



BRIEFING REPORT – COUNCIL MEETING - 21 SEPTEMBER 2022 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday, 21 September 2022

LOCATION: Harrow Community Hall

COMMENCEMENT: 2.00pm

PUBLIC ACCESS: Open to the public and Live Streaming from Council's website www.westwimmera.vic.gov.au

REQUIRED TO ATTEND:	
Councillors	Executive Leadership Group
Bruce Meyer OAM, Mayor Jodie Pretlove, Deputy Mayor Trevor Domaschenz Tim Meyer Tom Houlihan	David Bezuidenhout Chief Executive Officer (CEO) Ram Upadhyaya Director Infrastructure Development and Works (DIDW) James Bentley Director Corporate and Community Services (DCCS) Senior Leadership Group Katie Frost Governance Manager Melanie Jordan Chief Financial Officer In Attendance Tim Brown Governance Consultant

*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

ACKNOWLEDGEMENT:

The West Wimmera Shire Council acknowledges the traditional custodians of the land on which we meet, and pays respect to their elders, past, present and emerging.

2.0 OPENING PRAYER

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

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

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

3.3 DECLARATION OF CONFLICT OF INTEREST

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



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4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

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 KatieFrost@westwimmera.vic.gov.au, no later than two hours prior to the Council Meeting.

None received for inclusion in the agenda.

RECOMMENDATION:

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



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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.



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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)

19/08/2022	Wimmera Regional Library Corporation Meeting
31/08/2022	Child Safe Standards – MAV Practice and Resource Guide
02/09/2022	Rural Council Victoria 2022 Forum
06/09/2022	Strategic Leadership Team Meeting
07/09/2022	Councillor Forum
09/09/2022	Funeral of Warren Wait
14/09/2022	Continuation of the Councillor Forum
16/09/2022	Wimmera Regional Library Corporation Meeting
16/09/2022	MAV Special Meeting of State Council
21/09/2022	Council Meeting and Community Forum in Harrow

5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

23/08/2022	Goroke and District Memorial Hall Committee Meeting
23/08/2022	West Wimmera Advisory Committee Meeting
31/08/2022	Child Safe Standards – MAV Practice and Resource Guide
06/09/2022	Strategic Leadership Team Meeting
07/09/2022	Councillor Forum
09/09/2022	Funeral of Warren Wait
14/09/2022	Continuation of the Councillor Forum
21/09/2022	Council Meeting and Community Forum in Harrow

5.3 COUNCILLOR TREVOR DOMASCHENZ

23/08/2022	Wimmera Mallee Tourism Meeting
31/08/2022	Child Safe Standards – MAV Practice and Resource Guide
07/09/2022	Councillor Forum
09/09/2022	Funeral of Warren Wait
14/09/2022	Continuation of the Councillor Forum
21/09/2022	Council Meeting and Community Forum in Harrow

5.4 COUNCILLOR TIM MEYER

31/08/2022	Child Safe Standards – MAV Practice and Resource Guide
02/09/2022	Western Highway Action Committee (WHAC) Meeting
07/09/2022	Councillor Forum
09/09/2022	Western Highway Action Committee (WHAC) Meeting
09/09/2022	Funeral of Warren Wait
14/09/2022	Continuation of the Councillor Forum



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16/09/2022 MAV Special Meeting of State Council
21/09/2022 Council Meeting and Community Forum in Harrow

5.5 COUNCILLOR TOM HOULIHAN

31/08/2022 Child Safe Standards – MAV Practice and Resource Guide
07/09/2022 Councillor Forum
09/09/2022 Funeral of Warren Wait
14/09/2022 Continuation of the Councillor Forum
21/09/2022 Council Meeting and Community Forum in Harrow

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

Her Majesty, Queen Elizabeth the Second

RECOMMENDATION

That Council note the passing of Her Majesty, Queen Elizabeth the Second and the condolences of the West Wimmera Shire Council be sent to the Governor-General, as the Queen's representative in Australia.

Former Councillor - Warren Wait

Warren served as a Councillor for 33 years. He served on the Shire of Kowree from 1977 to 1983 and again from 1986 to 1994. He then served as a West Wimmera Shire Councillor from 1997 until his retirement in 2016. He was also Shire of Kowree President in 1980 and 1989 and West Wimmera Shire Mayor in 1999, 2000, 2005 and 2008.

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS COUNCIL MEETING – WEDNESDAY 17 AUGUST 2022

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday, 17 August 2022 be taken as an accurate record and confirmed.



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8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION

10.0 COUNCILLOR FORUM RECORD

10.1 COUNCILLOR FORUM RECORD – 7TH AND 14TH SEPTEMBER 2022

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 7th September and 14th September 2022 be received and noted.

