

12.3 Recording of Proceedings

- (1) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- (2) The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

13. SUSPENSION OF STANDING ORDERS

Overview: Standing Orders are the rules made to govern the procedure at Council Meetings contained in these Governance Rules. Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing Orders can be suspended to facilitate the business of a meeting.

- (1) To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the procedural motion table at Rule 10.12.
- (2) No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- (3) No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

14. DELEGATED COMMITTEES

Overview: Council may establish Delegated Committees as part of its good governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of Sub-Rule(1):
 - (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

15. COMMUNITY ASSET COMMITTEES

Overview: Section 65 of the Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall or recreation reserve. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a Community Asset Committee must be limited in the amount and purpose of any financial delegation.

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply.
- (3) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

16. AUDIT AND RISK COMMITTEE

Overview: The Act provides for Council to establish an Audit and Risk Committee to provide oversight.

- (1) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter and Terms of Reference.
- (2) Council may resolve, in establishing an Audit and Risk Committee, that the meeting procedure Rules of these Governance Rules do not apply.
- (3) An Audit and Risk Committee must report the Minutes of all Committee meetings to the next practicable Council meeting.
- (4) An Audit and Risk Committee must act in accordance with its adopted Charter and Terms of Reference adopted by Council.

17. ELECTION PERIOD POLICY

- (1) Council will have in place an Election Period Policy that:
 - (a) governs decision making during a local government election period, including what may be considered at a Council meeting;
 - (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and civic events;
 - (d) sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (e) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and

- (f) sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- (3) The Election Period Policy forms part of these Governance Rules at Appendix 1.
- (4) Any outstanding Delegate's Reports may still be reported to a Meeting of Council during this period.
- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

18. CONFLICT OF INTEREST

Overview: Part 6 Division 2 of the Act provides that Council must include in its Governance Rules procedures for disclosures of Conflicts of Interest, including at meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

18.1 Definitions

Sections 127, 128 and 129 of the Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances as set out in the following table:

Conflict Type	Definitions
<p>GENERAL CONFLICT OF INTEREST (Section 127)</p> <p>(1) Subject to section 129, a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's <u>private interests</u> could result in that person acting in a manner that is contrary to their <u>public duty</u>.</p>	<p>Private Interests (section 127(2)) Any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <p>Public Duty (section 127(2)) The responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person</p>
<p>MATERIAL CONFLICT OF INTEREST (Section 128)</p> <p>(1) Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an <u>affected person</u> would gain a benefit or suffer a loss depending on the outcome of the matter.</p> <p>(2) The benefit may arise or the loss incurred -</p> <p>(a) directly or indirectly; or</p> <p>(b) in a pecuniary or non-pecuniary form.</p>	<p>Affected Person (section 128(3)) For the purposes of section 128(3), any of the following is an <i>affected person</i>—</p> <ul style="list-style-type: none"> (a) the relevant person; (b) a family member of the relevant person; (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body; (d) an employer of the relevant person, unless the employer is a public body; (e) a business partner of the relevant person; (f) a person for whom the relevant person is a consultant, contractor or agent; (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; (h) a person from whom the relevant person has received a <u>disclosable gift</u>. <p>Disclosable Gift (section 128(4)) means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of section 128(4), the prescribed amount, received from a person in the 5 years preceding the decision on the matter -</p>

	<p>(a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p>(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation -</p> <p>but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>
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Exemptions (section 129)

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

18.2 Obligations with regard to Conflict of Interest:

- (1) Councillors, Members of Delegated Committees and Council staff are required to:
 - (a) avoid all situations which may give rise to conflicts of interest;
 - (b) identify any conflicts of interest; and
 - (c) disclose or declare all conflicts of interest.

18.3 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the Minutes of a Council or Delegated Committee Meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available upon request.

18.4 Procedure at a Council or Delegated Committee Meeting

- (1) At the commencement of the Council meeting, the Chairperson will call for a declaration of all conflicts of interest to be declared throughout the course of the Council meeting, clearly stating:
 - (a) the item for which they have a conflict of interest;
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.
- (2) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on the Agenda must indicate they have a conflict of interest by clearly stating:
 - (a) the item for which they have a conflict of interest;
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.
- (3) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (4) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest at Sub-rule (2) prior to leaving the Meeting.

- (5) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Meeting must not communicate with any participants in the Meeting while the decision is being made.

18.5 Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the Councillor will leave the Meeting and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the Minutes of the meeting.
- (6) If there are no Minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to Council's Governance team for recording in the register of Conflicts of Interest.
- (7) The meeting Minutes or record will also record the times when the Councillor left the Meeting and returned to the meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

18.6 Council Staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 18.7 and the Employee Code of Conduct.

18.7 Procedure for Disclosures of Conflicts of Interest by Council Staff

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:

- (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- (c) The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
- (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

19. JOINT COUNCIL MEETINGS

Overview: Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for at section 62 of the Act.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
 - (a) collaborative projects;
 - (b) collaborative procurement; or
 - (c) emergency response.
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or Delegate) will agree on governance rules with the participating Council(s).
- (3) Where Wellington Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting.
- (4) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with Sub-rule (5) may be held electronically.

REVISION HISTORY AND REVIEW

VERSION	TYPE OF CHANGE	EFFECTIVE DATE	APPROVED BY	SUMMARY OF CHANGES
1	New policy	1 September 2020	Council	Creation of new policy as required by introduction of <i>Local Government Act 2020</i> . Encapsulates majority of Local Law 1.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Election Period Policy

Adopted 1 September 2020

ELECTION PERIOD POLICY

OVERVIEW

The purpose of this policy is to outline the conduct of Council during the Election Period for municipal General Elections. The policy aims to ensure that general elections are conducted in a manner that is ethical, fair and equitable, are publicly perceived as such and support the conduct of good governance for Council and the organisation during the Election Period for municipal General Elections. The policy will also facilitate the continuation of the ordinary business of local government throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established "Election Period" conventions.

This policy also commits Council during the Election Period to:

- avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

THE POLICY

1. Background

- 1.1 In the lead up to an election the local government sector adopts an Election Period Policy to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council. Specific provisions have been incorporated in the *Local Government Act 2020* (the Act), that prohibit Council from making major policy decisions or publishing or distributing electoral matter in an Election Period.
- 1.2 Section 69 of the Act prescribes the conduct of a Council during the Election Period. This policy is seen as a way to ensure that Council complies with the Act and the municipal elections for Wellington Shire Council are conducted in a manner that is fair, equitable, upholds the highest standards of democratic governance and is publicly perceived as such.

2. Definitions

- 2.1 It should be noted that where terms used in this policy are defined in the Act, their use in this policy is consistent with the definitions in the Act. Definitions used in this policy are detailed in Appendix 2.

3. Election Period

- 3.1 Starts at midnight on the last day on which nominations for the election can be received; and
- 3.2 Ends at 6:00pm on election day.

This translates to a commencement date of 32 days prior to the General Election and it starts at midnight on the last day on which nominations for that election can be received.

The Chief Executive Officer will ensure that all employees are informed of the requirements of this policy in advance of the Election Period commencing.

