



WELCOME

TO THE WEST

West Wimmera Shire Council

AGENDA

UNSCHEDULED COUNCIL MEETING

Monday 24 July 2023
4:00 pm

Microsoft Teams
You will be sent a meeting
invitation

PUBLIC ACCESS

Open to the public and Live streaming from
Council's website:

www.westwimmera.vic.gov.au



Councillors and Shire Map



MAYOR
Cr. Tim Meyer



**DEPUTY
MAYOR**
**Cr. Jodie
Pretlove**



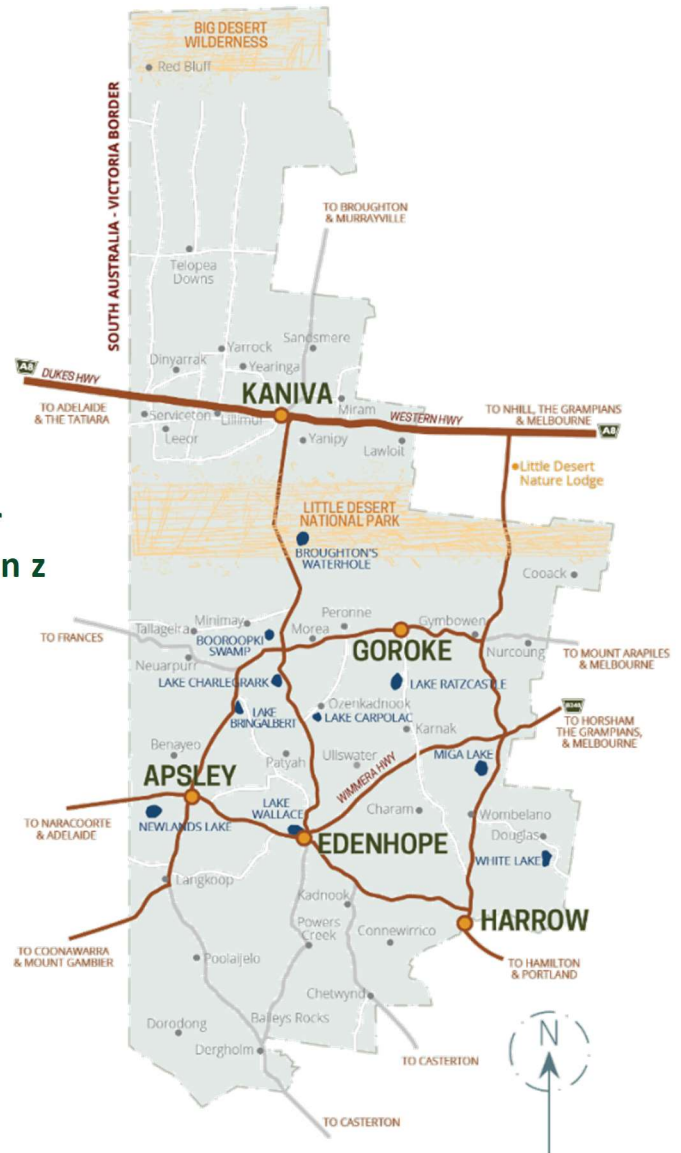
**Cr. Trevor
Domaschenz**



**Cr. Tom
Houlihan**



**Cr. Bruce
Meyer OAM**





COUNCIL VISION

Our West Wimmera community is healthy, thriving, diverse, harmonious, prosperous, and self-sustaining, with regional and global connectivity.

OUR VALUES

INNOVATIVE – We will proactively respond to change, are optimistic about our future and pursue continuous improvement in everything that we do.

ACCOUNTABLE – We will be responsible, take ownership of our actions and are committed to good governance, excellence, transparency, achievement of goals and advocating for our community

UNITED – We will do everything within our ability to encourage and form trusting relationships, to work together as one team to achieve our goals and advocate for 'One West Wimmera'.

COLLABORATIVE – We will actively and openly consult with you and work constructively with community organisations, agencies, the business community and other levels of government to our community's benefit.

OUR GOALS





Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.*
- (2) Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee meetings are open to the public and the community are able to attend.*
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:*
 - (a) there are clear reasons for particular matters to remain confidential; or*
 - (b) a meeting is required to be closed for security reasons; or*
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.*
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:*
 - (a) the meeting may be adjourned; or*
 - (b) a recording of the proceedings may be available on the Council website*

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 5 Questions from the Gallery.

This Council meeting will be recorded for live streaming.

Councillors pledge

As Councillors of West Wimmera Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.