11.0 DEPUTATIONS AND PETITIONS

12.0 CHIEF EXECUTIVE OFFICER



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13.0 CORPORATE AND COMMUNITY SERVICES

13.1 REVIEW OF COUNCIL'S GOVERNANCE RULES AND ELECTION PERIOD POLICY

FILE NUMBER:

REPORT AUTHOR: JAMES BENTLEY – DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

The *Local Government Act 2020* (the Act) provides that every Council must adopt Governance Rules with respect to:

- a) the conduct of Council meetings;
- b) the election of the Mayor and Deputy Mayor;
- c) an election period policy; and
- d) the disclosure of conflicts of interest.

Council adopted the current Governance Rules, incorporating the Election Period Policy (the Policy), on 19 August 2020. The Policy refers to the 2020 Council elections. Accordingly, the Policy needs to be replaced with a new policy prior to the 2024 Council elections.

In addition, the Act has recently been amended to provide:

- a) Councils, regional libraries and delegated committees will be able to hold meetings by electronic means of communication on an ongoing basis;
- b) a new section 60(1) (ba) which requires the Governance Rules to include procedures for requesting and approving attendance at Council meetings and delegated committee meetings by electronic means of communication;
- c) a new section 61(6A) which says:

“For the purpose of this section, a Councillor may attend and be present at a Council meeting by electronic means of communication”

- d) a new section 66(6) which defines a meeting as being “open the public” as one which:
 - i. enables attendance in person by members of the public;



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- ii. is broadcast live on the Council’s internet site; or
- iii. is held by any other prescribed means.

The amendments became operative on 2 September 2022 and the temporary COVID related provisions in the Act lapsed.

Accordingly, Council will need to periodically:

- a) determine the format of future meetings, that is, whether held by:
 - i. attendance;
 - ii. electronic means; or
 - iii. a combination of (i) and (ii);
- b) determine, if meetings are to be held by attendance:
 - i. if they are to be livestreamed;
 - ii. if they are to allow Councillors to participate by “virtual attendance”, that is a “hybrid” system of attendance, in which case livestreaming will be required; and
- c) determine if members of the public can participate by electronic means; and
- d) ensure its IT system will support virtual meetings.

Accordingly, the Governance Rules require review and updating.

Declaration of Interests

No officer declared an interest under the Act in the preparation of this report.



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Background

The *Local Government Act* 1989 required Councils to make local laws to provide for the conduct of Council meetings and for various other matters. When repealed, the provisions were replaced by the Governance Rules provisions in the Act.

A review of the Governance Rules and the Policy indicate:

- a) the Governance Rules require amendments including, but not limited to:
 - i. additional definitions;
 - ii. reflecting amendments to the Act to enable Council meetings to be held by electronic means;
 - iii. inclusion of a provision for the calling of the first Council meet meeting after a Council election;
 - iv. clarification of the arrangements for question time at Council meetings;
 - v. arrangements for petitions;
 - vi. determining the length of time the webcasts will be available on the Council meeting after Council meetings have concluded;
 - vii. additional material or amendments including, but not limited to:
 - the content of agendas;
 - voting at meetings
 - notice of meetings;
 - quorums;
 - adjournments;
 - question time;
 - notices of motion;
 - petitions;

- b) the Policy:



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- i. needs to refer to the 2024 Council elections;
- ii. could be enhanced by:
 - clarifying what decisions will not be made by Council during an election period;
 - clarifying the role of Council staff; and
 - providing that question time and community forums will not be held during an election period.

Attachment 1 of this report summarises the proposed changes to the Governance Rules.

Attachment 2 summarises the proposed changes to the Policy.

Risk Management Implications

Every Council must establish and maintain Governance Rules and an Election Period Policy. In the absence of appropriate Governance Rules, Council's decisions would be open to challenge.

Legislative Implications

Council is required to conform with the provisions of the Act. Non-compliance could attract the attention of:

- a) Local Government Victoria;
- b) the local Government Inspectorate;
- c) the Ombudsman;
- d) the media; or
- e) the community.

Environmental Implications

Not applicable.



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Financial and Budgetary Implications

There are no significant financial and budgetary implications.

Policy Implications

This report is supported by the following Council publications:

- a) the *Community Engagement Policy*;
- b) the *Councillor Expenses Policy*;
- c) the *Councillor Code of Conduct*;
- d) the *Information Privacy Policy*;
- e) the *Media Relations Policy*;
- f) the *Public Transparency Policy*; and
- g) the *Risk Management Policy*.