4. Decision Making

- 4.1 Careful consideration will be given to what decisions at council or special committee meetings should be made in the 32 days leading up to the general election, so that the incoming Councillors are not unreasonably compromised.
- 4.2 It is an established democratic principle that elected bodies should not unnecessarily bind government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that bind the incoming Council.
- 4.3 This includes a commitment to not only comply with the requirements of Section 93A of the Act, pertaining to major policy decisions, but as well relating to significant decisions as specified within this policy.
- 4.4 Examples of the types of actions that should be avoided are:
 - allocation of community grants or other direct funding to community organisations;
 - major planning scheme amendments;
 - awarding of contracts both civil and service;
 - changes to strategic objective;
 - changes to strategies in the Council Plan;
 - asking Questions on Notice;
 - submitting Notices of Motion;
 - introduction of Late Items;
 - decisions relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer (section 69(2)(a) of the Act); or
 - to terminate the appointment of a Chief Executive Officer.
- 4.5 Ordinary Council and Delegated Committee Meeting agendas and Unscheduled Council Meeting agendas and/or minutes are to be carefully vetted by the Chief Executive Officer and/or Corporate Management Team to ensure that no agenda item is included in any council agenda during the election period that could potentially influence voters' intentions or encourage candidates to use as part of electioneering under section 69(2) of the Act.
- 4.6 During the Election Period, the Chief Executive Officer will ensure that a "Election Period Statement" is included in every report submitted to an Ordinary Council Meeting and/or Unscheduled Meeting for a decision.
- 4.7 The "Election Period Statement" will specify one of the following:
 - a) The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.

- b) The recommended decision is not a Major Policy Decision but is a Significant Decision as defined by Council's Election Period Policy however an exception should be made for the following reason/s: *[insert reasons for making an exemption]*.
- c) The recommended decision is to seek an exemption from the Minister because the matter requires a Major Policy Decision as defined by Council's Election Period Policy .
- d) The recommended decision is a Major Policy Decision, as defined by Council's Election Period Policy, however an extraordinary circumstances exemption was granted by the Minister for Local Government on *[insert date]*.

5. Major Policy Decisions

- 5.1 Section 69 of the Act prohibits a Council, Committee or a person acting under a delegation given by the Council from making a major policy decision during the Election Period for a General Election. If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption. Rates and charges levied continue to apply under the relevant sections of the *Local Government Act 1989*.

6. Significant Decisions

- 6.1 Council will avoid making other decisions during the Election period that are of a significant nature and would unreasonably bind the incoming Council. Significant decisions include:
 - a) irrevocable decisions that commit the Council to substantial expenditure or major actions; and
 - b) irrevocable decisions that will have a major impact on the municipality or the community.

7. Public Consultation

7.1 Definition

Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action, proposed policy, and includes discussion of that matter with the public.

7.2 Right to Postpone

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultation will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of an Election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.

7.3 Statutory Requirements

The requirements of 7.2 do not apply to public consultation required under the *Planning and Environment Act 1987* .

8. Council Resources

- 8.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during a Council election. This includes a commitment to comply with the following procedures.
- 8.2 Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the matter must be referred to the Chief Executive Officer or his or her delegate.
- 8.3 Council resources, including offices, support staff, hospitality services, equipment such as mobile phones, laptops, tablets and printers, and stationery will be used exclusively for normal Council business during the Election Period, and shall not be used in connection with any electioneering activity.
- 8.4 Reimbursements of Councillor's out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 8.5 No Council logos, letterheads or other corporate branding will be used for, or linked in any way to, a candidate's election campaign.
- 8.6 Photos or images taken or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council's website that may be copied.
- 8.7 No election material or active campaigning is to be conducted at Council sponsored events or be displayed in any Council building.
- 8.8 In applying these principles, the Council understands that the following will be normal practice during the Election Period:
 - 8.8.1 Public events will only be organised and run if it is totally unavoidable to conduct such events during the Election period and then only with the express permission of the Chief Executive Officer;
 - 8.8.2 Speeches for Councillors will only be prepared by Media & Communications business unit in relation to events that are part of normal services or operation of the Council and such speeches will not be circulated or available for publication;
 - 8.8.3 Media services, including media releases, will not be provided to Councillors during the Election Period;
 - 8.8.4 Media releases will not mention or quote any Councillor(s) during the Election Period;
 - 8.8.5 All Council newsletters will not be printed during the Election Period; and
 - 8.8.6 Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.

9. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes

9.1 Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the Election Period, Councillors will reimburse the Council for usage of those services during the Election Period that exceeds normal usage levels. Councillors may wish to consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private phone for all election enquiries and publicise such number on election material.

9.2 Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. This includes photos or images provided by Council for past Council specific activities

10. Information

10.1 Candidates' Access to Information

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. Whilst it is important that sitting Councillors continue to receive information that is necessary to fulfill their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections.

There will be complete transparency in the provision of all information and advice during the Election Period.

10.2 Information Request Register

An Information Request Register will be maintained by the Corporate Services business unit during the Election Period. This register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Responses to Councillors and candidate requests, as per clause 9.1, will be provided by the Chief Executive Officer or General Managers. Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

Only Information that can reasonably be accessed will be released.

11. Misuse and Improper Direction of Position

11.1 Section 123 of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of a Councillor, to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person or to cause, or attempt to cause, detriment to the Council or another person.

12. Assistance to Candidates

12.1 The Council affirms that all candidates for the Council election will be treated equally.

12.2 All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibility of the Election Manager (such as the CEO list), to the Chief Executive Officer or a designated

member of Council staff.

- 12.3 Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Election Manager and electronically via the Victorian Electoral Commission's website, accompanied by the nomination fee.
- 12.4 Candidates will also be informed of the requirements to complete and submit an "Election Campaign Donation Return Form" to the Chief Executive Officer within 40 days after the Election Day.

An election campaign donation form must:

- (a) Be in the prescribed form; and
- (b) Contain the prescribed detail in respect of any gifts received during the donation period, by the candidate or on behalf of the candidate, to be used for or in connection with the election campaign.

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or
 - (ii) 30 days after the last election for the Council at which the person required to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council;

13. Communication

- 13.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 13.2 During the Election Period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- 13.3 Any requests from Councillors for media advice or assistance during the Election Period will be channelled through the Chief Executive Officer.
- 13.4 In response to media enquiries, the Chief Executive Officer, General Managers or the Media and Public Relations team will only provide a response and such information should relate to current services and operations.
- 13.5 In the Election Period, no media releases will be issued quoting or featuring any Councillor.
- 13.6 During the Election Period, Council initiated communications shall be restricted to communication of normal Council activities.
- 13.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 13.8 No publicity will be provided that involves specific Councillors.

- 13.9 Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 13.10 Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.
- 13.11 Publicity of Council events (if any during the Election Period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- 13.12 Councillor participation at Council sponsored events (if any during the Election Period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during the Election Period.

14. Council Publications

- 14.1 Council must refrain from printing, publishing or distributing or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

- 14.2 The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process. – it is an offence for the Chief Executive Officer to contravene this requirement.
- 14.3 Electoral matter is any matter that is intended or likely to affect voting in an election.
- 14.4 Certification by the Chief Executive Officer must be in writing and cannot be delegated. Certification wording – over the Chief Executive Officers signature – should be as follows:

“Certified by the Chief Executive Officer that this document does not contain electioneering material in accordance with the Local Government Act 2020.”

