



ORDINARY COUNCIL MEETING AGENDA – 17 JULY 2019 WEST WIMMERA SHIRE COUNCIL

TO BE HELD: Wednesday 17 July 2019

LOCATION: Kaniva Council Chamber

COMMENCEMENT: 2.00pm

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

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

West Wimmera Shire Council Local Law No.7, 2017

42. Gallery to be silent

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

Vision Statement:

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



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1.0 WELCOME

2.0 OPENING PRAYER

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

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

3.1 APOLOGIES

3.2 LEAVE OF ABSENCE

Cr Trevor Domaschenz

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 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via Docs On Tap.

4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

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

4.2 VERBAL QUESTIONS WITHOUT NOTICE

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



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

5.1 COUNCILLOR JODIE PRETLOVE (MAYOR)

25/06/2019 Audit Committee Meeting, Kaniva
25/06/2019 CEO David Leahy
02/07/2019 CEO David Leahy
02/07/2019 Edenhope & District Community Centre Redevelopment Project
03/07/2019 Confidential Special Council Meeting, Edenhope
03/07/2019 Councillor Forum, Edenhope
09/07/2019 Gorohe Lions Club Annual Changeover Dinner
10/07/2019 CEO David Leahy
10/07/2019 Geoffrey Lord, Federation University
12/07/2019 Edenhope Lions Club Annual Changeover Dinner
16/07/2019 CEO David Leahy
17/07/2019 Council Meeting & Community Forum with Lawloit residents, Kaniva

5.2 COUNCILLOR TREVOR DOMASCHENZ

03/07/2019 Confidential Special Council Meeting, Edenhope
03/07/2019 Councillor Forum, Edenhope
04/07/2019 West Grampians Pipeline Consultative Committee (as community rep)
05/07/2019 *On leave, back on 7 August 2019*

5.3 COUNCILLOR RICHARD HICKS

26/06/2019 Making a Difference @ Harrow Recreation Reserve
28/06/2019 Rail Freight Alliance Meeting, Melbourne
03/07/2019 Confidential Special Council Meeting, Edenhope
03/07/2019 Councillor Forum, Edenhope
17/07/2019 Council Meeting & Community Forum with Lawloit residents, Kaniva

5.4 COUNCILLOR TOM HOULIHAN

03/07/2019 Confidential Special Council Meeting, Edenhope
03/07/2019 Councillor Forum, Edenhope
17/07/2019 Council Meeting & Community Forum with Lawloit residents, Kaniva



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5.5 COUNCILLOR BRUCE MEYER

| | |
|------------|-----------------------------------------------------------------------|
| 21/06/2019 | Retirement Event for Rex Mooney, former CEO of WWSC, in Alice Springs |
| 22/06/2019 | Retirement Event for Rex Mooney, former CEO of WWSC, in Alice Springs |
| 25/06/2019 | Audit Committee Meeting, Kaniva |
| 28/06/2019 | Rafe Benli, Office of Geographic Names, Kaniva |
| 03/07/2019 | Confidential Special Council Meeting, Edenhope |
| 03/07/2019 | Councillor Forum, Edenhope |
| 17/07/2019 | Council Meeting & Community Forum with Lawloit residents, Kaniva |

5.6 GENERAL DELEGATES REPORTS

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

6.0 CONDOLENCES

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 20 JUN 2019

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Thursday 20 June 2019, be taken as an accurate record and confirmed.

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

9.0 NOTICES OF MOTION



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10.0 SPECIAL COUNCIL MEETING MINUTES & ASSEMBLY OF COUNCILLORS RECORD

10.1 SPECIAL COUNCIL MEETING MINUTES RE HEARING OF 2019/2020 BUDGET SUBMISSIONS – 20 JUN 2019

RECOMMENDATION:

That the Minutes of the Special Council Meeting held on Thursday 20 June 2019 to hear 2019/2020 budget submissions be taken as an accurate record and confirmed.

10.2 CONFIDENTIAL SPECIAL COUNCIL MEETING MINUTES RE COUNCILLOR CONDUCT PANEL APPLICATION – 3 JUL 2019

RECOMMENDATION:

That the Minutes of the Confidential Special Council Meeting held on Wednesday 3 July 2019 regarding a Councillor Conduct Panel Application be taken as an accurate record and confirmed.

10.3 ASSEMBLY OF COUNCILLORS RECORD – 3 JUL 2019

RECOMMENDATION:

That the Assembly of Councillors Record for the Councillor Forum held Wednesday 3 July 2019 be received and noted.

