the West Wimmera Shire. This project did not have any of the drought money allocated to it, leaving the Kaniva Community a considerable amount of money to find by themselves. With the current COVID-19 restrictions being enforced on all Victoria and the closure of the SA border, all fundraising activities have been virtually impossible to hold.

Motion

That in relation to the Kaniva Community Hub Project and the debt of \$160,000 owing by the Kaniva-Leeor United Football Club to West Wimmera Shire Council:

1. All money owed in payments for the calendar year 2020 and 2021 be written off.
2. No further interest be charged on the remaining debt for the balance of this loan.

Moved: Cr Tim Meyer

Seconded: Cr Bruce Meyer

That:

1. **All money owed in payments for the calendar year 2020 and 2021 be written off.**
2. **No further interest be charged on the remaining debt for the balance of this loan.**

Carried (3 (Cr Bruce Meyer, Cr Tim Meyer, Cr Tom Houlihan) /2 (Cr Jodie Pretlove, Cr Trevor Domaschenz))



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Moved: Cr Tom Houlihan

Seconded: Cr

That:

- 1. All money owed in payments for the calendar year 2020 and 2021 be written off.**
- 2. No further interest be charged on the remaining debt for the balance of this loan and the balance of this loan be taken over by the West Wimmera Shire**

Amendment lapsed for the want of seconder

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That this motion be adjourned until further notice in order to obtain legal advice on conflict of interest and apprehended bias.

Lost (For 1/ Against 4)

Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

That this motion be adjourned to gain further information on conflict of interest and apprehended bias, and that Council seek a detailed financial report and a general report from the Kaniva Leor United Football Club Executive Committee on the full affects they have incurred through COVID-19. Council will then discuss this item at the February Forum 2021 and bring the item back to the February 2021 Council Meeting for decision, and that Council continue to support and work with the Kaniva Leor United Football Club.

Lost (For 2/ Against 3)



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Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That any financial aid granted or forgiven by this resolution be transferred from the Kaniva Race Club fund held by WWSC into council general revenue as matching amount.

Carried (4/0/1)

Attachments:

No.	Name	RecFind Ref
9.1.1	Notice of Motion – 2020/04 – Cr Tim Meyer	E20/000391



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10.0 CONFIDENTIAL COUNCIL MEETING MINUTES & COUNCILLOR FORUM RECORD

10.1 CONFIDENTIAL COUNCIL MEETING MINUTES RE INTERIM CEO – 11 NOV 2020

RECOMMENDATION:

That the Minutes of the Confidential Council Meeting regarding the appointment of an Interim CEO, held on Wednesday 11 November 2020, be taken as an accurate record and confirmed.

Moved: Cr Jodie Pretlove

Seconded: Cr Tim Meyer

That the Minutes of the Confidential Council Meeting regarding the appointment of an Interim CEO, held on Wednesday 11 November 2020, be taken as an accurate record and confirmed.

Carried (5/0)

10.2 COUNCILLOR FORUM RECORD – 2 DEC 2020

Summary of matters discussed at the Councillor Forum:

a)	Mayoral & Councillor Allowances
b)	Council Expense Policy
c)	Community Engagement Policy
d)	Australia Day Awards 2021
e)	Proposed Tree Removal – Symonds
f)	Corporate Credit and Purchase Cards Policy
g)	Windmill Café
h)	West Wimmera Shire Tourism Advisory Committee
i)	Survey of Road Assets – Presentation by Peter Maloney
j)	Emergency Management Planning Reform – Transition Provisions for 1 Dec 2020
k)	Major Projects Plan
l)	Local Laws and Fire Prevention Activity Report
m)	Appointment of External Member of Audit & Risk Committee



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RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 2 December 2020 be received and noted.

Moved: Cr Jodie Pretlove

Seconded: Cr Tim Meyer

That the Record for the Councillor Forum held Wednesday 2 December 2020 be received and noted.

Carried (5/0)

11.0 DEPUTATIONS AND PETITIONS

Nil



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

Nil



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 PROPOSED TREE REMOVAL – DON SYMONDS

FILE NUMBER: PS0389

REPORT AUTHOR: BERNIE MADDERN, CONTRACTS MANAGER

FOR DECISION

Introduction

Consideration of a report on a street tree removal application received from Don Symonds of 993 Wimmera Highway Edenhope, for the removal of two Desert Ash trees adjacent to his property at 51-53 Lake Street Edenhope.

Background

These trees are large Desert Ash and are situated on the nature strip at 51-53 Lake Street Edenhope. The trees are well established and are approximately 40 + years old. The trees are situated between the kerb & channel and the footpath in alignment with other street trees.

The initial tree removal request for these trees was received from Don Symonds dated May 2013, and he was advised that they did not meet the tree removal criteria. A second application was received on 30 August 2017 and he was advised again that they did not meet the tree removal criteria.

This request has been referred to Council as a third tree removal application has now been received from the applicant dated 1 September 2020.

There is existing kerb & channel in Lake Street and this vacant block has two crossovers in the kerb & channel, one at the east end and one at the west end.

Risk Management Implications

Any street tree can pose a potential risk to the general public, however this risk is mitigated through Council's street tree management program through its annual inspection and maintenance program.

The applicant has stated that the tree is becoming old and dangerous and that one large limb fell into the property last year.



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There are no transmission power lines along this side of the street.

Legislative Implications

Compliance with the Electrical Safety Victoria (Electric Line Clearance) Regulations 2010.

Environmental Implications

These large trees are quite attractive in appearance and provides substantial shade value in summer. The trees removal would have a negative impact on the streetscape.

Financial and Budgetary Implications

The cost of the tree removal will be allocated against the Street tree vegetation removal budget if Council decided that the trees are to be removed.

Cost of tree and stump removal	\$2,200.00
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Policy Implications

The removal of this tree has been assessed as not falling within clause 5.2.1 the Tree Removal criteria in Council's Street Tree Policy.

Council Plan Implications

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

- Strategic Objective 3: Quality sustainable community services and infrastructure.

Communication Implications

An initial tree removal request dated May 2013 for the street trees removal was received from Don Symonds, and a letter was written to the applicant on 30 May 2013 advising that the reasons for removal do not fall within the criteria of Councils Street Tree Policy.

A second tree removal request was received from the applicant dated 30 August 2017 stating that the trees are overgrowing the boundary by several metres, and trees beginning to rot. Again the applicant was advised that the reasons for removal did not fall within the criteria of Councils Street Tree Policy.

A further request was received from the applicant on 1 September 2020 requesting Council to re consider the tree removal application. The applicant advised that the trees are becoming old and dangerous. One large limb fell into the property last year, and hampers further development of the block.