- 14.5 A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.
- 14.6 Electoral material has been interpreted to refer to documents produced for the purpose of communicating with the community, including:
- Council newsletters;
 - Advertisements and notices, for example job advertisements and public notices of contracts;

- Media releases;
- Leaflets and brochures;
- Mailouts to multiple addresses.

All the above publications will require certification by the Chief Executive Officer.

Material is definitely electoral matter if it consists of any of the following:

- publicises the strength or weakness of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate;
- publicises the achievements of the elected Council;
- publicises matters that have already been the subject of public debate;
- about matters that are known to be contentious in the community and likely to be the subject of election debate;
- dealing with Election Candidates' statements;
- referring to Councillors or candidates by name or by implicit reference.

14.7 The publication of material specified above applies to all of Council's websites under the auspice of Council. ***Any new pages on the website or new material will require certification by the Chief Executive Officer during the Election Period.***

14.8 The recommended practice, in line with State and Federal Governments, is where possible; avoid all publication activity during the Election Period except where it is essential for the conduct of Council operations.

14.9 A number of Council publications with reference to either current Councillors or candidates, both on the website and public display will be withdrawn from display during the Election Period.

14.10 During the Election Period, Council's website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process.

14.11 Profiles of the current Mayor and Councillors will be removed from Council's website during the Election Period but retain their contact details for their day-to-day role as a Councillor i.e. names, photos and mobile phone numbers.

14.12 Any new material published on Council's website during the Election Period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process via the Chief Executive Officer.

14.13 Council is required by the Act to produce an annual report, and the annual report may be published during the Election Period. The annual report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfill its statutory obligations on reporting matters. In accordance with the requirements of section 100 of the Act, Council may

be required to consider the annual report at a meeting of Council held during the Election Period.

- 14.14 Social media – any publication on social media sites such as Facebook, Twitter or Council blogs that are under the auspice of Council will also require certification by the Chief Executive Officer.

APPENDIX 1 RELEVANT ACT REFERENCE

Local Government Act 2020

69 Governance Rules to include election period policy

- (1) A Council must include an election period policy in its Governance Rules.*
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—*
 - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or*
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or*
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or*
 - (d) the Council considers should not be made during an election period.*
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.*
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.*
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.*

APPENDIX 2 DEFINITIONS

It should be noted that some of the terms used in this policy are defined in the *Local Government Act 2020* (the Act) and their use in this policy is consistent with the Act.

Community engagement principles means the principles specified in section 56 of the Act as follows:

56 The community engagement principles

The following are the community engagement principles—

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

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or
 - (ii) 30 days after the last election for the Council at which the person required to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council;

Election period means the period that—

- (a) starts at the time that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day;

Electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

Electoral matter is not defined in the Act but has the same meaning as matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.

Major Policy Decision is not defined under the Act but has the same meaning as any decision:

- (a) the remuneration, appointment or dismissal of a Chief Executive Officer;

- (b) entering into any contracts worth more than 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* (the 1989 Act) in the previous financial year; and
- (c) the exercise of any entrepreneurial power under section 193 of the 1989 Act if the amount assessed under section 193(5A) of the 1989 Act in respect of the proposal exceeds whichever is greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the 1989 Act in the previous financial year.

Public Consultation is not defined in the Act, but means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action, proposed policy, and includes discussion of that matter with the public.

Publish means publish by any means including by publication on the Internet;

Significant Decision is not defined in the Act, but in this context means an irrevocable decision that significantly affects the municipality.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

RELATED DOCUMENTS

Type:	Details:
General	Gifts and Donations Register Employee Code of Conduct Councillor Code of Conduct Human Rights Charter

REVISION HISTORY AND REVIEW

VERSION	TYPE OF CHANGE	EFFECTIVE DATE	APPROVED BY	SUMMARY OF CHANGES
1	New policy	15 March 2016	Council	Creation of new policy as required by updated legislation
2	Minor Review	17 December 2019	Council	Minor formatting
3	Major Review	1 September 2020	Council	Changes to section references and definitions in line with introduction of <i>Local Government Act 2020</i>



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

LOCAL LAW NO. 1 - 2020
PROCESSES OF MUNICIPAL GOVERNMENT
(COMMON SEAL AND ENFORCEMENT AND
PENALTIES)

The Resolution for amending this Local Law was passed at a meeting of the
Wellington Shire Council held on 1 September 2020

The Common Seal of WELLINGTON)
SHIRE COUNCIL was hereunto affixed)
this day of 2020)
in accordance with Local Law No. 1)
in the presence of:

.....
Chief Executive Officer

Originally adopted July 2014
Revision adopted 1 September 2020

**Processes of Municipal Government
(Common Seal and Enforcement and Penalties) Local Law**

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EXPLANATORY NOTES

Local Law No 1 was adopted by Council in July 2014 and will expire in July 2024.

The introduction of the *Local Government Act 2020* (the Act) requires Governance Rules to replace Local Law No 1 which was made under the *Local Government Act 1989*. The aim of the Act is to provide good governance in the modern day which will allow Council to administer local government in a way that is less prescriptive and more inclusive in its strategies and practices.

Under the Act, it is necessary to remake Local Law 1 whereby the majority of the provisions are transitioned to the Governance Rules and the remaining provisions are those that are not provided for under the Act and thus the Governance Rules. Under the *Local Government Act 1989*, the process to remake a local law is the same as making a new local law (s119), requiring engagement under section 223 for 28 days. This process will commence on the date the notice appears in the Victorian Government Gazette.

PART 1

COMMON SEAL, LOGO & LETTERHEAD

L1.1 THE COUNCIL'S COMMON SEAL

- (1) The Chief Executive Officer must ensure the security of the Council's Common Seal at all times.
- (2) The Council's Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by him or her.
- (3) Any person who uses the Council's Common Seal without authority is guilty of an offence.
- (4) Any person who uses any replica of the Council's Seal without authority is guilty of an offence.
- (5) For Ceremonial documents, the sealing clause may provide for the signature of the Mayor, Councillor and Chief Executive Officer.

Wellington Shire Council Common Seal reads as:

The Common Seal of WELLINGTON)
SHIRE COUNCIL was hereunto affixed)
this day of 2....)
in accordance with Local Law No. 1)
in the presence of:)

.....
Chief Executive Officer

PART 2

ENFORCEMENT AND PENALTIES

L2.1 OFFENCES

- (1) Where any provision in this Local Law requires that something must not be done under any circumstances, any person who does that act is guilty of an offence.
- (2) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

L2.2 PENALTIES

- (1) A person found guilty of an offence under this Local Law is subject to a penalty of 20 penalty units.
- (2) Schedule 1 of this Local Law sets out penalties for infringement notices which may be issued as an alternative to prosecution in respect of offences against this Local Law where Council or its Authorised Officers determine to proceed by infringement notice.