Council Plan Implications

This report supports the following section/s of the Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

The process to adopt new Governance Rules (incorporating a new Election Period Policy) requires:

- a) initial consideration by Council;
- b) legal advice;
- c) inviting community feedback/submissions by advertising in the two local newspapers and on the Council website in accordance with Council's:
 - i. *Community Engagement Policy*;
 - ii. *Public Transparency Policy*;
- d) consideration of feedback/submissions at a Councillor Forum;
- e) consideration of feedback/submissions at a Council meeting; and



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- f) Council adoption of the new Governance Rules.

Gender Equality

A Gender Impact Assessment (as defined in the *Gender Equality Act 2020*) has been undertaken in relation to this matter.

Conclusion

The proposed Governance Rules have been drafted after:

- a) consultation with relevant staff; and
- b) legal advice.

Due to document size and the number of stakeholders involved in the review process, it is difficult to meaningfully track multiple numerical and textual changes, therefore a table summarising changes for ease of reference has been included in this report below.

OFFICER RECOMMENDATION:

That Council approve:

- a) **the proposed Governance Rules and Election Period Policy be advertised in the two local newspapers and on the Council website;**
- b) **submissions be invited on the proposed Governance Rules and Election Period Policy; and**
- c) **any submissions be considered at the Council Meeting on 16th November 2022**

Attachments

No.	Name	RecFind Ref
13.1.1	Governance Rules	
13.1.2	Election Period Policy	



GOVERNANCE RULES

SUMMARY OF PROPOSED AMENDMENTS

Item No	Rule/sub-Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
Introduction						
1.	4	4	Definitions.	Largely retained.	Definitions of “business day” and “confidential information” added.	
Governance Framework						
2.	1(b)	1(b)	Context.	No change.	Additional references to Council policies.	
3.	2(c)(i)	2(c)(i)	Decision making		Wording clarified.	
4.	2(c)(iv)		Decision making	Sub-clause deleted.		There is no system of “delegate reports” in place. In any case, where a decision is made under delegation (eg: to issue a permit), the applicant is notified.



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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
Meeting procedure						
5.	3	4	Definitions.	Retained.	Several new definitions added.	
6.	6.1	6.2	Election of the Mayor.	This meeting will be held on the first Wednesday of November each year (other than an election year).	This meeting will be held at a time and place determined by resolution of the Council.	The reference to a Wednesday could be problematic. The amendment gives the Council flexibility.
7.	6.2 to 6.4	6.3 to 6.4	Election of the Mayor	Deleted as it refers to drawing lots which is no longer permissible.	The revised wording has been provided by Council’s solicitors and caters for a range of scenarios.	
8.	6.4.2	Cl 6.7	Voting.	Says that Councillors present “must vote”.	Under the <i>Local Government Act</i> 2020 (LGA 2020) and the LGA 1989, Councillors may refrain from voting although such action is taken as a negative vote.	Amended to reflect the provisions of the LGA 2020.



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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
9.	9	9	Meeting procedure.	Subject to Rule Error! Reference source not found. , <i>Council</i> must from time to time fix the date, time and place of all <i>Council meetings</i> . This will be undertaken at a meeting scheduled for the first Wednesday in November each year, other than an election year, where the meeting will be called following the declaration of the Council.	Subject to Rule 24, <i>Council</i> must from time to time fix the format, date, time and place of all <i>Council meetings</i> other than in an election year, when the meeting will be called by the CEO following the Election Manager's declaration of the election results.	The reference to “the first Wednesday in November” would be problematic if, for instance, the election results had not been declared. The amendment gives the Council flexibility



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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
10.			Meeting procedure	See above.	See above.	The current wording “the meeting will be called following the declaration of the Council” presumably refers to the declaration of the election results. Given that there are no Councillors until the successful candidates have taken the oath of office, alternative arrangements need to be made for the calling of the meeting. The proposal for the CEO to be able to call the meeting (ie: once every four years) is consistent with a provision which was in the LGA 1989.



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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
11.	N/A	10	Format of meetings.	N/A	Extensive provisions included to reflect recent amendments to the LGA 2020 to provide for virtual meetings.	
12.	12	14	Notice of meetings.	Largely retained.	Amended to require that (where practicable) notice be given at least two business days (rather than 48 hours prior to the meeting,	Largely removes the reference to actions being taken over a weekend or public holiday.
13.	N/A	14.2	Notice of meetings	N/A	New provision providing for giving notice of a non-scheduled meeting.	
14.	12.3.2	14.4	Notice of meetings	Amended.	Now includes reference to notice on the Council website. Reference to newspapers is deleted.	
15.	13	15.3	Inability to maintain a quorum.	Existing clause retained.	New provision which reflects the provisions of the LGA 2020 and how to deal with agenda items if a quorum is lacking.	