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A risk assessment was carried out by Council's Parks and Gardens staff on 1 September 2020 and described the trees in average condition with visible rot in some limbs, shallow roots and mower damage. The future risk is that the trees have potential for limbs to fall and pose a high risk rating.

A site meeting was held with Mr Don Symonds on 26 August 2020 to discuss the trees removal and the existing vehicular crossings as he is in the process of submitting a two lot subdivision application with the intention to sell both allotments.

51-53 Lake Street is one title and the applicant has engaged land surveyors and a planning consultant to prepare the two lot subdivision application. If the allotment is subdivided the two existing vehicular crossovers would allow access to each new allotment, and the retention of both trees would not inhibit this access.

Conclusion

These Ash trees are large specimens, and offer substantial value to the street amenity and significant shade during the summer months, and are suitably situated on the nature strip in alignment with other street trees in Lake Street.

The removal of these tree was rejected following the initial requests as the reasons for removal did not meet the criteria in Council's Street Tree policy. The Council risk assessment has determined the trees contain some limb rot and have future potential for falling limbs and posing a high risk, however this can be mitigated through appropriate pruning and regular inspections.

OFFICER RECOMMENDATION:

That Council does not approve of the tree removal request from Don Symonds to remove the two Desert Ash tree adjacent to his property at 51-53 Lake Street Edenhope.

Moved: Cr Jodie Pretlove

Seconded: Cr Tim Meyer

- 1. That Council delay the approval of the tree removal request from Don Symonds to remove the two Desert Ash tree adjacent to his property at 51-53 Lake Street Edenhope.**
- 2. That Council will re-consider the matter in the event of a development application**



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Amendment

Moved: Cr Trevor Domaschenz

Seconded: Cr Tom Houlihan

- 1. That Council does approve of the tree removal request from Don Symonds to remove the two Desert Ash tree adjacent to his property at 51-53 Lake Street Edenhope.**

Carried (3/2)

The amendment became the motion and was carried 4/1.

Attachments:

No.	Name	RecFind Ref
13.1.1	Letter to applicant 2013	C20/009507
13.1.2	Tree Removal Request 2017	C20/009512
13.1.3	Tree Removal Request 2020	C20/006978
13.1.4	Tree Risk Assessment	C20/009533
13.1.5	Council Tree Report	C20/009534
13.1.6	Map	C20/008530
13.1.7	Photo	C20/009511
13.1.8	Survey and Feature Plan	C20/009510



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13.2 EMERGENCY MANAGEMENT PLANNING REFORM – TRANSITION PROVISIONS FOR 1 DEC 2020

FILE NUMBER: AD0183

**REPORT AUTHOR: MARK MARZIALE – DIRECTOR INFRASTRUCTURE
DEVELOPMENT & WORKS, AND MUNICIPAL EMERGENCY
MANAGEMENT OFFICER**

FOR DECISION

Introduction

The Emergency Management Legislation Amendment Act [EMLA] 2018 requires a consistent approach for MEMPCs across the state, and shifts responsibility for municipal emergency management planning.

From 1 December 2020, the legislation shifts responsibility for municipal emergency management planning from the council to the reformed, “multi-agency MEMPC” - the peak emergency management planning body in your municipal district. This shift of responsibility highlights the intent of the reform which supports emergency management planning as an integrated, multi-agency and collaborative effort.

Despite the LG elections 2020, Emergency Management Victoria [EMV] as the relevant Authority, requires through the EMLA Act the completion of twenty eight (28) following steps, and recommends Councils complete these tasks as soon as practicable, as close to 1 December 2020 as possible.

Declaration of Interests

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

Background

On 1 December 2020, the Emergency Management Legislation Amendment Act 2018 (the EMLA Act) introduces changes to responsibilities and functional roles previously established under the Emergency Management Act 1986, Emergency Management Manual Victoria (EMMV), Country Fire Authority Act 1958 and Fire Rescue Victoria Act 1958.



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There are twenty eight (28) tasks required to be performed by each Council in order to transition, in anticipation of the ‘go live’ date for the municipal level planning reforms on 1 Dec 2020. EMV has provided a number of resources to support Council, however some of those tasks will be unable to be completed, and resources Council will be unable to access until after 1 Dec 2020:

No.	EMLA Act 2018 Emergency Management Planning Transition Requirements
1.	By 30 April 2021*: Confirm that your municipal district is compliant with the reformed emergency management legislation and its intent by providing your REMPC Chair with an update on your progress through the steps outlined in this document.
2.	Note that the Emergency Management Planning Resource Library is your primary resource for answering questions relating to emergency management planning.
3.	Note the discontinuation of the Emergency Management Manual Victoria from 1 December 2020.
4.	Note that any questions relating to the implementation of planning reform can be directed to your REMPC in the first instance via the REMPC Chair or an agency’s REMPC representative (each legislated member agency on a MEMPC has a representative on the REMPC).
5.	Note that any interested stakeholder (including MEMPC members) can be added to the planning reform newsletter by emailing emergencyplanning@emv.vic.gov.au .
6.	Confirm that council has passed a resolution to establish the MEMPC in accordance with the reformed legislation. <i>s59 and 59F(a) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020</i>
7.	Note that the MEMPC now reports to and is accountable to the relevant Regional Emergency Management Planning Committee and not to municipal council. <i>s59AD(c)-(d) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020</i>
8.	Confirm that the MEMPC and municipal council are aware that responsibility for municipal level planning is to transfer from the municipal council to the MEMPC.



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9.	<p>Following the council resolution to establish the committee, note that your MEMPC must hold its first meeting as soon as practicable after 1 December 2020.</p> <p><i>s59A(3) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020</i></p>
10.	<p>Confirm that representatives from the following agencies are identified as the ongoing core membership of your reformed committee:</p> <ul style="list-style-type: none"> • Municipal council or alpine resort management board • Victoria Police* • Country Fire Authority (if in your municipal district)* • Fire Rescue Victoria (if in your municipal district) • Ambulance Victoria* • Victoria State Emergency Service • Australian Red Cross • Department of Health and Human Services* <p><i>s59A(1) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020</i></p> <p>*Representatives for the agencies marked are provided.</p>
11.	<p>Note that each agency on this core membership for the MEMPC is also represented on the REMPC.</p> <p><i>s54(1) of the EM Act</i></p>
12.	<p>Confirm that as soon as practicable following 1 December, the committee identifies the following additional members for invitation onto the committee:</p> <ul style="list-style-type: none"> • at least one community representative • at least one recovery representative • at least one other representative (for example, industry, business or additional agency). <p><i>s59A(1)(b) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020</i></p>
13.	<p>For each additional member, the Chair should send a letter to formally request their inclusion on the committee (see optional suggested wording at Attachment B).</p> <p>Note: If any of your nominations are for an agency that you suspect multiple MEMPCs will nominate, you are welcome to send a joint letter.</p>
14.	<p>Confirm that you have shared the link to the Emergency Management Planning Resource Library with all MEMPC members.</p>