L2.3 INFRINGEMENT NOTICE

- (1) An Authorised Officer may serve an infringement notice under this Local Law in the form of Schedule 2 on any person whom the officer believes has committed an infringement referred to in Schedule 1 requiring the person to pay the penalty for the infringement within 28 days of the issue of the infringement notice.
- (2) If the infringement notice is not withdrawn and the person pays to the Council the amount required by the infringement notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no further action will be taken.
- (3) Any person issued with an infringement notice may make a written representation to the Council, marked to the attention of the Chief Executive Officer, officer in charge of Local Laws administration or any other person authorised by the Council to receive such representations within 28 days of the issue of the infringement notice.
- (4) A written representation received by the Council in accordance with sub-clause (3) within 28 days of the issue of the infringement notice must be considered, together with any other relevant information received within that period, by the relevant authorised person under sub-clause (3).
- (5) Subject to sub-clause (11) the decision of the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises on any representations received will be final.
- (6) The Council or the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises may at any time withdraw an infringement notice either as a result of consideration of any representation made or with a view to prosecuting for an offence.

- (7) Where an infringement notice is withdrawn, the person upon whom it was served must be refunded any payment which that person has made on the infringement notice.
- (8) If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- (9) A withdrawal of an infringement notice must be served in accordance with section 234 of the Act.
- (10) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the Authorised Officer may permit, the Council or the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- (11) Any person served with an infringement notice under this Local Law is entitled to disregard the notice and defend the prosecution in Court.

SCHEDULE 1

PROCESSES OF MUNICIPAL GOVERNMENT (COMMON SEAL AND ENFORCEMENT AND PENALTIES) LOCAL LAW

WELLINGTON SHIRE COUNCIL

PENALTIES FOR INFRINGEMENT NOTICE PURPOSES IN RESPECT OF OFFENCES AGAINST THIS LOCAL LAW

OFFENCES AGAINST LOCAL LAW NO. 1-2020	PENALTY UNITS
Failure to comply with Chairpersons direction	20
Using Council's Common Seal without authority.....	20

SCHEDULE 2
PROCESS OF MUNICIPAL GOVERNMENT
(COMMON SEAL AND ENFORCEMENT AND PENALTIES) LOCAL LAW
WELLINGTON SHIRE COUNCIL
INFRINGEMENT NOTICE

Will be in the form provided by Council and in compliance with the requirements of Section 117 of the *Local Government Act 1989* (also reflected in Section 81 of the *Local Government Act 2020*).

ITEM C2.5**ADOPTION OF COUNCIL EXPENSE AND ADMINISTRATION POLICY**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓		✓	✓	✓				✓	

OBJECTIVE

To approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new Local Government Act 2020 (the Act).

BACKGROUND

Section 41 of the Act states a Council must adopt and maintain a Council Expense Policy, in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Delegated Committees. This provision came into operation on 1 May 2020 and Council must adopt the policy by 1 September 2020.

Council already have an existing policy in the form of the Councillor Entitlements and Administration Policy. In order to update the existing policy to meet compliance requirements under the Act, the following amendments have been made:

- Policy title change: the policy applies to Councillors and Delegated Committee members, no longer just to Councillors;
- Section references updated to the new Act; and
- Revision of specific legislation such as the *Carers Recognition Act 2012* and Governance Rules.

The Council Expense and Administration Policy sets out the level of resources and professional support that Council will provide to Councillors and members of delegated committees and supports Council to meet its legislative obligations under the *Local Government Act 2020*.

OPTIONS

Council has the following options available:

1. To approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act); or
2. Not approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act) and seek further information.

PROPOSAL

That Council approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act).

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

The costs for the implementation of the Council Expense and Administration Policy will be absorbed within the 2020/21 budget and operational budget for future financial years. Council does not currently have any delegated committees under Section 63 of the *Local Government Act 2020* and therefore no budget has been allocated for member entitlements. In the event that a delegated committee is formed, the financial implications will be reviewed.

LEGISLATIVE IMPACT

The *Local Government Act 2020* requires the adoption of a Councillor Expense Policy, pursuant to the Act, by 1 September 2020.

COUNCIL POLICY IMPACT

The Council Expenses Policy must be adopted in accordance with the *Local Government Act 2020* and will be included in the Council Policy manual once resolved.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

ENGAGEMENT IMPACT

Under the Act, community consultation was not required on this policy, however it must be adopted by resolution of Council. This means the public do have the opportunity to comment on the policy at the Council meeting at which the final policy is proposed to be adopted.

1. CEO UNIT

COUNCIL EXPENSE AND ADMINISTRATION

Policy Number:	1.1
Approved by	Council
Original Approved Date:	17 December 2019
Date Effective:	1 September 2020
Date of Next Review:	1 September 2021
Applicable to Unit(s):	Councillors (CEO Unit)
Responsible Officer:	General Manager Corporate Services
Statutory Reference:	<i>Carers Recognition Act 2012</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i>

OVERVIEW

The objective of this policy is to define and establish the administrative support, resources and facilities to be provided to Councillors and the entitlements for Councillors and members of Delegated Committees to have necessary out-of-pocket expenses incurred while performing their civic, statutory and policy-making duties as a Councillor or member of a Delegated Committee either reimbursed or paid direct by Council.

Section 41 of the *Local Government Act 2020* ('the Act') provides that a Council must adopt and maintain a policy in relation to reimbursement of expenses of Councillors and members of a Delegated Committee. This policy has been adopted to provide an overview of how assistance and support is provided, as well as appropriate resourcing and facilities to ensure that they can effectively carry out their roles, responsibilities, duties and powers.

Councillors are elected as the representatives of residents and ratepayers, to govern the Shire of Wellington in accordance with the *Local Government Act 2020*. To assist them to perform their role and responsibilities as Councillors they will be provided with administrative support, resources and facilities and be reimbursed for the expenses specified in this policy incurred in carrying out their official Council duties.

This policy provides direction on the provision of specific equipment, services, consumables, financial assistance and reimbursement which the Council will provide to the Mayor and Councillors in carrying out their duties. It cannot prescribe for every possible situation that may arise and makes no attempt to do so. Where a situation is not adequately covered by this policy, the test of a "necessary expense" will be whether it was incurred as a consequence of undertaking duties associated with an individual's elected role. Where this test is satisfied and a Councillor has incurred an expense, this will be reimbursed by the Council.

The Council recognises that any expenses reimbursed should not be excessive and must be related to the actual performance of an individual's civic, statutory and policy making duties.

Legislative Framework

Section 39 of the *Local Government Act 2020* (the Act) provides for payment of annual allowances to Mayors and Councillors. The allowance framework is determined in accordance by the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Allowances are taxable income and are paid monthly in advance. Personal taxation implications are the responsibility of individual Councillors.

Council is required to increase allowances in accordance with any adjustment factor as prescribed by determinations of the Victorian Independent Remuneration Tribunal.

If a Councillor is appointed to act as Mayor under section 20B for a continuous period exceeding 50 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for the period that he or she is acting as Mayor.

A Council must pay a Councillor allowance or Mayoral allowance as specified in the most recent determination of the Victorian Independent Remuneration Tribunal.

A Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

A person is only entitled to receive an allowance while he or she holds the office in respect of which the allowance is payable.