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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
16.	15	17.2	Notice of adjourned meetings.	Largely retained.	Requires the CEO to give two business days notice of the adjournment.	
17.	16.1 and 16.2	18	Time limits for meetings	Clauses 16.1 and 16.2 are unclear.	Provides for Council meetings to last for 3.5 hours unless Council approves <u>one</u> 30 minute extension.	
18.	17	19	Cancellation of a meeting.	Largely retained.	Requires the CEO to, where practicable, to consult the Mayor.	
19.	22	24	Notice of motion	Largely retained.	Wording added to provide that the Notice of Motion must not include a preamble.	
20.	N/A	24.7	Notice of motion.	N/A	Provides that if a Notice of Motion is lost, a similar motion cannot be presented for at least three months.	
21.	24	26	Introducing a report.	Largely retained.	The time limit on a staff member introducing a report is removed.	
22.	26	28	Right of Reply	Includes more detail	Provides for when a right of reply can be taken by mover	



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					of original mover	
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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
23.	39	41	Speaking times	Provides for five minutes (mover), three minutes (any other Councillor) and two minutes (right of reply).	Standardised to three minutes.	Includes that the Chair may grant a three minute extension to a Councillor
24.	47.2.2	N/A	Policy changes.	The provision duplicates Council's <i>Community Engagement Policy</i> .	Provision deleted.	
25.	53.1	54	Question time	Provides for question time at all Council meetings.	Provides that question time will not be held during the election period or at an unscheduled meeting.	The proposed clause is consistent with the approach taken by many Councils.
26.	53.4	54	Question time	Provides for: <ul style="list-style-type: none"> written questions to be submitted at least two hours before the meeting; and verbal questions at the meeting. 	Provides for written questions to be submitted one business day prior to the meeting. There is no provision for verbal questions.	The longer timeframe will enable Council staff to provide a more informed response.
27.	53	54	Question time	Provides for 30 minutes.	Provides for 30 minutes and that the question must not	



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					include a preamble.	
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Item No	Rule No		Topic	Current Provision	Proposed Provision	Comments
	Current	Proposed				
28.	53	54	Question time.		References to “the gallery” removed given that meetings may be virtual.	
29.	54	55	Petitions.	No deadline for a petition included currently	Changes to allow for the deadline of petition to be submitted and the process following the submission of a petition	
30.	65	66	Form and availability of minutes	Largely retained.	Addition made to refer to virtual meetings. Removal of provision for recording of motions lapsed for want of a seconder.	
31.	66	67	The public addressing meetings.		Text added to provide for persons making a submission pursuant to: a) a statutory right to do so; or b) Council’s	



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					<i>Community Engagement Policy.</i>	
32.	70	71	Removal from the Chamber		Amended to provide for electronic exclusion for the meeting.	
33.	73	74	Meetings conducted remotely.	The current wording reflects the temporary (COVID 19) provisions of the LGA 2020	The proposed text reflects the new provisions for ongoing virtual meetings.	



COUNCIL MEETING AGENDA – 21 SEPTEMBER 2022

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ATTACHMENT B

ELECTION PERIOD POLICY

SUMMARY OF PROPOSED AMENDMENTS

Item No	Clause No		Topic	Current Provisions	Proposed Provision	Comments
	Current version	Proposed Version				
1.	N/A	1 (c) to (e)	Introduction and background	Retained.	Additional clauses included.	
2.	N/A	2	Reference material	Retained.	Additional references included.	
3.	N/A	4	Definitions.	Retained.	Definition of “major decision” included.	
4.	N/A	5.3	Major decisions	Retained.	Additional examples included.	
5.	N/A	5.5	Use of Council resources	Retained.	Additional measures included in relation to Council staff.	
6.	N/A	5.7	Access to Council information			Provisions clarified.
7.	N/A	5.9	Annual report.			Wording amended to reflect the Act
8.	N/A	5.14	Notices of motion.	No reference.	Proposed that Notices of Motion not be permitted	



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					during the election period.	
9.	N/A	5.17	Penalties.	No reference.	An explanation of section 304 of the Act (penalties) is included).	
10.	N/A	5.20	Policy amendments	No reference.	Proposed to allow the CEO to make minor amendments to the Policy.	