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15.	MFMP - Note that the municipal fire management planning committee is no longer required by legislation from 1 December 2020, however where fire is identified as a high risk in your municipality, it is recommended it be retained and transitioned to a sub-committee of the MEMPC..
16.	<p>Note that each municipal district is required to have a MEMP that is consistent with the State Emergency Management Plan and relevant regional emergency management plan (REMP; s59D(b) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020).</p> <p>A MEMP should not replicate the state or regional plan. Rather, it should provide specific information tailored to the municipal district’s context and risk.</p>
17.	Note that your current MEMP does not need to be updated to align with the new legislated requirements until the end of its current review period.
18.	Note that EMV will prepare advisory material for you to consider at the point of your next MEMP review (to be available on the Emergency Management Planning Resource Library).
19.	Note that MEMPs are required to be developed by your MEMPC (not the council) <i>s59D(a) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.</i>
20.	Note that while not the plan’s preparer, the Municipal Council is required to continue publishing the MEMP on its website on behalf of the MEMPC. <i>s75(2)(ab) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.</i>
21.	Note that on 1 December 2020 the VICSES audit process of your MEMP will be replaced with a new self-assurance process conducted by your MEMPC. <i>s60AG(4) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020</i>
22.	Note that after the MEMPC’s self-assurance, your MEMP will progress to the relevant Regional Emergency Management Planning Committee (REMPC) for approval. Council is no longer the MEMP approver.
23.	Note that MEMP sub-plans are required to progress through the same assurance and approval process as your MEMP.
24.	<p>Note that MEMP sub-plans do not need to be updated to align with the new legislated requirements until the end of their individual review periods</p> <p>(i.e. MEMP sub-plans do not need to progress through the approval process at the same time as the MEMP if the sub-plan isn’t due for review)</p>



COUNCIL MEETING MINUTES – 16 DECEMBER 2020 WEST WIMMERA SHIRE COUNCIL

25.	Note that from 1 December 2020, the municipal emergency resource officer (MERO) no longer has legislative backing.
26.	Confirm that council has appointed one or more officers to the new role of municipal emergency management officer (MEMO) in line with the responsibilities outlined in the State Emergency Management Plan (page 64) and s59G of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.
27.	Confirm that council has appointed one or more officers to the role of municipal recovery manager (MRM) in line with the responsibilities outlined in the State Emergency Management Plan (page 67) and s59H of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.
28.	Advise Local Government Victoria via lgv.emergencies@ecodev.vic.gov.au (and where applicable, the Municipal Association of Victoria via emergencymgt@mav.asn.au) of the contact name and contact details of the MEMO and MRM.

Change of Roles

The Municipal Emergency Response Officer (MERO) is superseded by the Municipal Emergency Management Officer (MEMO). The role of the MERO ceases to have legislative backing come 1 December 2020 when section 21 of the Emergency Management Act 1986 is repealed. Instead, the role of the MERO is replaced by the Municipal Emergency Management Officer (MEMO).

Its responsibilities are to:

- liaise with agencies in relation to emergency management activities for the municipal district; and
- assist in the coordination of emergency management activities for the municipal council.
- Chair the MEMP Committee.
- Represent West Wimmera on the Regional Emergency Management Planning Committee.

The MEMO role is outlined in the State Emergency Management Plan (page 64).

On 1 December 2020, the EMLA Act inserts the relevant s59G into the Emergency Management Act 2013.



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The Municipal Recovery Manager (MRM) is formalised. An MRM has been required under Part 6 of the Emergency Management Manual Victoria (EMMV) with responsibility for coordinating recovery activities at the municipal level. The role of the MRM is now formalised in legislation.

The EMLA Act defines the responsibilities of the MRM as:

- coordinating, in consultation with agencies, the resources of the municipal council and the community for the purposes of recovery; and
- liaising with any municipal emergency management officer appointed for the municipal district in relation to the use of the municipal council's resources for the purposes of recovery; and
- assisting any municipal emergency management officer appointed for the municipal district with planning and preparing for recovery.

The MRM role is outlined in the State Emergency Management Plan (page 67). On 1 December 2020, the EMLA Act inserts the relevant s59H into the Emergency Management Act 2013.

The Municipal Fire Prevention Officer's (MFPO) planning function is discontinued.

The Country Fire Authority Act 1958 and the Fire Rescue Victoria Act 1958 require each municipal council to appoint an MFPO and any number of assistant fire prevention officers.

The MFPO provides its municipal council with expertise in relation to fire prevention and provides a connection to local fire services. The role of the MFPO will continue after 1 December 2020 but will no longer include a legislated planning function. Instead, fire planning will fall under the new integrated planning arrangements.

Establishing the reformed MEMPC

On 1 December, section 82 of EMLA Act repeals the legislative backing for the existing MEMPCs in s21(3)-(4) of the EM Act 1986, and inserts sections 59 and 59F into the Emergency Management Act 2013 under which the council is required to establish a new MEMPC with more specific membership and functions.

In a letter to CEOs on 5 October, CEOs were advised that "In line with section 59(1) of the Local Government Act 2020, you are able to acquit this responsibility [to establish a MEMPC] through a council resolution that ensures a MEMPC is established in accordance with the legislation, including recognising that the MEMPC promotes shared



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responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to council.

S59(2) of the Local Government Act 2020 defines a resolution of the Council as including ‘a resolution made at a Council meeting’, ‘a resolution made at a meeting of a delegated committee’ or ‘the exercise of a power or the performance of a duty or function of the Council by a member of Council staff...under delegation’.”

This MEMPC is the peak strategic and decision-making committee for emergency management planning in the municipal district. Among other planning activities, the MEMPC is required to maintain a Municipal Emergency Management Plan which will be approved by the Grampians Regional Emergency Management Planning Committee.

From 1 December 2020, the MEMPC audit process currently conducted by Victoria State Emergency Service (VICSES) will be repealed and replaced with a new self-assurance arrangement. Under the new assurance process, the MEMPC will be responsible for ensuring that your plan complies with the new planning framework before your plan is provided to your REMPC for approval.

Risk Management Implications

Integrity - Ensuring that all documentation, opinions and materials presented are researched, referenced and factual, reduces the risk of inappropriate information being provided to Council and supports evidence based decision making.