A person elected to be a Councillor is entitled to receive a Councillor allowance from the date the person takes the oath of office under section 30 of the Act.

A Councillor elected to be Mayor is entitled to receive a Mayoral allowance from the date he or she is elected under section 25 of the Act.

There is no provision for a separate allowance in the *Local Government Act 2020* of the position of Deputy Mayor.

The Victorian Government views Councillor allowances 'not as a form of salary, but as some recognition of the contributions made by those elected to voluntary, part time roles in the community'. They are in addition to reimbursements for approved expenses and other support.

Section 40 of the Act provides for the reimbursement of "necessary out-of-pocket expenses incurred" by Councillors while performing their duties as a Councillor.

Definition of "Council Duties"

For the purpose of this Policy, "Council Duties" is the business of the Council, not of a Councillor.

Section 28 refers to the role of a Councillor which means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

Claims may be submitted by Councillors for expenses under this Policy when performing Council Duties. To this extent, Council duties are defined as the following:

- Meetings of the Council or its Committees;
- Meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or the Council;
- Meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative or is authorised by Council;
- A meeting, function or other official role as a representative of the Mayor or the Council;
- Other meetings, inspections or events attended by a Councillor in an official capacity;
- Conferences, seminars, events and professional development being undertaken by a Councillor.

As a general rule, it is expected that the Mayor or his/her representative will attend functions or

events to represent the Council. On occasions where more than one representative is invited to attend a function or event; reimbursement will be payable provided such attendance by multiple representatives has been endorsed at a preceding Councillor Diary Meeting. In the event that it is not practicable to wait until the next diary meeting endorsement may be sought via email request to which the majority of Councillors have responded in the positive.

The basic test to be applied to determine whether or not an expense is lawfully incurred is whether the expense is related to a clear business need because it is either supplemental to, incidental to, or consequent on the exercise of Council duties.

Where these criteria are satisfied and a Councillor has incurred an out-of-pocket expense, the expense will be paid or reimbursed by the Council.

Note: For all Council business that falls outside the above criteria; a request will need to be submitted on a Councillor Expense Claim Form at the earliest available Councillor Diary Meeting, for consideration and approval by Council. If approved, this then becomes a *Council* duty as opposed to a *Councillor* duty.

Note: Where attendance is agreed to, the Councillor is expected to attend or to nominate a substitute if he/she becomes unable to attend.

ALLOWANCES

Claims are to be submitted where possible but not less than quarterly (by end June, September, December and March). All outstanding claims for the June quarter must be received by no later than ten business days after the end of the financial year. Any claims submitted later than three months after the expense was incurred will not be considered for payment.

Where out of pocket expenses arise as a result of a Councillor being appointed by the Council to an external body, Councillors are requested to seek reimbursement of necessary out of pocket expenses from the governing body rather than Council.

Councillor Allowance

Councillor allowance paid as per section 39 of the Act is not a "salary" or payment for time spent performing Council duties. It is an entitlement due to a Mayor or Councillor (payable monthly in advance) on the basis that they hold the office in respect of which the allowance is payable.

Councillor allowances will be paid at the highest point within the range prescribed for Council, currently Category 2, plus the amount equivalent to the Superannuation Guarantee (currently 9.5%) where applicable.

Allowance reviews are required to take place within the period of six months of a General Election or by the next 30 June, whichever is later. The allowance level determined remains in effect until the time of the next election.

Statement of Allowances

In July annually, Councillors will be provided with a summary statement of allowances paid to them in the previous financial year.

Remote Area Allowance

Where a Councillor (including a Mayor) normally resides more than 50 kilometers by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary or committee meetings of the Council or any municipal or community functions, he or she

shall be entitled to:

- Be paid an additional allowance of \$40.00 per day, up to a maximum of \$5,000 per annum.

The Remote Area Travel Allowance is classified as Travel Allowance in the Annual Report.

In addition to the conditions set down in the Guidelines, Councillors attending ANZAC Day and Australia Day events on behalf of Council shall be entitled to claim Remote Area Allowance.

*For further information, refer to: **Remote Area Allowance Guidelines***

*To complete a claim, refer to: **Remote Area Allowance Claim Form***

REIMBURSEMENTS

Councillor and Delegated Committee member out-of-pocket expenses are reimbursable as per section 40 of the Act. Out-of-pocket expenses are lawfully incurred only when performing Council Duties (as defined under "Definition of Council Duties" in this Policy).

Expenses Reimbursed

Reimbursement for out-of-pocket expenses may include payment for:

- Attendance at functions;
- Travel;
- Professional Development;
- Use of Communication Technology and Equipment;
- Dependent Care;
- Meals.

Submission of a claim for reimbursement

All claims are to be submitted on the prescribed form, authorised by CEO Executive Assistant and forwarded to the Finance Unit for processing and payment.

Councillors and members of Delegated Committees must ensure that any expense details the following information:

- Number of attendees;
- A clear business reason for claim;
- Parties benefitting from the expense.

All claims should be accompanied by fully accredited receipts / tax invoices for any expenses claimed. If receipts cannot be produced, there may be a requirement for the provision of a statutory declaration.

All claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense while serving a clear business need and incurred while performing the duties of a Councillor or member of a Delegated Committee.

NOTE: Supporting evidentiary documentation will be required for all expense reimbursements and payments.

Excluded Reimbursements

The following expenses cannot be funded or reimbursed by Council:

- Any expense arising from a breach of road, traffic, parking or other regulations or laws;
- Stationery, furniture or equipment additional to that provided for in this policy;
- Damage to or loss of personal possessions;
- Expenses for a partner which are not expressly provided for within this policy;
- Donations, tips or gratuities, gifts, the purchase of raffle tickets, or tickets or entry fees to events, unless attending on behalf of Council;
- Hotel mini bar, inhouse entertainment, room services or similar;
- Alcohol;
- Reading material and personal consumption items such as confectionery, snacks and drinks;
- Expenses incurred by third parties;
- Expenses claimed as a tax deduction; and
- Expenses which are fully or partly recoverable from a third party.

NOTE: Where out-of-pocket expenses arise as a result of a Councillor being appointed by the Council to an external body, Councillors are requested to seek reimbursement of necessary out-of-pocket expenses from the governing body rather than Council.

Payment of allowances and expenses will be paid by Council's Accounts Payable into a nominated bank account.

To ensure transparency and accountability in the payment and reimbursement of expenses to the Mayor and Councillors, a report will be submitted to the Remuneration Committee and Council's Audit and Risk Committee. These reports will then be presented to Council for consideration and adoption.

*To complete a claim, refer to: **Councillor-Delegated Committee Member Travel Expense Claim Form***

Attendance at Functions

From time to time, all Councillors (and often their partners) are invited to social functions which require the payment of an attendance charge. It is usual for the Mayor to represent the Council at these functions with the cost of the Mayor's attendance (including the Mayor's partner, when invited) being met by the Council. Individual Councillors have the option of attending at their own cost. If another Councillor is requested to attend on behalf of the Mayor, attendance costs will also be met by the Council.