**13.2 S11A APPOINTMENT OF AN AUTHORISED OFFICER PURSUANT TO
THE PLANNING AND ENVIRONMENT ACT 1987 – STATUTORY PLANNING
FILE NUMBER:**

REPORT AUTHOR: KATIE FROST, GOVERNANCE MANAGER

FOR DECISION

Introduction

The purpose of this report is to recommend that Council approve a new Instrument of Authorisation for two new staff members who have been recently appointed as Manager Planning and Environment and Senior Planning Officer.

The Environmental Health Officer, Nicole Wearne, was appointed as the Acting Manager Planning and Environment in July when the position became vacant and as a result Council resolved that an S11A Instrument of Authorisation be issued until the role was filled. Nicole Wearne has since been appointed as the Manager Planning and Environment, therefore Council needs to issue a new Instrument of Appointment as an authorised officer.

Council has also appointed Edwin Irvine as Senior Planning Officer who will also need an S11A Instrument of Authorisation as an authorised officer.

Declaration of Interests

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

Background

Section 224 of the *Local Government Act* 1989 and numerous other Acts and Regulations require that authorised officers (Council staff or the staff of contractors) be appointed for the purposes of the administration and enforcement of any Acts, Regulations or local laws which relate to the functions and powers of the Council. Authorisations are reviewed regularly and are updated due to:

- a) appointment of new staff;
- b) changes in the names of Acts;
- c) the introduction, amendment or revocation of legislation;



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- d) changes in position titles; and
- e) changes in roles.

In most cases, the authorisations are approved by the Chief Executive Officer, but the *Planning and Environment Act 1987* specifically requires that authorisations under that Act be issued by resolution of the Council and sealed.

Risk Management Implications

Ensuring that the Authorised Officer status of officers undertaking statutory compliance and approval functions, reduces the risk of facing litigation due to inappropriate advice.

Legislative Implications

The proposed authorisation complies with the requirements of the:

- a) *Local Government Act 1989*;
- b) *Local Government Act 2020*; and
- c) *Planning & Environment Act 1987*.

Environmental Implications

Not applicable.

Financial and Budgetary Implications

Not applicable.

Policy Implications

Not applicable.

Council Plan Implications

This report supports the following section of the Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

This report and the associated attachment are administrative tasks that do not require public communication and the staff concerned will be formally advised of their new authorisation.



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The Register of Authorisations is a public document.

Gender Equality

Not commented on.

Conclusion

Appointing authorised officers is periodically required due to the statutory requirements of specific tasks and obligations to be undertaken.

OFFICER RECOMMENDATION

- 1. That Council approve the S11A Instrument of Authorisation (Attachment 1).**
- 2. That the Council Seal be applied to the S11A Instrument of Authorisation.**

Attachments:

No.	Name	RecFind Ref
13.2.1	S11A Instrument of Authorisation	



13.3 COUNCIL EXPENSES POLICY

FILE NUMBER:

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

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). Council adopted its Councillor Expense Policy in December 2020. Following feedback from the Audit & Risk Committee, the policy has been reviewed and some minor changes have been made.

Declaration of Interests

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

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 childcare costs where the provision of childcare 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 Council Expenses Policy fulfils these requirements.



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The proposed changes to this policy, following feedback from the Audit & Risk Committee, are as follows;

- Section 8 – the inclusion of a three-month timeframe for expense reimbursement claims to be submitted. This timeframe was previously outlined on the expense reimbursement claim form but was absent from the policy itself.
- Section 11 – the addition of scope to allow expenses relating to entertainment, where an event is approved by the CEO and deemed to be of local or regional significance that would benefit from Councillors (and their partner, where approved) attending to demonstrate civic leadership.
- Section 13 – the addition of a description of the Remote Travel Allowance as previously outlined on the expense reimbursement claim form.

Risk Management Implications

The Council Expenses 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.

Legislative Implications

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

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 \$24,000 for Councillor Expenses other than Councillor Allowances in its 2022-23 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



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Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

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

Conclusion

The Council Expenses 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.

A copy of the draft revised Council Expenses Policy is attached for Councillor's information.

OFFICER RECOMMENDATION:

That Council adopt the amended Council Expenses Policy.

Attachments:

No.	Name	RecFind Ref
13.3.1	WWSC_Council Policy_Council Expenses Policy_DRAFT	
13.3.2	TD 2022-11 ATO Reasonable Accommodation and Meal Expense Reimbursement Rates	



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13.4 REPORT TITLE: QUARTERLY BUDGET REPORT – JUNE 2022

FILE NUMBER:

REPORT AUTHOR: MELANIE JORDAN, CHIEF FINANCIAL OFFICER

FOR DECISION

Introduction

This report presents West Wimmera Shire Council (Council) with the Quarterly Budget Report for the financial year ended 30 June 2022.