Relevance & Currency- that the responsible staff establish and maintain familiarity with the requirements of the EMLA Act 2018.

Legislative Implications

Local Government Act 1989

Emergency Management Act 1986 and 2013

Emergency Management Amendment Legislation Act 2018

Country Fire Authority Act 1958

Fire Rescue Victoria Act 1958

Occupational Health and Safety Act 1994



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Council is responsible to ensure, as far as practicable, the health and safety of its staff, the public and contractors, in the workplace, including during the course of the provision of services during and following an emergency event.

Environmental Implications

No significant implications with the change of legislation.

Financial and Budgetary Implications

Financial implications include, added service levels being required to the establishment and operation of the new multi-agency MEMPC.

Policy Implications

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

Economic Development Policy

Communications Policy

Community Engagement Policy

Support to Community Events Policy

Media Relations 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.
- 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.



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Communication Implications

In accordance with Council's Media Relations Policy.

Letters are required to be sent as invitations to the new members of the MEMPC, and MFMP sub-committee, including community representatives.

Conclusion

Council is required to establish the new multi-agency Municipal Emergency Management Planning Committee, in accordance with the Emergency Management Act 2013 as amended by the EMLA Act 2018:

R1. DIS-ESTABLISH THE COUNCIL MEMPC

Council authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December these provisions are repealed by s82(2) of the Emergency Management Legislation Amendment Act 2018 and replaced by the provisions of s68 of the Emergency Management Legislation Amendment Act 2018.

R2. ESTABLISH THE NEW MULTI AGENCY MEMPC

Council authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the Emergency Management Legislation Amendment Act 2018 (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the Emergency Management Act 2013 on 1 December 2020).

R3. NOTE THE NEW MEMPC IS NOT A COMMITTEE OF COUNCIL

Council notes that, under the MEMPC Terms of Reference provided and the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.

R4. COUNCIL NOMINATION OF COMMUNITY REPRESENTATIVE

Council Nominates Tom Houlihan as the Community Representative to the membership of the reformed MEMPC.

R5. COUNCIL NOMINATION OF THE MUNICIPAL RELIEF MANGER TO THE MEMPC MEMBERSHIP

Council Nominates its Municipal Relief Manager MRM, Tracey Bone to the membership of the reformed MEMPC.



OFFICER RECOMMENDATION

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Moved: Cr Trevor Domaschenz

Seconded: Cr Tim Meyer

R1. DIS-ESTABLISH THE COUNCIL MEMPC

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Council Nominates Tom Houlihan as the Community Representative to the membership of the reformed MEMPC.

**R5. COUNCIL NOMINATION OF THE MUNICIPAL RELIEF MANAGER
TO THE MEMPC MEMBERSHIP**

Council nominates its Municipal Relief Manager MRM, Tracey Bone to the membership of the reformed MEMPC.

Carried (5/0)

Attachments:



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No.	Name	RecFind Ref
13.2.1	Link to Emergency Management Act 2013 https://www.legislation.vic.gov.au/as-made/acts/emergency-management-act-2013	AD0183
13.2.2	Link to the EMLA Act 2018 https://www.legislation.vic.gov.au/as-made/acts/emergency-management-legislation-amendment-act-2018	AD0183



COUNCIL MEETING MINUTES – 16 DECEMBER 2020 WEST WIMMERA SHIRE COUNCIL

14.0 CORPORATE AND COMMUNITY SERVICES

14.1 MAYORAL AND COUNCILLOR ALLOWANCES

FILE NUMBER: FM0045

REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

West Wimmera Shire Council (Council) Councillor and Mayoral allowances are required to be reviewed annually and any necessary adjustments made accordingly.

Under section 73B of the *Local Government Act 1989 (the 'Act')*, the Minister for Local Government makes a determination of an annual adjustment factor for all Councillor and Mayoral allowances.

The Minister has completed this review and determined that a zero percent adjustment be made to Victorian Public Service executive remuneration for the 2020-21. Accordingly Councillor and Mayoral allowances will remain at the level they were before the election, with 0% indexation applied.

The following report provides information on the allowances, and seeks a Council resolution to set both the Mayoral and Councillor allowances for the twelve months from 1 December 2020 to 30 November 2021.

Declaration of Interests

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

Background

Councils across Victoria are categorised into three groups by the Victorian Government and allowance ranges are determined for each category.

West Wimmera Shire is one of 22 Category One Councils. Within this category, a minimum and maximum is set for Councillors and a maximum threshold set for Mayors. The thresholds in 2019-2020 were as follows:



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- Councillors: \$8,833 to \$21,409
- Mayor: Up to \$62,884

Under section 73B of the Local Government Act 1989, the Minister for Local Government makes a determination of an annual adjustment factor and accordingly the allowances are escalated from 1 December annually. The Minister for Local Government has announced a 0% escalation for the 2020-2021 allowance. Accordingly the 2020-21 allowance thresholds will remain as they were for 2019-20

The 2019-20 allowances were set via resolution at the December 2019 Ordinary Council Meeting:

- Councillors are paid **\$19,764** pa (plus 9.5% superannuation equivalent payment).
- The Mayoral allowance is **\$46,120** pa (plus 9.5% superannuation equivalent payment).

The current Councillor payments equate to \$1,285 below the upper limit and the Mayoral allowance \$16,764 below the upper limit for category one Councils.

Under Section 73B(5) of the Act Council must increase its level of Councillor and Mayoral allowances in accordance by the escalation factor gazetted by order of the Minister for Local Government.

In accordance with the 0% escalation factor announced by the Minister for Local Government for 2020-21 these base rates will remain as is.

Allowances are set at individual Councils by an order in Council, which means that Councillors are required to make a decision at a Council Meeting to determine the level of the allowances. Council has some leeway to alter allowances within the threshold banding.

Risk Management Implications

Council faces legislative compliance and reputational risk from breaching the Act by not resolving an allowance level for Councillors and the Mayor at an Ordinary Council Meeting. Council may also face budget risk if insufficient funds are budgeted to cover Councillor Allowances

Legislative Implications

Section 73B of the Local Government Act 1989 ('the Act') enables the Minister to determine the adjustment factor annually. Section 73B(5) requires Council to apply this adjustment factor.



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Section 74(1) requires Councils to review and determine the level of Councillor and Mayoral allowances.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

Council's Annual Budget contains allocations sufficient to cover the Councillor and Mayoral Allowances as is, and did allow for a 2.0% increase.