11.0 DEPUTATIONS AND PETITIONS



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12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 NOMINATION OF ACTING MAYOR FOR LEAVE OF ABSENCE

FILE NUMBER: AD0007

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

The following report is to enable Councillors to nominate an “Acting Mayor” to deputise for Mayor Pretlove during a leave of absence from 28 July 2019 to 9 August 2019.

Declaration of Interests

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

Background

Mayor Pretlove notified the CEO of the dates of a proposed leave of absence, being from 28 July 2019 to 9 August 2019.

To ensure that Council complies with section 73(3) and 73(4) of the Local Government Act 1989, it is necessary for Council to elect a Councillor to the position of Acting Mayor. The two relevant sections of the Act are as follows:

(3) If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.

(4) An Acting Mayor may perform any function or exercise any power conferred on the Mayor.

In addition to the above, section 66B of the Local Government Act 1989 also states the following in sub-section 2:

(2) If a Mayor is required to take leave of absence under this Act, the Mayor is, for the duration of the leave, to be considered as incapable of acting under section 73(3) and sub-section (1) applies to the Mayor as if the Mayor were a Councillor only.



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It is intended to remunerate the Acting Mayor as per the agreed allowance levels for the period of acting. It is also intended to remunerate the Mayor as a Councillor for the period of the leave of absence.

Risk Management Implications

Council is required to abide by the various sections of the Local Government Act 1989 pertaining to the appointment of an Acting Mayor and leave of absence.

Legislative Implications

Section 66B and Section 73 of the Local Government Act 1989

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

Communications Policy
Councillor Code of Conduct Policy
Councillor Expense Entitlement & Support 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.



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Communication Implications

The appointment of an Acting Mayor for the period of 28 July 2019 to 9 August 2019 will be communicated via a media release and posted on the Council website.

Conclusion

By providing a suitable notice period, the Council is in a position to nominate and appoint an Acting Mayor for the leave of absence period of Mayor Pretlove.

All of the duties and responsibilities of the Mayor, as per section 73 of the Local Government Act 1989, will be delegated to the Acting Mayor.

OFFICER RECOMMENDATION:

- 1. That in accordance with Section 73(3) and 73(4) of the Local Government Act 1989, Council appoints Councillor to the role of Acting Mayor for the period 28 July 2019 to 9 August 2019.**
- 2. That Councillor be remunerated in accordance with the agreed Mayoral Allowance for the acting period.**

Attachments:

| No. | Name | RecFind Ref |
|------------|----------------------------------------|--------------------|
| 12.1.1 | Section 73 – Local Government Act 1989 | AD0007 |
| 12.1.2 | Sect 66B – Local Government Act 1989 | AD0007 |



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12.2 COUNCIL PLAN 2017-2021 STATUS REPORT

FILE NUMBER: AD0183

REPORT AUTHOR: DAVID LEAHY – CEO

FOR DECISION

Introduction

The following report and revised spreadsheet provides an update to Councillors on the various actions taken with respect to the implementation of key objectives contained in the West Wimmera Shire Council Plan 2017-2021.

The attached spreadsheet was updated on 17 June 2019 and presented to the Council Assembly of 3 July 2019.

Declaration of Interests

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

Background

Following the completion of the Council Plan in 2017, the senior staff of the day developed a resourcing document to enable the various actions to be tracked for progress and also to highlight issues that could possibly prevent certain objectives from being achieved.

In addition to the resource document, a separate document covering all of the advocacy actions was also developed and this has been used to develop priorities around topics to advocate for at a state level on behalf of the West Wimmera Community.

The attached document has once again been colour coded to enable the items that have changed since the last report was provided to be highlighted.

An example of items that have changed their status since the last report include;

- The expansion of the Mental Health Rural Outreach program
- The joint advocacy approach with Southern Grampians Shire for investment in the Rural Pipeline
- The lodging of a Rural Councils Transformation Program business case
- The updated status of the Edenhope Hall development
- Security of R2R funds and a campaign to ensure the funds are indexed.
- Installation of new mobile phone towers.



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- Potential access to a broadband – fixed wireless service for the Kaniva area.
- Completion of 2019 advocacy visit to Victorian Parliament
- Development of focussed advocacy strategy for West Grampians Pipeline

In addition to the above there has been further works completed in a number of recurrent programs, such as, Computer Savvy Seniors, Youth Programs and Wimmera Mallee Tourism.