TRAVEL

Mayoral Vehicle

The Mayor will be provided with a motor vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The motor vehicle is fully maintained to the standard specified in Council's Motor Vehicle Policy which outlines safety and environmental requirements. A fuel card is provided as part of the Mayoral vehicle package.

If the Mayor of the day elects to use his/her own car, the following will apply:

- The Mayor is responsible for all maintenance of their vehicle;
- A fuel card will be assigned to and provided for their vehicle only;
- The Mayor is responsible for insuring their own vehicle, and it is encouraged that their insurer is advised that their vehicle is being used for business purposes;
- Council will not be responsible for any damage, loss or breakdown that occurs whilst private vehicles are being used for Council purposes;
- Council will not cover or contribute to any insurance excess that may be payable; and
- Council will not be responsible for any infringement notices incurred for road, traffic or parking violations whilst private vehicles are being used for Council purposes or otherwise.

Use of Private Vehicles by Councillors

Councillors are encouraged to consider whether it is appropriate to use their private vehicle and to consider carpooling and public transport before deciding to use their private vehicles to carry out official duties such as attending meetings, conferences, seminars or inspections outside of the municipality to which the Councillor has been appointed as a representative of the Council.

Access to a Council Pool Vehicle

Where requested a Council fleet vehicle may be provided, subject to availability, for Councillors to perform their duties.

Use of a Council vehicle must be in accordance with relevant Council policies including the Driver's Logbook.

Fleet vehicle bookings can be made via the CEO Executive Assistant.

Tolls

While travelling on Council business in metropolitan Melbourne, Councillors may incur tolls including those associated with the use of CityLink or EastLink. Councillors may seek reimbursements of costs associated with tolls including the use of CityLink or EastLink passes or those transaction incurred as part of existing personal e-tags accounts.

Claims must be accompanied by copies of receipts or accounts detailing the individual transactions.

Car Parking

Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function. Carpooling is encouraged when a number of Councillors are attending the same meeting. It is recommended that Councillors seek lowest cost options when choosing paid parking facilities.

Infringement Notices

A Councillor will not be reimbursed the cost of any infringement incurred for road, traffic or parking violations.

Myki Card

Council will make available to councillors a Myki card for travel via public transport to and from their Councillor related duties.

When Councillors use their personal Myki card, Council will reimburse the associated cost of travel in line with appropriate receipt documentation.

In addition to the duties specified under "Definition of Council Duties" in this Policy, the Council will reimburse Councillors upon request for travel expenses incurred to attend:

- A meeting, function or any other official role, as either a representative of the Council or the Mayor in the Mayor's absence; and
- A meeting of any organisation or deputation to which the Councillor has been appointed as the Council's representative, or where a Councillor is deputising for the Mayor.

Reimbursement will be:

- For travel by car, reimbursement at the Motor Car Allowance rate determined by the current RACV Vehicle Expense rate for tax deduction purposes;
- For travel by public transport, the fare will be reimbursed upon production of receipt/ticket.

Note: Where practical, travel must be undertaken by the shortest route possible.

For accuracy, all reimbursements regarding mileage will be referenced back to Councillor's Diary and the distance claimed against appropriate mapping software / tool.

*For further information and to claim, refer to: **Councillor-Delegated Committee Member Travel Expense Claim Form***

Interstate and International Travelling

Requests for attendance at interstate and overseas events must be accompanied by a business case, describing the benefits to be gained from attendance and detailing the total costs and Council funds requested at the closest diary meeting to the expected date of travel; within three months of their attendance at an interstate or overseas event, a Councillor must table a report at a Council meeting, detailing the following:

- Details of the event topic, content, location, date and duration;
- Relevance of the event to Council's business and the Councillor's personal development needs;
- Benefits accruing to the Council from attendance; and
- Where two or more Councillors attend an event for which the tabling of a report is required, the Councillors may table a joint report.

Where a Councillor elects to have their partner accompany them to an event, all expenses relating to the partner's attendance will be met by the Councillor.

Professional Development

Councillors will invariably opt to undertake professional development to improve their knowledge and ensure they are properly informed on issues of importance to the community. To assist in this education process, the policy encourages Councillors to undertake appropriate professional development (conferences, seminars, workshops and training sessions) that may be of benefit to

the individual Councillor and Council as a whole.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which includes:

- *Local Government Act 2020*;
- Conflict of Interest;
- Dispute Resolution;
- Fraud and Corruption Awareness training;
- Responsibilities of Councillors; and
- Councillor Code of Conduct.

Councillors undertaking professional development shall have expenses for transport, accommodation, registration fees, meals and refreshments (excluding purchases of alcohol) relating to their attendance paid by Council, as follows:

- The Council may approve expenses of up to \$2000 per financial year per Councillor, for conferences / events within Australia;
- Councillors attending conferences, seminars and other special functions are generally expected to provide a brief written or oral summary to the next formal Council meeting. The summary should outline the benefits of the conference to themselves personally, to Council operations and the Council Plan as applicable;
- The Council must approve all requests for events outside Australia, or for which a Councillor's individual \$2000 limit will be exceeded, either at a Council meeting or through inclusion in an adopted budget.

Dependent Care Expenses

Councillors incurring bona fide dependent care expenses paid to a recognised provider will be reimbursed expenses when the dependent care is necessary in order to allow the Councillor to perform Council duties (as defined under "Definition of Council Duties" in this Policy).

Dependent care includes childcare, specific home care and any other support provided in the case of a dependent as defined under the meaning of a care relationship under section 4 of the *Carers Recognition Act 2012*.

Where the care relates to dependent adults, the Chief Executive Officer must be satisfied that the expense is warranted.

Meals

Meals (generally lunch and dinner) shall generally be provided to Councillors where meetings are scheduled during mealtimes. Alcohol will not be provided by the Council however Councillors are able to purchase/bring their own alcohol at their own cost.

Councillors with Disabilities

The Council may resolve to meet reasonable additional expenses to assist a Councillor with a disability to perform his/her official Council duties.

Other Expenses

Expenses not specifically addressed in this Policy as expenditure for which a Councillor is entitled

to be reimbursed or paid, may be referred to the Remuneration Committee for consideration as a "necessary expense". Where the Committee considers the expense to be legitimately incurred in the performance of Council duties, a proposal will be minuted and report provided at the next Council meeting recommending reimbursement.

Insurance

Councillors are covered under the following Council insurance policies on a 24 hour basis while discharging the duties of office of Councillor including attendance at meetings of external bodies as Council's representative:

- Public Liability and Professional Indemnity;
- Councillors and Officers Liability;
- Personal Accident;
- Motor Vehicle (Council vehicles only);
- Workers Compensation.

RESOURCES, FACILITIES AND SUPPORT

Protective Clothing

Where requested, Council will lend the Councillors protective clothing required to assist in carrying out duties of office. This clothing must be returned promptly upon the completion of the duty.

- Hard hats;
- Reflective vests.