Declaration of Interests

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

Background

The *Local Government Act 2020* ('the Act') requires Council to implement the principles of sound financial management (s.101). Section 97 of the Act requires that Council be presented with a quarterly budget report at the conclusion of each quarter of the financial year comparing actual to budgeted revenue and expenditure.

The financial reports show an analysis of the actuals to budget forecasts at 30 June 2022. Where significant variances exist between actual amounts and budgeted figures, a note is included to provide an explanation for the variance. The financial reports include a Comprehensive Income Statement, Balance Sheet and Capital Works Statement to give a true indication of Council's operations, capital works program and financial position.

It is noted that the information provided in this report is preliminary only. It has been compiled before end of financial year accruals and adjustments have been made. As such, it is subject to change and should not be relied on for use in end of financial year analysis. A more detailed analysis of the annual results will be completed with the Annual Financial Statements.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

Legislative Implications

Section 97 of the *Local Government Act 2020* requires that Council are provided with a quarterly budget report after the end of each quarter of the financial year, comparing the budgeted revenue and expenditure with actual revenue and expenditure.



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Environmental Implications

Not commented on.

Financial and Budgetary Implications

Financial and budgetary performance reporting and oversight form the fundamental building blocks of sound financial management. Without oversight of financial and budgetary performance Council may find itself unable to meet its obligations and desired community outcomes.

Policy Implications

Not commented on.

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 4 – Good Governance

Communication Implications

The Chief Financial Officer will continue to work with officers and managers to educate and enable financial management of their department.

Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

Conclusion

Council's financial performance at 30 June 2022 is attached for Council's information, in accordance with the requirements of s.97 of the Act.

OFFICER RECOMMENDATION:

That the Quarterly Budget Report as at 30 June 2022 be received and noted.

Attachments:

No.	Name	RecFind Ref
13.4.1	Quarterly Budget Report – June 2022	



13.5 FUNERAL OF THE LATE WARREN WAIT

FILE NUMBER:

**REPORT AUTHOR: JAMES BENTLEY, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

The funeral of the late Warren Wait will be held at the Edenhope and District Community Centre on Friday 8 September 2022. West Wimmera Shire Council (Council) charges fees for the hire and cleaning of its function rooms. The waiving of any adopted Council fees and charges requires a Council resolution. Council in its discretion may decide to waive the hire and cleaning fees payable by Mr Wait's family for the use of the Community Centre for his funeral.

Declaration of Interests

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

Background

Former Councillor and Mayor the late Warren Wait passed away on Saturday 28 August 2022. He served his community as an elected representative on Kowree Shire Council and West Wimmera Shire Council for over 33 years.

Mr Wait's funeral will be held at the Edenhope and District Community Centre on Friday 8 September 2022. A service or remembrance will be held, after which mourners will proceed to Edenhope Cemetery for the burial. The Wait family has invited mourners to return to the Community Centre after the burial for refreshments, and to gather together in celebration and thanks for Warren's life.

Council charges fees for the hire and cleaning of its function rooms in accordance with its adopted fees and charges. The waiving of any such charges requires a Council resolution.

The fees which would ordinarily be payable by a grieving family for a day's room hire of the Community Centre including post-event cleaning amount to a total of \$388.50. Council in its discretion may decide by resolution to waive these fees fully or in part.

Risk Management Implications

Nil



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Legislative Implications

Nil

Environmental Implications

Nil

Financial and Budgetary Implications

Waiving of hire and cleaning fees totalling \$388.50 would have a negligible impact on Council's financial position.

Policy Implications

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

Council Major Hall Hire Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable and Healthy Community

Communication Implications

Nil

Gender Equality

Not commented on

Conclusion

Council has the discretion to waive the hall hire and cleaning fees payable in relation to the funeral of the late Mr Warren Wait, to be held at the Edenhope and District Community Centre on Friday 8 September 2022.



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OFFICER RECOMMENDATION:

That Council waive the hall hire and cleaning fees payable in relation to the funeral of the late former Councillor and Mayor Mr Warren Wait, held at the Edenhope and District Community Centre on Friday 9th September 2022.

Attachments:

No.	Name	RecFind Ref



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13.6 WEST WIMMERA TOURISM ADVISORY COMMITTEE

FILE NUMBER:

REPORT AUTHOR: JAMES BENTLEY, DIRECTOR CORPORATE AND
COMMUNITY SERVICES

FOR DECISION

Introduction

The terms of reference of the West Wimmera Tourism Advisory Committee (“the Committee”) prescribe that there must be two Councillor representatives appointed to the Committee. The most recent Councillor appointments to the Committee were Cr Trevor Domaschenz and Cr Jodie Pretlove. The recent resignation of Cr Domaschenz from the Committee necessitates the appointment of another Councillor representative, or alternatively a change to the Committee’s terms of reference.