It should also be noted that Council has lodged applications for round two of the fixing country roads program and at the time of writing was awaiting confirmation.

Risk Management Implications

Not reporting on the actions of the Council Plan can lead to Council straying from its agreed strategic direction.

Legislative Implications

Council is required under the Local government Act to develop a Council Plan and report on its implementation.

Environmental Implications

Nil

Financial and Budgetary Implications

Nil

Policy Implications

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

Advocacy Policy
Asset Capitalisation Policy
Asset Management Policy
Borrowings Policy
Building Fee Refunds Policy
Building Permit Information Policy
Business Assistance Scheme Policy
Business Continuity Policy
Communications Policy
Community & Commercial Advertising on Council Buildings & Structures Policy
Community Engagement Policy
Community Halls Policy
Community Support Fund Policy



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Corporate Credit Card and Purchase Cards Policy
Council Grants Policy
Council Major Hall Hire Policy (Kaniva & Edenhope)
Councillor Code of Conduct Policy
Councillor Expense Entitlement & Support Policy
Customer Service Policy
Domestic Firewood Collection Policy
Election Period Policy
Environmental Policy
External Hire of Plant Policy
Fraud Control Policy
Guarantor Policy
Human Rights Policy
Investment Policy
Media Relations Policy
Onshore Unconventional Gas Exploration Policy
Playground Management Policy
Procurement Policy
Protected Disclosures Policy
Recreation Policy
Reserve Risk Management Policy
Road and Street Naming Policy
Street Tree Policy
Support to Community Events Policy
Support to Public Art Policy
Temporary Street Closures Policy
Tourism Policy
Township Amenity Policy
Tree Plantations on Unused Road Reserves Policy
Tree Planting on WWSC Road Reserves Policy
Works Unit Road Reserve Risk Management Policy

Council Plan Implications

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

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



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- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Further comments can be provided to the media following this meeting.

Conclusion

The Council Plan is the key strategic document developed by Council that provides direction for the organisation. The reporting on the progress of the actions contained within it is critical to ensure that the direction remains focussed.

Along with the advocacy efforts that have been undertaken, Council has made good progress towards achieving a high number of the targets set via the planning process.

OFFICER RECOMMENDATION:

That Council accepts the Council Plan update report and the attached resource plan report.

Attachments:

| No. | Name | RecFind Ref |
|--------|-------------------------------------------|-------------|
| 12.2.1 | Resource Plan Reporting – at 17 June 2019 | AD0183 |



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13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS



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14.0 CORPORATE AND COMMUNITY SERVICES

14.1 SWIMMING POOL ENTRY SUBSIDY PROGRAM 2018-2019

FILE NUMBER: FM0021

REPORT AUTHOR: ASHLEY ROBERTS – DIRECTOR CORPORATE AND COMMUNITY SERVICES

FOR DECISION

Introduction

West Wimmera Shire Council (Council) resolved at its November 2018 Ordinary Council Meeting to support free or subsidised entry to Council's swimming pools over summer to children of families who may be considered to be in need of financial support. This report provides feedback on the outcomes of this program.

Declaration of Interests

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

Background

At its November 2018 Ordinary Council Meeting Council resolved:

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council resolve to provide \$500 to each of Kaniva & Edenhope, & \$250 to Goroke, Shire managed swimming pools during the whole 2018-2019 season, to support free or subsidised entry for children of parent(s), resident in the Shire and who, in cooperation with the Welfare Officers at each of the respective Schools, are considered as in need of financial support, to facilitate entry into the pool complexes, & to evaluate the costs & benefits of this policy no later than June 2019.

Carried (5/0)

To accommodate this scheme Council Officers contacted pool contractors and the Welfare Officers at each of the Kaniva, Edenhope and Goroke schools.



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A token system was devised where the school Welfare Officers would provide token to eligible children which were then to be used to gain entry into the pools.

The pool manager/contractor would then invoice Council for the number of tokens received.

At the time of writing this report Council had been invoiced for tokens redeemed by the Kaniva Swimming Pool only. No information had been received from either the Edenhope or Goroke Swimming Pools. Council officers will contact the Edenhope and Goroke pool operators to ascertain details of any tokens used.

The number of tokens claimed by the Kaniva pool operator was 123. This equated to a total cost to Council of \$307.50.