Policy Implications

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

- Councillor Code of Conduct Policy
- Councillor Expense Entitlement & Support 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

The determinations made by the Minister concerning Councillor and Mayoral allowances are published via ministerial media release.

Conclusion

The Minister for Local Government has in accordance with Section 73B of the Act applied a 0% escalation factor to Councillor and Mayoral allowances to apply from 1 December 2020. Accordingly under S.73B(5) of the Act Council must apply a 0% escalation to Councillor and Mayoral Allowances.

Under S.74(1) Council must review and determine the level of Councillor and Mayoral allowances. This report provides Council with information around the allowances for the next 12 months.



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WEST WIMMERA SHIRE COUNCIL**

OFFICER RECOMMENDATION:

That Council resolve to maintain the following allowance levels from 1 December 2020:

- **Councillor Allowance** **\$19,764.00 p.a**
- **Mayoral Allowance** **\$46,120.00 p.a**

Moved: **Cr Jodie Pretlove**

Seconded: **Cr Trevor Domaschenz**

That Council resolve to maintain the following allowance levels from 1 December 2020:

- **Councillor Allowance** **\$19,764.00 p.a**
- **Mayoral Allowance** **\$46,120.00 p.a**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.1.1	Determination by Minister for Local Government	FM0045



COUNCIL MEETING MINUTES – 16 DECEMBER 2020 WEST WIMMERA SHIRE COUNCIL

14.2 APPOINTMENT OF EXTERNAL MEMBER TO AUDIT & RISK COMMITTEE

FILE NUMBER: FM0045

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) employs the Audit and Risk Committee as an advisory committee of Council in accordance with S.53 of the *Local Government Act 2020* (the Act).

The Audit and Risk Committee Charter (the Charter) requires that the Committee consist of a mix of Councillors and independent members. Currently the Charter allows for two Council members and three independent members comprise the Audit and Risk Committee.

At the moment with the retirement of Mr Geoff Price, the Audit and Risk Committee has a vacancy for an external member. This report addresses that vacancy.

Declaration of Interests

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

Background

Council's Audit and Risk Committee is constituted in pursuance to S.53 of the *Local Government Act 2020* which requires that the Audit and Risk Committee consist of a majority of members who are not Councillors.

At the moment Council's Audit and Risk Committee exists of two Councillor members and three external members, providing a majority of external members to the Committee.

A vacancy has arisen for an external member due to retirement of Mr Geoff Price. It is important for both compliance with the Act and to maintain the Audit and Risk Committee's ability to provide independent advice that a new external member be appointed to maintain the independence of the Committee.



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Council sought public expressions of interest from parties interested in joining Council's Audit & Risk Committee.

Council received a total of 24 expressions of interest submissions. From these a short list of five was drawn up with all five being interviewed. Interviews were conducted by Ashley Roberts, Director Corporate and Community Services, Sarah Ellis, Manager Business Performance and Development, and Melanie Jordan, Finance Coordinator.

From the interviews, two stand out candidates were identified:

- Mr Andrew Johnson – Andrew is a CPA with a specialisation in Risk Management. Andrew's prior experience includes time spent as a risk auditor with Jardine Lloyd Thompson, specifically in the Liability Mutual Insurance scheme, which is the mutual insurance scheme of which Council is a member. Andrew has demonstrated a very sound understanding of risk as it applies to the Local Government Sector. Andrew currently resides in Tasmania but has made it clear he intends to travel to West Wimmera and attend meetings in person.
- Mr Mick Jaensch – Mick has had a very long 30+ year career in local government, most recently in the role of Director Corporate Services at the City of Greater Dandenong. Mick is a CPA with an extremely high level of financial management and governance expertise and understanding of the local government sector. Mick has for a number of years led the FinPro development and mentoring program. Mick also expressed an intention to attend meetings in person.

After analysing and comparing these two candidates the interview panel determined that both bring outstanding and complimentary skill sets to the Audit and Risk Committee and as such would both be suitable and effective new members. Accordingly management recommends that both be appointed as independent members to the Audit and Risk Committee.

Appointing two new members to the Committee would have an added bonus in that in the case of a future absence or resignation/retirement of an independent member the Committee is able to maintain its majority of independent membership.

Council's current Audit and Risk Committee Charter specifically mentions that the Committee will be comprised of two Councillor members and three independent members. It is proposed that this be amended to state that the Committee be comprised of two Councillor members and *at least three* independent members. This will then allow for the appointment of both Mr Johnson and Mr Jaensch to the Committee.



COUNCIL MEETING MINUTES – 16 DECEMBER 2020 WEST WIMMERA SHIRE COUNCIL

Risk Management Implications

Currently Council's Audit and Risk Committee Charter allows for a total of 5 members, with two being Councillor members and three independent members. This allows for the best practice of the Committee having a majority of independent members. It is best practice to do this as it preserves the independence of the advice given to Council by the Committee. It also maintains a public perception that there 'independent eyes' overseeing Council.

An unfortunate and completely unintended effect of naming the exact number of independent members however, has led to the current situation where the resignation of one of the independent members has resulted in the number of independent members not exceeding the number of Councillor members at the moment.

While there is no suggestion that this will necessarily impact the decisions of the committee (And will of course be rectified by replacing the resigned member), it is firstly in breach of Section 53(3) (b) of the Act which requires that the Audit and Risk Committee 'consist of a majority of members who are not Councillors...', and secondly it produces some reputational risk for Council where it is not seen that the Committee does actually have a majority of independent members. Adding a fourth external member mitigates these risks somewhat, as well as adding to and building the independent skills brought to the Committee which Council can benefit from.

Legislative Implications

Section 53 of the *Local Government Act 20230* requires Council to have an Audit and Risk Committee. Section 53(3)(b) requires that the Audit and Risk Committee has a majority of independent members.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

The independent members are paid a sitting fee of \$550.00 per meeting, with the chair receiving 10% above this (\$605.00 per meeting).

Over 4 annual meetings adding an extra member would add \$2,200.00 to Council's budget. For the remainder of the 2019-20 year there would be two remaining meetings which would require a budget adjustment of \$1,100.00



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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

Invitations to submit expressions of interest in becoming an independent member of Council's Audit and Risk Committee were advertised in local newspapers and online via seek. There were 24 expressions of interest received, most from outside the broader Wimmera region, indicating that the electronic (Seek) advertising was particularly successful.

Conclusion

Due to the resignation of Mr Geoff Price, one of the independent members of Council's Audit and Risk Committee. Council sought expressions of interest from parties interested in taking on the role as external member and received 24 such submissions.