Declaration of Interests

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

Background

The Committee’s current terms of reference (please refer to attachment 1) specifies that its purposes are to:

- Provide advice that assists Council in determining the long-term tourism development needs for West Wimmera Shire.
- Provide advice that assists with the development of a Tourism Strategy for West Wimmera Shire.
- Provide advice on tourism related issues that also have an impact on the wider community.
- Act as the primary conduit for representation of the local tourism industry operators to Council.

The membership of the Committee is comprised of:

- Two Councillor Representatives appointed by Council (No voting rights)
- One Council Officer (No voting rights)
- Community Members (as appointed by Council)

Councillor Domaschenz notified the Committee of his resignation effective 28 July 2022. In accordance with the Committee’s terms of reference, another Councillor representative must be appointed to the Committee in order for it to be validly constituted.



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Alternatively, it is open to Council to change the Committee's terms of reference to reduce the number of Councillor representatives appointed to the Committee from two to one. In addition, the terms of reference can also be changed to greater support the advisory and consultative purpose of the committee. The Amended WWTAC terms of reference (Attachment 2) reflects these proposed changes for Council's consideration.

Risk Management Implications

Nil

Legislative Implications

Section 63(2)(a) of the Local Government Act 2020 requires that any meeting of the Committee must be chaired by a Councillor.

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

Tourism Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 2 – Diverse and Prosperous Economy

Communication Implications

Nil



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Gender Equality

A Gender Impact Assessment (as defined in the Gender Equality Act 2020) has been undertaken in relation to this matter in accordance with the Gender Equality Act (2020).

Conclusion

There is currently only one Councillor representative on the Committee. To be validly constituted under the current terms of reference, a second Councillor representative to the Committee must be appointed by Council. Alternatively, Council is able to amend the Committee's terms of reference so that the Committee is validly constituted with a single Councillor representative.

OFFICER RECOMMENDATION:

OPTION 1

That Council appoint Councillor.....to the West Wimmera Tourism Advisory Committee.

OR

OPTION 2

That Council adopt the terms of reference of the West Wimmera Tourism Advisory Committee as per the attachment labelled Amended WWTAC terms of reference.

Attachments:

No.	Name	RecFind Ref
13.6.1	WWTAC Terms of Reference	
13.6.2	Amended WWTAC terms of reference	



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13.7 COUNCIL FUNDING REQUEST – GOROKE SHOW FILE NUMBER:

**REPORT AUTHOR: JAMES BENTLEY, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

Council has received a request for funding support from the Goroke Agricultural & Pastoral Society (Goroke A & P Society) for Council sponsorship of the photography competition at the upcoming 2022 Goroke Show.

Declaration of Interests

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

Background

Council has been approached by the Goroke A & P Society, a volunteer-based organisation, who have requested financial support for the photography competition at the Goroke Show, which will be held on Saturday 1 October 2022.

On 30 August 2022, Council received an email from Mr Michael Bull of the Goroke A & P Society requesting \$750 Council sponsorship of the photography competition at the Goroke Show (please refer attachment L2). Council has provided similar support previously. The pandemic resulted in cancellation of the show in 2020 and 2021.

Mr Bull's request has been submitted quite close to the Show's date of 1 October 2022. There is only a single Council meeting – the one scheduled for 21 September 2022 – in which his request can be considered by Council before the actual Show date.

Council can choose to sponsor local events provided such sponsorship is related to the achievement of Council Plan-related objectives. This request can be linked to the following West Wimmera Shire Council Plan 2021-2025 goals:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy

Regular requests for sponsorship do not fall within the established community-strengthening grant criteria because such grants cannot be awarded to the same organisation more frequently than once in every 18 months. The Goroke Show, on the contrary, is an annual occurrence. In addition, sponsorship is more aligned with the



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intention of increasing visibility of Council's role in the community, and in this case, gaining the rights to secure photographic images for future use by Council. Community-strengthening grants are more focused on developing and strengthening the position of the grantee in our community.

The Goroke Show typically draws a crowd of approximately 800 people. It is anticipated that the Show will be more popular this year considering the fact that shows over the last two years have been cancelled due to the pandemic. The photography exhibition is held in its own marquee, in a prominent part of the showgrounds. The total prize money is \$1,500.00, attracting entries from the whole of the Wimmera. All entries in the West Wimmera Section are made available to Council for future promotional purposes.