Problems with the scheme seemed mostly to centre on access to the school Welfare Officer. With schools being closed over summer access became problematic. If the scheme is to be repeated it may be necessary to commence earlier than December.

Risk Management Implications

There is some reputational risk to Council from this scheme, through failure to market and low take up or misuse of the scheme. This would appear to be minimal given the low numbers involved.

Legislative Implications

There are no direct legislative implications arising from this scheme.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

The scheme allowed for Council to provide for up to \$1,250.00 in subsidies. To this point in time \$307.50 was claimed.

Policy Implications

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

Recreation 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 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

Council officers will remain in contact with pool operators and schools to refine this program if Council wishes to continue it.

Conclusion

Council had allowed \$1,250.00 in subsidies for pool entry for children from families in financial need over the 2018-19 summer. At the time of writing this report Council has redeemed \$307.50 of subsidies.

It appears that there may have been timing and logistic problems in engaging with school welfare officers. It is recommended that the program commence in November in future years to overcome this timing issue.

OFFICER RECOMMENDATION:

- 1. That Council receive the report on the Swimming Pool Engagement Program 2018-2019.**
- 2. That Council resolves to commence the school welfare officer portion of 2019-2020 Swimming Pool Engagement Program prior to the start of November 2019.**

Attachments: Nil



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14.2 PRELIMINARY FINANCIAL REPORT AS AT 30 JUNE 2019

FILE NUMBER: FM0062

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

FOR DECISION

Introduction

One of the principles of sound financial management involves the regular review of an entity's financial performance and position. This report provides Council with a review of Council's financial performance and position at the end of June 2019.

It must be noted that the figures contained within this report are at this stage preliminary only, and do not include any end of financial year accruals or adjustments. These accruals and adjustments will affect the figures somewhat. It must be stated that these figures must not be used as a representation for the final end of financial year results and position until all accruals and adjustments have been completed and audited.

Background

The *Local Government Act 1989* ('the Act') requires Council to implement the principles of sound financial management (s.136 (1)). Section 138(1) of the Act requires that Council be presented with a statement comparing budgeted revenue and expenditure for the financial year to date at least every three months.

The financial reports show an analysis of the actuals to budget forecasts at 30 June 2019. Where significant variances that are greater than \$20,000 and 10% between actual amounts and forecast figures at 30 June 2019, a note is provided to give an explanation for the variance. The financial reports include a Comprehensive Income Statement, a capital report and Balance Sheet to give a true indication of Council's operations, the capital works program and the financial position.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

Legislative Implications

Section 138(1) of the *Local Government Act 1989* requires that Council is provided with financial reports a minimum of every three months comparing the budgeted revenue and expenditure with actual revenue and expenditure.



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Environmental Implications

Nil

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 and Council Plan Implications

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

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

Communication Implications

The Finance Manager will continue to work with officers and managers to educate and enable financial management of their department.

Conclusion

Council's preliminary financial performance and position at 30 June 2019 is attached for Council's information, in accordance with the requirements of S.138 (1) of the Act.

OFFICER RECOMMENDATION:

That the preliminary financial reports as at 30 June 2019 be received and noted.

Attachments:

| No. | Name | RecFind Ref |
|------------|----------------------------------------------------|--------------------|
| 14.2.1 | Preliminary Financial Performance Report June 2019 | C19/005092 |



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14.3 REVIEW OF PROTECTED DISCLOSURE POLICY

FILE NUMBER: AD0001

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) falls under the provisions of the *Protected Disclosure Act 2012*, which allows for certain protections to people making complaints of improper conduct against Victorian Public Sector Agencies.

There have been some recent changes to the *Protected Disclosure Act 2012* originating from the passing of the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* by the Victorian Parliament on 5 March 2019.

This report presents an amended Protected Disclosure Policy which complies with these legislative changes.

Declaration of Interests

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

Background

The first of the significant changes to the *Protected Disclosure Act 2012* ('the Act') made under the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* is that the term 'Protected Disclosure' has been amended to read 'Public Interest Disclosure'. This includes the name of the Act, which will henceforth be referred to as the *Public Interest Disclosures Act* (sec.4). All references within the Act to 'Protected Disclosures' have been amended to read 'Public Interest Disclosures'.

The Protected Disclosure Policy hence has been re-named the 'Public Interest Disclosures Policy' and all references to 'Protected Disclosure' have been re-worded to 'Public Interest Disclosures'.