After reviewing these 24 received submissions and interviewing a shortlist of five, there are two stand-out candidates who present different but complimentary skills which could greatly enhance the overall skillset of the Audit and Risk Committee. As such it is recommended that both be added to the Committee. This will also mitigate the potential risk that the Committee may operate without a majority of independent members for a period of time if one independent member resigns.



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WEST WIMMERA SHIRE COUNCIL**

OFFICER RECOMMENDATION:

That Council:

- 1. Amend the Audit and Risk Committee Charter to allow for two Councillor members and *at least* three independent members; and**
- 2. Adopt the amended Audit and Risk Committee Charter; and**
- 3. Resolve to appoint the following as independent members to Council’s Audit and Risk Committee:**
 - a. Mr Mick Jaensch**
 - b. Mr Andrew Johnson**

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That Council:

- 1. Amend the Audit and Risk Committee Charter to allow for two Councillor members and *at least* three independent members; and**
- 2. Adopt the amended Audit and Risk Committee Charter; and**
- 3. Resolve to appoint the following as independent members to Council’s Audit and Risk Committee:**
 - a. Mr Mick Jaensch**
 - b. Mr Andrew Johnson**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.2.1	Amended Audit and Risk Committee Charter	FM0045



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14.3 COUNCIL EXPENSE POLICY

FILE NUMBER: FM0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is required under section 41 of the *Local Government Act 2020* ('the Act') to adopt a Council Expenses Policy (the Policy). Under the timetable for implementation of the Act Council was required to adopt the Council Expenses Policy by 1 September 2020.

Council recently amended its Councillor Expense Policy in August 2020. The policy as adopted in August 2020 is compliant with the Act as adopted and no amendment is necessary. However it is considered a prudent opportunity to present the policy to Councillors elected at the October Council election as information for new Councillors and a timely reminder for those who have been re-elected.

Another technical reason for re-presenting the Policy is that when this Policy was adopted in August 2020 the former Policy entitled the Councillor Expense Entitlements Policy was not revoked.

While the Councillor Expense Policy covers the same areas as the former Councillor Expense Entitlements Policy it is a completely new Policy that complies with the requirements of the Act and not an amended version of that previous policy which was compliant with the *Local Government Act 1989* only.

Hence the previous Policy should be rescinded to remove any confusion as to the application of either of these policies. As a result this report requests that Council resolves that the Councillor Expense Entitlements Policy as adopted in November 2017 be rescinded.

Declaration of Interests

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



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Background

Section 41 of the *Local Government Act 2020* states:

41 Council expenses policy

(1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of delegated committees.

(2) A policy adopted by a Council under this section must—

- (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
- (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
- (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
- (d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.

(3) A Council must adopt the first expenses policy under this section on or before 1 September 2020.

(4) Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the Local Government Act 1989 applies as if it had been adopted under this Act.

The policy also references number of items which provides greater transparency around Section 42 of the Act – which is concerned with other allowances or entitlements provided to Councillors which may be required to enable them to effectively carry out Council business.

These are included in Section 13 of the policy which outlines allowances and entitlements provided to Councillors to assist them in undertaking Council business. This includes IT and communication equipment, etc. While not an actual requirement of the Act for this to be included in the Councillor Expense Policy it is an effective way of transparently communicating all entitlements and allowances which are made available to Councillors.

Risk Management Implications

The Council Expense Policy provides for oversight into the reimbursement of reasonable expenditure incurred by Councillors or Committee Members in the undertaking of Council business. As such it forms a foundation of Council's Anti-Fraud and Corruption Policy.

An effective Council Expense Policy can also mitigate reputational risk to Council.



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Legislative Implications

The draft Council Expense Policy complies with the requirements of S.41 of the *Local Government Act 2020*.

The inclusion of the section outlining other Allowances and Entitlements provides transparency and guidance to the application of S.42 of the Act.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Councillors are entitled to be reimbursed for reasonable out of pocket expenses incurred in the undertaken of Council business. Council has allowed for an amount of \$28,000 for total Councillor Expenses other than Councillor Allowances in its 2019-20 budget.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Councillor Code of Conduct Policy
Councillor Expense Policy
Human Rights 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

Upon adoption the Council Expense Policy becomes a publicly accessible document and shall be published on Council's website.

Conclusion

The Council Allowance Policy ensures Council complies with S.41 of the *Local Government Act 2020*. It recognises that from time to time Councillors and Committee Members may incur out of pocket expenses in the course of undertaking Council business, and provides for reasonable reimbursement of such expenses.



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OFFICER RECOMMENDATION:

That Council:

- 1. Receives the Council Expense Policy as adopted at the August 2020 Council Meeting for information; and**
- 2. Resolves to rescind the former Councillor Expense Entitlement & Support Policy adopted by Council on 15 November 2017.**

Moved: Cr Jodie Pretlove

Seconded: Cr Tim Meyer

That Council:

- 1. Receives the Council Expense Policy as adopted at the August 2020 Council Meeting for information; and**
- 2. Resolves to rescind the former Councillor Expense Entitlement & Support Policy adopted by Council on 15 November 2017.**

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.3.1	Draft Council Expense Policy	FM0021
14.3.2	TD2019/11 ATO Reasonable Accommodation and Meal Expense Reimbursement Rates	FM0021



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14.4 CORPORATE CREDIT AND PURCHASE CARDS POLICY

FILE NUMBER: FM0021

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

In response to the findings and recommendations arising from the internal audit into Credit Cards undertaken by RSD Audit in March 2020, the existing Corporate Credit and Purchase Cards Policy has been updated.

This policy was last reviewed and adopted by Council on 16 May 2018.

Declaration of Interests

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

Background

The Corporate Credit and Purchase Cards Policy was last updated in 2018. The policy allows for the issue of a card to approved Council Officers and the Mayor of West Wimmera Shire Council, to use for operational purposes, as deemed appropriate by the Chief Executive Officer and program administrator. The need for credit cards as a payment method is more prevalent than ever and if implemented and managed carefully, will result in operational efficiencies.

Improvements have been made to the existing policy at the recommendation of Council's internal auditors, RSD Audit, resulting in a more comprehensive and robust policy in line with best practice.

Compliance with the policy will be closely monitored and any minor breaches will result in warnings followed by loss or suspension of cards. More serious breaches may involve further disciplinary action as deemed appropriate by the Chief Executive Officer. In all cases of misuse, the Council reserves the right to recover any money from the cardholder by whatever legal means are available.

Risk Management Implications

Per the final internal audit report, the existing policy was found to be low risk and on par with several other councils' policies, however several improvements were recommended



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based on best practice, being the LGV Procurement Guidelines and standing directions issued by the Minister for Finance, to avoid potential issues. Also considered by the internal auditors when reviewing Council's existing policy was the recent Yarriambiack report issued by the Local Government Inspectorate and VAGO's report on fraud and corruption controls in Local Government, as well as several other council's credit and purchasing card policies.