The Show receives some funding (\$1,000.00) through the Victorian Government's FReeZA program, which is focused on interaction and engagement with youth.

The requested amount of sponsorship is \$750.

Risk Management Implications

There are no obvious risks for Council to mitigate or eliminate in regard to the proposal considered for funding support in this report.

Legislative Implications

In providing funding support to these initiatives, Council is acting within its authority to do so under the Local Government Act 2020.

Environmental Implications

N/A

Financial and Budgetary Implications

This requested sponsorship payment does not appear in the 2022/2023 budget. Council in its discretion may choose to grant the request, refuse the request, or incorporate such requests into its future budgeting processes.

Policy Implications

This report has had regard for following West Wimmera Shire Council Policy obligations:

- Community Support Fund Policy
- Council Grants Policy



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Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 1 – Liveable & Healthy Community
- Goal 2 – Diverse and Prosperous Economy

Communication Implications

N/A

Gender Equality

N/A

Conclusion

Council has received a request for sponsorship relating to the Gorokey show. It is for Council to determine whether this request should be granted in these particular circumstances. Accordingly, two alternate officer recommendations have been provided below.

OFFICER RECOMMENDATIONS:

Option 1

That Council grants the request from the Gorokey Agricultural & Pastoral Society for sponsorship of the photography competition at the upcoming 2022 Gorokey Show in the amount of \$750.00.

Option 2

That Council refuses the request from the Gorokey Agricultural & Pastoral Society for sponsorship of the photography competition at the upcoming 2022 Gorokey Show in the amount of \$750.00.

Attachments:

No.	Name	RecFind Ref
13.7.1	Attachment 1 – Request from Gorokey A & P Society – Gorokey Show	



14.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

14.1 DELWP ONSITE DOMESTIC WASTEWATER MANAGEMENT GRANTS AVAILABLE FOR LOCAL GOVERNMENT

FILE NUMBER:

**REPORT AUTHOR: NICOLE WEARNE, MANAGER PLANNING AND
ENVIRONMENT**

FOR DECISION

Introduction

The intention of this report is to obtain Council's endorsement on the recent funding application under the Department of Environment Land Water and Planning (DELWP) Onsite Domestic Wastewater Management Grants.

Declaration of Interests

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

Background

DELWP recently announced a grant program for Onsite Domestic Wastewater Management Planning. This program is encouraging Victorian Local Government to develop, update, renew and implement Domestic Wastewater Management Plans (DWMP).

The program has up to \$20,000 available per organisation available in either the 2022-23 or 2023-24 financial years.

Updating and reviewing the current DWMP is an action item in the current Council Plan and is listed in the Annual Plan for 2022-23, however, there is no budget allocation in the current budget for this plan.

Officers have made an application for a grant of \$20,000 to be able to go to tender to attract a suitably qualified consultant to review and update Council's Plan using a new risk management framework provided by the State Government. The project will include community consultation.

The application deadline was on 26 August 2022 and therefore officers submitted the application prior to taking this report to Council.



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Risk Management Implications

This plan would be assessing the risk of poorly managed Onside Domestic Wastewater Systems and providing a framework to ensure the public health, environmental health and amenity of our townships are protected through this plan.

Legislative Implications

- Environment Protection Act (2017)
- State Environment Protection Policy (SEPP) Waters of Victoria 2018

Environmental Implications

There is a chance of wastewater contaminating the surrounding environment if not managed correctly. Developing this plan will ensure that programs can be developed to ensure sensitive sites are managed to ensure no environmental impact.

Financial and Budgetary Implications

Currently there is no budget allocation for the completion of this plan.

Policy Implications

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

Community Engagement Policy
Environmental Policy
Council Grants Policy
Township Amenity Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2021-2025:

- Goal 3 – Sustainable Environment
- Goal 5 – Our Commitment

Communication Implications

Not commented on.



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Gender Equality

Not commented on.

Conclusion

The success of this funding will assist Council in managing the ongoing risks of Onsite Domestic Wastewater Management Systems within West Wimmera.

OFFICER RECOMMENDATION:

That Council notes the report and endorses the funding application under the DELWP Onsite Domestic Wastewater Management Grants program for review and update of Council's Onsite Domestic Wastewater Management Plan.

Attachments:

No.	Name	RecFind Ref



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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

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



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16.0 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:

16.1: SENIOR CITIZEN OF THE YEAR

2. 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:

Grounds: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Explanation: This report contains confidential information regarding nominations received for the 2022 Senior Citizen of the Year Award.

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.

MEETING CONCLUDED:

NEXT MEETING:

**WEDNESDAY, 19 OCTOBER 2022
KANIVA COUNCIL CHAMBER**