The second material change to the Act also amends the purpose definition of the Act at section (1)(b) to include a clause (1)(ba) 'to ensure that those disclosures are properly



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assessed and, where necessary, investigated.’ The implications of this amendment is that it specifies that an agency receiving a disclosure (i.e Office of the Victorian Information Commissioner (OVIC), the Victorian Ombudsman, the Independent Broad-based Anti-corruption Commission (IBAC) and the Victorian Inspectorate (the Inspectorate)) has a legislative obligation to ‘properly’ assess any disclosure made to them.

The amendments to the Act also make some definition changes, the most important of which is that there is now a definition of the meaning of *improper conduct* under the Act, being:

For the purposes of this Act, improper conduct means—

- (a) corrupt conduct; or*
- (b) conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes—*
 - (i) a criminal offence; or*
 - (ii) serious professional misconduct; or*
 - (iii) dishonest performance of public functions; or*
 - (iv) an intentional or reckless breach of public trust; or*
 - (v) an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; or*
 - (vi) a substantial mismanagement of public resources; or*
 - (vii) a substantial risk to the health or safety of one or more persons; or*
 - (viii) a substantial risk to the environment; or*
- (c) conduct of any person that—*
 - (i) adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or*
 - (ii) is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining—*
 - (A) a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or*
 - (B) an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or*
 - (C) a financial benefit or real or personal property; or*
 - (D) any other direct or indirect monetary or proprietary gain— that the person or associate would not have otherwise obtained; or*
- (d) conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b) or (c).*

The amendments to the Act also allow that a Public Interest Disclosure may also exist where a complaint or disclosure is made under any other Act. This therefore extends the protections of the Act to that person making a disclosure under any other Act.

The amendments also make it clear that a Public Interest Disclosure may be made anonymously.



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The amendment Act also provides:

16 Public interest disclosures to Councils

- (1) A public interest disclosure that relates to the conduct of a Council or of a member, officer or employee of a Council may be made to that Council.*
- (2) A public interest disclosure may be made to a Council by a person who is a member, officer or employee of the Council unless—*
 - (a) the disclosure is required to be made to another entity under section 14 or 17(3); or*
 - (b) the disclosure relates to a member of Parliament.*

There are also some definitions of what is not a Public Interest Disclosure, these include:

- Where a person making a disclosure expressly states in writing that they are not wishing to make a Public interest Disclosure
- Where a disclosure is made by an officer or employee of an investigating entity made during the course of an investigation

Council's former Protected Disclosure Policy, now titled Public Interest Disclosure Policy has been amended to cover these legislative changes as appropriate.

Risk Management Implications

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

Legislative Implications

Council is required to comply with the Protected Disclosure Act 2012, now referred to as the *Public Interest Disclosure Act* from the changes made by the the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*

Environmental Implications

Not commented on.

Financial and Budgetary Implications

The cost of the Protected Disclosure Coordinator and Officer is incorporated into the salary of the Chief Executive Officer and the Director Corporate and Community Services.

Policy Implications

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

Complaints Handling Policy
Fraud & Corruption Control Policy



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Human Rights Policy
Procurement Policy
Protected Disclosures 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

All staff shall be made aware of the Public Interest Disclosure Policy. The Policy shall also be made publically available on Council's website.

Conclusion

The Protected Disclosure Act 2012 (to be referred to as the Public Interest Disclosure Act), is a mechanism that enables staff and members of the public to report improper conduct or a detrimental action in accordance with the policy.

The Act is designed to perform the function of deterring or completely preventing unethical behaviour by public officials. Lodging a disclosure can sometimes be difficult as the accuser can feel threatened by their identity being exposed. It is the intention that this policy and associated procedure provide sufficient security against identifying the person making the disclosure and that people lodging a disclosure should not fear any reprisals from lodging the disclosure.

An updated Public Interest Disclosure Policy is presented for Councillors information with an intent to present the policy to Council for formal adoption at the July Ordinary Council Meeting.

OFFICER RECOMMENDATION:

That Council adopt the revised Public Interest Disclosure Policy, which replaces the Council Policy previously known as the Protected Disclosures Policy.

Attachments:

| No. | Name | RecFind Ref |
|--------|-------------------------------------------------|-------------|
| 14.3.1 | Draft amended Public Interest Disclosure Policy | AD0186 |



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14.4 MINUTES OF AUDIT COMMITTEE MEETING HELD 25 JUNE 2019

FILE NUMBER: FM0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) Audit Committee meets 4 times per annum. Minutes of each meeting are provided to Council for information as per Council's adopted Audit Committee Charter.