REQUIRED TO ATTEND:

Councillors:

Tim Meyer, Mayor
Jodie Pretlove, Deputy Mayor
Trevor Domaschenz (Leave of Absence)
Tom Houlihan
Bruce Meyer OAM

Executive Leadership Team:

David Bezuidenhout - Chief Executive Officer (CEO)
James Bentley - Director Corporate & Community Services (DCCS)
Ram Upadhyaya - Director Infrastructure Development & Works (DIDW)



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1 Welcome

2 Acknowledgement of Country

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.

3 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.

4 Apologies, Leave of Absences, Declaration of Conflict of Interest

4.1 Apologies

4.2 Leave of Absence

4.3 Declaration of Conflict of Interest

All Councilors 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.



5 Corporate and Community Services

5.1 Wimmera Southern Mallee Development - WWSC Member Director

Directorate: Corporate and Community Services

Report Author: Governance Manager

Report Purpose: For Decision

Introduction

At the Council Meeting held 19 July 2023, Council granted Leave of Absence to Cr Trevor Domaschenz for a period of three months. During this time, it is important that the alternative representatives on any regional or State body that Cr Domaschenz represents will attend in his absence.

At the annual Statutory Meeting held in November 2022, Council appointed representatives and alternative representatives to relevant bodies, one of which includes Wimmera Southern Mallee Development (WSMD) previously known as Wimmera Development Association. Cr Trevor Domaschenz was appointed as representative and Cr Jodie Pretlove as the alternative representative. Unlike other committees/bodies however, Wimmera Southern Mallee Development is a registered ASIC company therefore no other person can represent WWSC unless registered with ASIC. Currently Cr Domaschenz is the registered member director. During this period of Leave of Absence, there will be a number of meetings held and for a WWSC representative to attend these meetings they would need a resolution from WWSC so a new member director can be appointed and then register with ASIC accordingly otherwise the WWSC representative will only be able to attend the meeting as an observer.

Declaration of Interest

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

Background

The next Wimmera Southern Mallee Development Meeting will have a number of meetings over the next three months and if Council wishes for a representative to attend this meeting a Council resolution will be required to be submitted to ASIC.

Extracts from the WSMD Constitution are listed below with the full document attached for information also.



3 Directors

3.1 Number and eligibility of Directors

1. The Company must have not more than 11 Directors unless otherwise determined in accordance with this Constitution.
2. The Board will be comprised of:
 1. up to five Appointed Directors appointed by the Members acting through the Nominations Committee;
 2. an independent Chairperson appointed by the Members acting through the Nominations Committee; and
 3. the Member Directors appointed by each of the Members.

3.3 Member Directors

1. Each Municipality Member shall nominate one person as a Member Director.
2. A Member Director must be the Mayor or a councillor of the Municipality.
3. Where a vacancy occurs in the office of a Member Director the relevant Municipality Member shall notify the Board of a replacement nominee whose appointment shall take place automatically upon receipt of such notification.
4. A Member may at any time remove its Member Director and replace this person with another nominee of its choosing by notifying the Company, and the appointment of such replacement nominee in his or her capacity shall be automatic.

Period of appointment of Directors

Each Director may hold office until they:

1. die;
2. vacate the office in accordance with clause [3.14](#); or
3. are removed in accordance with clause [3.3\(d\)](#), [3.4\(c\)](#) or [3.13](#), or until the term for which they are appointed or elected expires.

Risk Management Implications

Risk identified: Regulatory risk



Legislative Implications

Not Applicable

Environmental Implications

Not applicable

Financial and Budgetary Implications

Not applicable

Policy Implications

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

Not applicable

Council Plan Implications

This report supports the following sections of the West Wimmera Shire Council Plan 2021 – 2025:

Goal 4 – Good Governance

4.3 Advocate for our community on issues important to our future.

4.4 Develop a high performing accountable organisation.

Communication Implications

No Communication Implications

Gender Equality

Not Applicable

Conclusion

Wimmera Southern Mallee Development is a registered ASIC company therefore no other Councillor can represent WWSC unless registered. It is important that Council be fully represented so they can vote on any important matters which may arise.

OFFICER RECOMMENDATION:

That Council consider appointing a West Wimmera Shire Council representative/member director to Wimmera Southern Mallee Development.



Attachments

1. 220412 Wimmera Southern Mallee Development Limited constitution [9.1.1 - 26 pages]
2. Email from WSMD July 2023 Redacted 2 [9.1.2 - 2 pages]

6 Close of Meeting *****