Equipment

The demands made upon a Councillor's time can be significant and Council business can be conducted more efficiently if Councillors are provided home access to appropriate facilities and equipment. This access is provided subject to:

- The facilities and equipment being used predominantly for the transaction of Council business (minimal non-Council use of equipment such as computers, that has no direct cost for Council, is allowable);
- The facilities and equipment are not to be used for electioneering purposes;
- Councillors must ensure the integrity and configuration of equipment provided is maintained at all times;
- Personal use which can be separately costed (e.g. personal calls from a mobile phone) will be met from the Councillor Allowance;
- Councillors must ensure the protection and safe keeping of all equipment issued;
- All equipment and stationery issued shall remain the property of Council.

Telecommunications

Councillors will be provided with a personal computer, printer (incorporating the capability to scan, copy and fax (if required)), and a "smart phone" or equivalent with email access. All connection fees, rental fees and call charges relating to Council business will be met by the Council. Consumables associated with the equipment (e.g. printer toner (if required)) will be provided by the Council.

Councillors must meet the cost of electricity and reimburse the Council for all personal calls on mobile telephones.

Phone calls relating to Council business made from private home phones shall be reimbursed upon presentation of records to support this.

All equipment remains the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement / resignation of the Councillor.

Stationery

Councillors will be provided with name tags, business cards and basic stationery needs as required.

Security Access

Each Councillor will be provided with a security access swipe card authorising 24 hour access and a parking sticker authorising use within the appropriate permit area.

All security access swipe cards remain the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement / resignation of the Councillor.

Other Expenses

Expenses not specifically addressed in this Policy as expenditure for which a Councillor is entitled to be reimbursed or paid, may be referred to the Remuneration Committee for consideration as a "necessary expense". Where the Committee considers the expense to be legitimately incurred in the performance of Council duties, a proposal will be minuted and report provided at the next Council meeting recommending reimbursement.

Any expenditure not specified above as expenditure for which a Councillor is entitled to be paid or reimbursed by Council shall be the responsibility of the Councillor.

Other Resources

- A Council officer nominated by the Chief Executive Officer will be made available to assist the Mayor and Councillors
- Protective clothing on loan, where required to assist in carrying out a Councillors duties, such as reflective vests are to be promptly returned on completion of the duty;
- A library of reference materials (including electronic) relating to Council policies and practices, policy matters of Local Government significance in Victoria and nationally, and any other materials that may be expedient in supporting Councillors in their work.

Councillor's Welfare

Councillors may approach the Chief Executive Officer with regard to any specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.

Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a Councillor, are able to seek counselling on a confidential basis through Converge International. This service can be contacted on 1800 337 068. Normally, up to three sessions are provided, however, further sessions can be arranged on an as needed basis.

REVIEW AND REPORTING

Reimbursement of Councillor and Delegated Committee member expenses will be reviewed on a regular basis by the Remuneration Committee and reported to the Council.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

Related Documents

Type:	Details:
Policy	Governance Rules Provision of Motor Vehicles for Councillors Remote Area Allowance Guideline
Form	Councillor-Delegated Committee Member Expense Claim Form Councillor-Delegated Committee Member Travel Expense Claim Form

ITEM C2.6**ADOPTION OF PUBLIC TRANSPARENCY POLICY**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓	✓	✓		✓			

OBJECTIVE

To approve the new Public Transparency Policy, as attached, and as required under section 57 of the new *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council approve the new Public Transparency Policy, as attached, and as required under section 57 of the new Local Government Act 2020.

BACKGROUND

Under section 57 of the Act, Council is required to adopt and maintain a Public Transparency Policy that gives effect to the Public Transparency Principles outlined in section 58 of the Act.

The objective of the Public Transparency Policy is to clearly outline what Council information is and is not available for the public to either freely access or request to inspect and how this information will be made available to the public. This policy will also be an integral part of Council's Good Governance Framework.

OPTIONS

Council has the following options available:

1. Approve the new Public Transparency Policy, as attached, and as required under section 57 of the *Local Government Act 2020*; or
2. Not approve the new Public Transparency Policy, as attached, and as required under section 57 of the *Local Government Act 2020* and seek further information.

PROPOSAL

For Council to approve the new Public Transparency Policy, as attached, and as required under section 57 of the *Local Government Act 2020*.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

Section 57 of the *Local Government Act 2020* requires a Council to adopt and maintain a public transparency policy that gives effect to the public transparency principles outlined in section 58 of the Act, describes the ways in which Council information is to be made publicly available and specifies what Council information must be publicly available, including all policies, plans and reports.

COUNCIL POLICY IMPACT

As a new Council policy, following a resolution by Council to approve its inception will see the Public Transparency Policy be included in the Council Policy manual to be reviewed annually.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

The introduction of the Public Transparency Policy will clearly and deliberately inform the public about the Council information is and is not available for the public to either freely access or request to inspect and how this information will be made available.

PUBLIC TRANSPARENCY

Policy Number:	2.4.9
Approved by:	Council
Date Approved:	1 September 2020
Date Effective:	1 September 2020
Date of Next Review:	1 September 2021
Related Policies:	Privacy and Data Protection Policy Freedom of Information Policy Records Management Policy Community Engagement Policy
Applicable to Unit(s):	Organisation
Responsible Officer:	General Manager Corporate Services
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i>

OVERVIEW

The Public Transparency Policy is a requirement of section 57 of the *Local Government Act 2020* ('the Act') and has been developed to ensure Wellington Shire Council gives effect to the public transparency principles in the Act. This policy describes what, and how, Council information is publicly and freely available to the community.

THE POLICY

1. POLICY STATEMENT

- 1.1. Council is committed to the principles of public transparency and commits to making all Council information publicly available, except where the information is:
 - 'Confidential Information' as defined under section 3(1) of the Act, unless Council has determined by resolution that the information should be made publicly available;
 - Confidential by virtue of any other Act; or
 - Such that making it publicly available, would be contrary to the public interest.

A definition of 'Confidential Information' under the Act and examples of where the public availability of information would be contrary to the public interest are provided in Appendix 1.

2. POLICY INITIATIVES

- 2.1. Council will make available all Council information that is publicly available on its website and ensure all such information is regularly reviewed, updated, understandable and accessible.
- 2.2. Council will use social and/or digital media to publish or stream appropriate Council content, such as Council Meetings, and other online tools to publish Council information and encourage community engagement and consultation on project and community related matters.

- 2.3. Council will ensure all information and statements as required under Section 7 of the *Freedom of Information Act 1982* are included in its Part 11 Statement and published on its website.
- 2.4. Council will facilitate the awareness of access to Council information through its website and through community engagement opportunities.
- 2.5. Council will apply a presumption of openness to information and adopt a proactive publication position within the parameters outlined in this policy.
- 2.6. Council will strive, where possible, to provide the community with access to Council's publicly available information free of charge.
- 2.7. Council will assist the community in accessing its publicly available information and will inform the community of their right to make an application under the *Freedom of Information Act 1982* for information which is not considered publicly available information.