The most recent meeting of the Audit Committee was held 25 June 2019. The minutes of this meeting are attached for Councillor's information.

Declaration of Interests

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

Background

Section 139 of the *Local Government Act 1989* requires that each Council establish an Audit Committee. The Audit Committee is a formally appointed Advisory Committee of Council.

The Audit Committee as an advisory committee has no formal decision making powers or delegated financial authority, but rather exists to recommend and guide Council decision making relating to governance, risk management, financial reporting and the internal control and audit programs of Council.

The Audit Committee is independent to Management and has no formal management powers other than reviewing and commenting or making recommendation on Council's management practices. The Committee consists of a majority of members external and independent of Council.



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Risk Management Implications

The provision of an effective and operating Audit Committee is a fundamental element of good governance. The Audit Committee provides independent advice to Council on a range of risk, including governance and financial risk.

Legislative Implications

Section 139 of the *Local Government Act 1989* requires that Council constitute and Audit Committee.

Environmental Implications

Not Commented On

Financial and Budgetary Implications

Not Commented on

Policy Implications

This report is supported by the following West Wimmera Shire Council 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

The minutes of the Audit Committee are distributed to Councillors in confidence until adopted otherwise.

Conclusion

The minutes of the Audit Committee meeting held 25 June 2019 are attached for Councillors information.



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OFFICER RECOMMENDATION:

That Council receives the Minutes of the Audit Committee Meeting held 25 June 2019.

Attachments:

| No. | Name | RecFind Ref |
|------------|------------------------------------------------------|--------------------|
| 14.4.1 | Minutes of Audit Committee Meeting held 25 June 2019 | FM0021 |



ORDINARY COUNCIL MEETING AGENDA – 17 JULY 2019 WEST WIMMERA SHIRE COUNCIL

14.5 AUDIT COMMITTEE SITTING FEES

FILE NUMBER: FM0021

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

FOR DECISION

Introduction

West Wimmera Shire Council (Council) provides a sitting fee for the external independent members of Council's Audit Committee. This fee has not increased for a number of years. This report seeks Council approval at the July Ordinary Council Meeting to increase this sitting fee.

Declaration of Interests

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

Background

When Council reconstituted its Audit Committee in 2013 a sitting fee of \$500.00 per meeting was introduced payable to independent non Councillor members of the Audit Committee. No differential was provided for the chair or regular members.

This sitting fee has not been indexed since that time.

Benchmarking across other rural Victorian Councils indicates that many use the December quarter Melbourne Consumer Price Index as an annual indexation factor for their Audit Committee sitting fees.

The following table shows what these fees would be now if they had been indexed by CPI over the 5 years the Audit Committee has been operating:



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| Indexation of Audit Committee Fee CPI All Groups Melbourne December | | | |
|------------------------------------------------------------------------|-------|------------|-----------|
| Starting Amount | | \$ 500.00 | |
| Year | CPI | Indexation | Amount |
| 2014 | 1.40% | \$ 7.00 | \$ 507.00 |
| 2015 | 1.90% | \$ 9.63 | \$ 516.63 |
| 2016 | 1.50% | \$ 7.75 | \$ 524.38 |
| 2017 | 2.20% | \$ 11.54 | \$ 535.92 |
| 2018 | 2.00% | \$ 10.72 | \$ 546.64 |
| Closing Amount | | \$ 546.64 | |

It is proposed to round this amount to \$550.00 per meeting.

Many Councils also provide their Audit Committee chairs with a higher allowance, due to the extra responsibility of chairing meetings and undertaking the annual review of the Audit Committee and reporting to Council. It would seem reasonable to allow an additional 10% fee to be paid to the Chair to cover these additional requirements.

Currently there are no provisions for sitting members to be paid for accommodation expenses. As both of our external members are based outside the municipality it would seem to be appropriate to cover these also.

Currently Council's Audit Committee Charter does not mention sitting fees for either regular members or the chair.

The Audit Committee as an advisory committee to Council has no financial delegation or binding decision making powers. As such sitting fees are a matter for Council to decide upon.

Risk Management Implications

The provision of an effective and operating Audit Committee is a fundamental element of good governance. The Audit Committee provides independent advice to Council on a range of risk, including governance and financial risk. As such it is imperative that Council maintain quality independent members on the Committee. To do so Council needs to maintain the real value of its sitting fees.