The proposed policy reduces several risks associated with policy ambiguity as it is more descriptive and comprehensive than the existing policy. As with all policies that deal with the financial matters of Council, the major risks are financial loss, fraudulent activity and improper use for personal gain in relation to credit card usage.

The risks addressed by the Corporate Credit and Purchase Cards Policy relate predominately to ensuring Council Officers and the Mayor act in an appropriate manner, do not misuse Council resources and that the Council reputation is not put at risk.

Legislative Implications

The *Local Government Act 2020* (The Act) s.101 will apply to all finance policies with the guiding principle of sound finance management.

Any use of credit/purchase cards will be in line with the provisions of the *National Consumer Credit Protection Act 2009* and the regulations there under, and also the Reserve Bank of Australia credit card regulations and the terms of the relevant issuers Product Disclosure Statement.

Environmental Implications

Nil

Financial and Budgetary Implications

The use of the Corporate Credit and Purchase Cards Policy may result in operational efficiencies but is not expected to alter the actual level of expenditure as use of cards is only a mechanism for payment and requires the same authorisation as a purchase through the creditor system. Timing of payments is a consideration, but given the small amount of credit card expenditure, it is not expected to have any impact.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policies:
Fraud & Corruption Control Policy
Procurement Policy
Risk Management Policy
Code of Conduct 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

The communications required for the Corporate Credit and Purchase Cards Policy is more specific to cardholders to ensure cards are not misused due to ignorance of the policy requirements. The requirements for record keeping and consequences of policy breaches also need to be clearly articulated to card holders. It is the responsibility of the Finance Coordinator to ensure that all cardholders are trained in this policy.

Conclusion

The internal audit into Credit Cards was conducted in March 2020 and contained five findings, with the largest number of recommendations being in relation to policy improvement. As part of the final audit report, RSD Audit provided a suggested template for an improved policy which has been used as the basis for the proposed policy presented to Council.

The updated policy is much more comprehensive than the existing version, with several key additions and improvements to areas such as;

- Security of cards
- Misuse or fraudulent use of cards
- Guidance on card issuance
- Cardholder guidance in relation to lost or stolen cards
- Increased
- Improved cardholder agreement form
- Defined non-compliance threshold
- Responsibilities of approved signatories
- Supporting documentation definition and requirements



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OFFICER RECOMMENDATION:

That Council adopt the draft updated Corporate Credit and Purchase Card Policy.

Moved: Cr Jodie Pretlove

Seconded: Cr Tom Houlihan

That Council adopt the draft updated Corporate Credit and Purchase Card Policy.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.4.1	Corporate Credit Card and Purchase Card Policy DRAFT	FM0021
14.4.2	[Track Changes] Corporate Credit Card and Purchase Card Policy_adopted 16 May 2020	FM0021



14.5 COMMUNITY ENGAGEMENT POLICY

FILE NUMBER: AD0068

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is required to adopt a Community Engagement Policy in accordance with S.55 of the *Local Government Act 2020* (the Act) by 1 March 2021.

This report presents a draft Community Engagement Policy for seeking a resolution Council to release the draft policy for public consultation prior to adoption at the February 2021 Council Meeting.

Declaration of Interests

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

Background

Section 55(3) of the *Local Government Act 2020* requires that Council adopts a Community Engagement Policy on or before 1 March 2021. Section 55 also states:

55 Community engagement policy

- (1) A Council must adopt and maintain a community engagement policy.
- (2) A community engagement policy must—
 - (a) be developed in consultation with the municipal community; and
 - (b) give effect to the community engagement principles; and
 - (c) be capable of being applied to the making of the Council's local laws; and
 - (d) be capable of being applied in relation to the Council's budget and policy development; and
 - (e) describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and



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- (f) specify a process for informing the municipal community of the outcome of the community engagement; and
- (g) include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan and
- (h) include any other matters prescribed by the regulations.

Council officers have attended various workshops on the development of a Community Engagement Policy. As a result Council has developed the attached draft Community Engagement Policy for Council's perusal,

Section 55(2)(b) states that Council's Community Engagement Policy must give effect to the community engagement principles, which are set out under s.56 of the Act:

56 The community engagement principles

The following are the community engagement principles—

- (a) a community engagement process must have a clearly defined objective and scope;
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- (e) participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

The attached policy takes these principles into consideration. It provides definitions of types of engagement and requirements for different types of Council activities.

Section 55(2)(a) requires that the policy be developed in consultation with the municipal community. This effectively means that Council must undertake a community engagement process on the Community Engagement Policy before adopting the policy. It is proposed that this community engagement process be undertaken during late December and January so that the policy may be adopted at the February Council Meeting.



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Risk Management Implications

If Council does not adopt its Community Engagement Policy by 1 March 2021 it will be in breach of the *Local Government Act 2020*, Council may also be at serious reputational risk if it fails to comply with this requirement.

Legislative Implications

Adopting a Community Engagement Policy is a requirement of the *Local Government Act 2020*. The attached draft policy allows Council to comply with the Act.

Environmental Implications

Not commented on

Financial and Budgetary Implications

There are likely to be some costs involved in community engagement activities. These will need to be factored into project and line budgets.

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

Each project Council works on will need to include a community engagement plan, as will many other tasks of Council, including the development of the Community Vision, Council Plan and Financial and Asset Plans.



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Developing the Community Engagement Policy is a fundamental governance block in enabling not only these plans, but also in engaging the community in Council decision making and strategic planning, as is required under the Act.

A community engagement and education process on the Policy will commence after the December Council Meeting to enable our community to understand and have input into the community engagement principles Council will employ upon adoption of the Policy.

Conclusion

The Community Engagement Policy is a fundamental element of the *Local Government Act 2020*. It provides an overarching governance framework for the implementation of the process Council will employ to involve its community in the process of local government and is therefore one of the fundamental governance documents of Council.

OFFICER RECOMMENDATION:

That Council resolve to undertake public consultation on the draft Community Engagement Policy prior to the results from this consultation along with the draft policy being presented to February 2021 Council Meeting.

Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

That Council resolve to undertake public consultation on the draft Community Engagement Policy prior to the results from this consultation along with the draft policy being presented to the February 2021 Council Meeting.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
14.5.1	Community Engagement Policy	AD0068



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14.6 WEST WIMMERA SHIRE TOURISM ADVISORY COMMITTEE

FILE NUMBER: ED0012

**REPORT AUTHOR: SARAH ELLIS MANAGER BUSINESS PERFORMANCE
AND DEVELOPMENT**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) has called for Expressions of Interest for the West Wimmera Shire Tourism Advisory Committee. Applications from interested parties closed on 13 December 2020 and 17 Expressions of Interest were received.

Declaration of Interests

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

Background

At the Council meeting on 6 November 2020 Council moved:

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That:

- 1. Council calls for Expressions of Interest from members of the community to join the West Wimmera Shire Tourism Advisory Committee for a term of two years.**
- 2. The term of appointment for the selected community members conclude on 31 October 2022, and thereafter such appointments be for a term of two years.**
- 3. Membership of the Committee includes residents from Harrow, Dergholm, Edenhope, Apsley, Goroke, Kaniva, Serviceton and Districts, provided there is interest expressed from residents in these locations.**
- 4. Business owners as well as community members be encouraged to apply.**
- 5. The Advisory Committee comprises a maximum of 11 business and community members.**
- 6. That Expressions of Interest be called for as soon as possible.**

Carried (5/0)

Expressions of interest have been received from 17 people, from a range of locations across the shire and a mix of community members and tourism/hospitality business owners. Full details of the EOI's can be seen in the attachments.



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Name	Representing
Tanya Turner	Apsley & District
Gianna Saba	Dergholm & District
Gregory Robert Buttle	Edenhope & District
Valerie Anne Collins	Edenhope & District
Helen Mulraney-Roll	Edenhope & District
Leanne Lucas	Edenhope & District
Georgina Campbell	Edenhope & District
Lorraine Oliver	Goroke & District
Jenny Chenhall	Goroke & District
Debra Crawford	Goroke & District
Jane Craig & Josie Sangster	Harrow & District
Heath McClure & Michelle Penrose	Harrow & District
Lyn Powell	Kaniva & District
Kelvin Moar	Kaniva & District
Helen Hobbs	Kaniva & District
Julie Finch	Kaniva & District
Graham Carter	Serviceton & District

Risk Management Implications

Council is subject to reputational risk if the committee is not a functional committee, or representative of the whole shire.

Legislative Implications

Council must at all times comply with the provision of the local government act 2020

Environmental Implications

N/A

Financial and Budgetary Implications

This committee is advisory only and does not have any budgetary responsibilities

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Communications Policy
Community Engagement Policy
Tourism 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 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Expressions for Interest have been advertised in local papers, Community notice boards, Councils website and Facebook page.

Conclusion

The Community Representative positions on the West Wimmera Tourism Advisory Committee are an important opportunity for a local resident and business owners to contribute to the direction of Tourism in West Wimmera Shire.



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OFFICER RECOMMENDATION:

1. That Council appoints the following eleven community members to the West Wimmera Tourism Advisory Committee until 31st October 2022.

i.

ii.

iii.

iv.

v.

vi.

vii.

viii.

ix.

x.

xi.

2. That the first meeting of the reformed West Wimmera Tourism Advisory Committee is scheduled for February 2021 with quarterly meetings to follow.

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

- 1. That Council appoints all nineteen community members to the West Wimmera Tourism Advisory Committee until the 31st of October 2022, subject to acceptance**
- 2. That the first meeting of the reformed West Wimmera Tourism Advisory Committee is scheduled for February 2021 with meeting times to be determined in conjunction with the shire.**

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
1	Gregory Robert Buttle	C20/009249
2	Valerie Anne Collins	C20/009254
3	Helen Mulraney-Roll	C20/009269
4	Leanne Lucas	C20/009292
5	Lyn Powell	C20/009329
6	Lorraine Oliver	C20/009428
7	Kelvin Moar	C20/009430
8	Helen Hobbs	C20/009433
9	Tanya Turner	C20/009435
10	Georgina Campbell (EAR)	C20/009474
11	Harrow Discovery Centre	C20/009555
12	Johnny Mullagh Park	C20/009556
13	Jenny Chenhall	C20/009961
14	Julie Finch	C20/010152
15	Gianna Saba	C20/010213
16	Graham Carter	C20/010214
17	Debra Crawford	C20/010215
	Summary of EOI's	ED0012



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15.0 LATE ITEMS OF BUSINESS

Pursuant to West Wimmera Shire Council Governance Rules – Division 3 Section 20:

20. Urgent Business

If the agenda for a Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council, and only then if it:

20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

cannot safely or conveniently be deferred until the next Council meeting.

16.0 SEALING SCHEDULE

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

RECOMMENDATION

- 1. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at ... pm to resolve on matters pertaining to the following items:**

17.1 APPLICATIONS FOR MOBILE FOOD VENDORS

17.2 WINDMILL CAFÉ OPTIONS

17.3 CEO RECRUITMENT SERVICES

17.4 2021 AUSTRALIA DAY AWARDS



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Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

- 2. That Council pursuant to Section 66 (2)(a) of the Local Government Act 2020 close the meeting to members of the public at 4:47 pm to resolve on matters pertaining to the following items:**

APPLICATIONS FOR MOBILE FOOD VENDORS

WINDMILL CAFÉ OPTIONS

CEO RECRUITMENT SERVICES

2021 AUSTRALIA DAY AWARDS

Carried (5/0)

- 3. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:**

Item 17.1: Applications for Mobile Food Vendors

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Item 17.2: Windmill Café Options

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets, or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Explanation: This report contains Council business information regarding commercial negotiations for the leasing of the Windmill Café in Kaniva,



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including the provision of the Visitor Information Centre service located within that premises. It also contains private commercial information provided by the entities who have lodged an Expression of Interest.

4. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

Item 17.3: CEO Recruitment Services

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and

Definition (g) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets, or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Explanation: This report contains Council business information regarding the selection of a Recruitment Service, for the recruitment of Council's next contracted Chief Executive Officer. It also contains private commercial information provided by the entities who have lodged a proposal.

5. That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

Item 17.4: 2021 Australia Day Awards

Grounds: LG Act 2020 Section 3 Confidential Information:

Definition (h) Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).



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Explanation: This report contains confidential information regarding nominations received for the 2021 Australia Day Awards.

RECOMMENDATION

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at pm.

Moved: Cr Jodie Pretlove

Seconded: Cr Trevor Domaschenz

That the resolutions pertaining to Confidential / In-Camera items be adopted and made public (except where the resolution restricts publication) and that the reports for those items remain In-camera and that Council open the meeting to the public at 6:10pm.

Carried (5/0)

MEETING CONCLUDED: 4:47PM

**NEXT MEETING: 17 FEBRUARY 2021
EDENHOPE**