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Legislative Implications

Section 139(7) of the *Local Government Act 1989* allows for Council to pay a fee to a member of an audit committee who is not a Councillor or a staff member.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Council has two independent members who are paid sitting fees (the third being a reciprocal agreement with Hindmarsh Shire Council who is not paid sitting fees).

If Council were to adopt the proposed fee structure the cost would be:

Regular Member: 4 meetings @ \$550.00 = \$2,200.00
This is an increase of \$200.00 per annum

Chair: 4 meetings @ \$605.00 = \$2,420.00
This is an increase of \$420.00 per annum

Accommodation would be available if required in Kaniva or Edenhope for approximately \$120 per night (possibly less from a direct booking). This would equate to approximately \$500.00 per year per member, or \$1,000 per annum.

Overall costs from increasing the Audit Committee sitting allowance via retrospective indexation based upon CPI and providing accommodation would present a total cost to Council of \$5,640.00

Council has budgeted \$10,000.00 for the 2019/20 for Audit Committee costs. The amount would continue to be well within budget.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Audit & Risk Committee Charter

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.



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Communication Implications

Audit Committee members are required to present Council with a compliant invoice upon being paid any expenses or sitting fees.

Conclusion

Council has not increased its Audit Committee sitting fees for 5 years. To continue to attract quality members Council must meet market expectations of fees and cost reimbursement.

It is essential that Council maintain an effective quality Audit Committee as a fundamental element of good governance, as well as complying with the requirements of the *Local Government Act 1989*.

It would also seem appropriate that the chair receive at least a 10% loading in recognition of additional tasks required of that position.

OFFICER RECOMMENDATION:

1. That Council resolve to set sitting fees to Audit Committee members to the following amounts effective 1 July 2019:
 - Member - \$550.00 per meeting
 - Chair - \$605.00 per meeting
2. That Council allow for accommodation reimbursements to Audit Committee members for attendance at Audit Committee meetings.

Attachments: Nil



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15.0 LATE ITEMS OF BUSINESS

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

28. *Urgent Business*

Business must not be admitted as urgent business unless it:

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



ORDINARY COUNCIL MEETING AGENDA – 17 JULY 2019 WEST WIMMERA SHIRE COUNCIL

16.0 SEALING SCHEDULE

16.1 AMENDED SECTION 173 AGREEMENT – GREGORY JOHN MAYBERY

Background

Council previously decided on this matter at its May 2019 Meeting, and the Minutes dated 15/05/2019 show that Council resolved to sign and seal the Agreement. The document was signed and sealed, and then went to the Planning Department to be checked against the Permit conditions before being sent out.

The Planning Department found that the 15 May 2019 version of the Agreement contained a significant error, in that it referred to there being no further subdivision of Lot 1. This was incorrect as the relevant Condition 2 of Planning Permit P1544 refers to no further subdivision of the balanced lot of approx. 194ha which is Lot 2 (not the smaller lot of approx. 4.2ha which is Lot 1).

The Council Planner requested that the applicant's solicitor submit a corrected copy of the Agreement to the Planning Department, so that the amended version could be checked to ensure that it was correctly worded. This has now occurred, and Council is now required to revoke the 15 May 2019 Agreement, and authorise the signing and sealing of the amended Agreement.

OFFICER RECOMMENDATION

1. That Council revoke the Section 173 Agreement between West Wimmera Shire Council and Gregory John Maybery, in relation to Planning Permit P1544 which was granted by West Wimmera Shire Council on 11 October 2018.
2. That Council sign and seal the amended Section 173 Agreement between West Wimmera Shire Council and Gregory John Maybery, in relation to Planning Permit P1544 which was granted by West Wimmera Shire Council on 11 October 2018.

Attachments:

| No. | Name | RecFind Ref |
|--------|-------------------------------|-------------|
| 16.1.1 | Amended Section 173 Agreement | PA0950 |



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17.0 CONFIDENTIAL (PURSUANT TO SECTION 89 LGA 1989)

RECOMMENDATION

That Council pursuant to section 89(2) (d) Contractual Matters of the Local Government Act 1989 close the meeting to members of the public at pm to resolve on matters pertaining to the following items:

17.1 SUPPLY OF MEALS FOR DELIVERY CMO500

17.2 SUPPLY AND DELIVERY OF CENTRE BASED MEALS CMO501

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 21 AUGUST 2019
EDENHOPE COUNCIL CHAMBER**