3. PUBLICLY AVAILABLE INFORMATION

- 3.1. Under the Act (and, in some cases, the *Local Government Act 1989*), there are specific provisions for certain information to be made publicly available, namely:
 - 3.1.1. Council and Delegated Committee Meeting Agendas and Minutes
 - 3.1.2. Local Laws and any documents incorporated
 - 3.1.3. Council Plan
 - 3.1.4. Strategic Resource Plan
 - 3.1.5. Budget
 - 3.1.6. Annual Report
 - 3.1.7. Councillor Code of Conduct
 - 3.1.8. Procurement Policy
 - 3.1.9. Register of Interests
 - 3.1.10. Council Policy Manual
 - 3.1.11. Summary of Election Campaign Donation Returns
- 3.2. Council will also make the following Council information available on request to ensure the community are informed and can benefit from access to information regarding Council's functions and operations:
 - 3.2.1. Authorised Officers
 - 3.2.2. Council Meeting Agendas and Minutes
 - 3.2.3. Councillor Code of Conduct
 - 3.2.4. Councillor Reimbursement Policy
 - 3.2.5. Delegations
 - 3.2.6. Election Campaign Donation Returns Register

- 3.2.7. List of all Leases
- 3.2.8. List of Donations and Grants
- 3.2.9. Procurement Policy
- 3.2.10. Record of Assembly of Councillors
- 3.2.11. Travel Register
- 3.2.12. Details of Chief Executive Officer reappointment and total remuneration.
- 3.3. Under various other Acts administered by Council, the following information will be made publicly available:
 - 3.3.1. Subject to the specified requirements of the *Planning and Environment Act 1987*, the following may be inspected (note that charges may apply):
 - Approved Planning Scheme Amendments
 - Panel Reports
 - Planning Permits/Applications
 - Submissions/objections
 - Planning Register
 - Planning Scheme
 - 3.3.2. Register of Building Permits and Occupancy Permits
 - 3.3.3. Copies of Building Permits, plans and documentation (by application from the property owner or persons authorised by the property owner only, charges will apply)
 - 3.3.4. Register of Animal Registrations
 - 3.3.5. Register of Public Roads
 - 3.3.6. FOI Part II Statement

4. PROCEDURAL GUIDELINES

- 4.1. Community requests for Council information not available on Council's website are to be directed to the relevant business unit or Council's Freedom of Information Officer.
- 4.2. The Freedom of Information Officer will process all applications for documents as per the requirements of the *Freedom of Information Act* and will provide all documents which are publicly available or available for a fee, outside of the Act.
- 4.3. Community requests for information that include exempt information under the *Freedom of Information Act 1982* will be processed by application under that Act.

5. REVIEW

- 5.1. The policy will be reviewed annually unless Council determines that an earlier review is required or where legislative changes occur.
- 5.2. The policy will be reviewed in accordance with Council's Community Engagement Policy.

6. APPENDIX 1 - DEFINITIONS

Confidential Information	<p>Confidential information is defined in the Act as meaning the following:</p> <ol style="list-style-type: none">(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;(g) private commercial information, being information provided by a business, commercial or financial undertaking that—<ol style="list-style-type: none">(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) of the Act;(i) internal arbitration information, being information specified in section 145 of the Act;(j) Councillor Conduct Panel confidential information, being information specified in section 169 of the Act;
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	<p>(k) information prescribed by the regulations to be confidential information for the purposes of this definition;</p> <p>(l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.</p>
Contrary to the Public Interest	<p>There is no definition in the Act as to when the public availability of information would be contrary to the public interest. Council will determine this on a case by case basis. Some examples of where the public availability of information would be contrary to the public interest are as follows:</p> <p>(a) where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or</p> <p>(b) where its disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the council, urban re-zoning, the formulation of land use and planning controls and the formation of imposts; or</p> <p>(c) where it would disclose instructions issued to, or provided for the use of guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of Council; or</p> <p>(d) where the information is subject to a secrecy provision in another Act; or</p> <p>(e) where its disclosure would impede the administration of justice generally, including procedural fairness; or</p> <p>(f) where its disclosure would prejudice intergovernmental relations or otherwise affect relations with other governments or agencies; or</p> <p>(g) where its disclosure would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or</p> <p>(h) where its disclosure would prejudice the deliberative process of government; or</p> <p>(i) where its disclosure would prejudice the effectiveness of testing or auditing procedures.</p>

	These are examples only and not exhaustive of the circumstances in which the public availability of information would be contrary to the public interest.
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HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

RELATED DOCUMENTS

Type:	Details:
Process	Governance Rules
Guideline	Part II Statement – <i>Freedom of Information Act 1982</i>

ITEM C2.7**ADOPTION OF AUDIT AND RISK COMMITTEE AND CHARTER**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓		✓					

OBJECTIVE

As per the new *Local Government Act 2020* (the Act), Council:

1. endorse the continuation of its existing Audit and Risk Committee which meets the requirements of section 53 of the Act; and
2. approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council, as per the new Local Government Act 2020 (the Act):

- 1. endorse the continuation of its existing Audit and Risk Committee which meets the requirements of section 53 of the Act and;***
- 2. approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act.***

BACKGROUND

Wellington Shire Council has maintained an Audit and Risk Committee since February 2016, comprising of three independent members and two Councillors and operates per its Charter and Terms of Reference.

Under section 53 of the *Local Government Act 2020*, Council is required to appoint an Audit and Risk Committee and under section 54, adopt an Audit and Risk Charter. As Council has an existing Committee and Charter, our requirements under the Act are to update the relevant section references from the Act throughout the Charter and Terms of Reference for adoption and recommend endorsement of the already appointed and current Committee.

OPTIONS

Council has the following options available:

1. Endorse the continuation of Council's existing Audit and Risk Committee which meets the requirements of section 53 of the Act and approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act; or
2. Not endorse the continuation of Council's existing Audit and Risk Committee which meets the requirements of section 53 of the Act and approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act and seek further information.

PROPOSAL

That Council endorse the continuation of its existing Audit and Risk Committee which meets the requirements of section 53 of the Act and approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act but has been updated to include the correct references to the Act.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

Under sections 53 and 54 of the *Local Government Act 2020*, Council is required to appoint an Audit and Risk Committee and adopt an Audit and Risk Charter. As Council already have an Audit and Risk Committee and adopted Charter and Terms of Reference, Council has updated the Charter and Terms of Reference with relevant sections from the Act for adoption and recommend reappointment of the current Committee, including current terms of service.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.



AUDIT & RISK COMMITTEE

CHARTER

Reviewed September 2020

The Wellington Shire Council maintains an Audit & Risk Committee in accordance with Section 53 of the *Local Government Act 2020*.

The Audit & Risk Committee is an independent advisory Committee to Council. The primary objective of the Audit & Risk Committee is to assist Council in the effective conduct of its responsibilities for financial and non-financial reporting and performance, management of risk, information services governance, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit & Risk Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee to facilitate:

- the enhancement of the credibility and objectivity of internal and external financial and non-financial reporting and performance;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines;
- the effectiveness of the internal audit function;
- the provision of an effective means of communication between the external auditor, internal audit, management and the Council;
- a review of the effectiveness of Council processes and the outcomes of the external audit.

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AUDIT & RISK COMMITTEE

TERMS OF REFERENCE

1 General

- (a) The Audit & Risk Committee is a formally appointed committee of the Council and is responsible to that body. The Audit & Risk Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit & Risk Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

2 Membership

- (a) The Audit & Risk Committee will comprise of two Councillors, and three external independent persons with suitable knowledge and experience, all appointed by Council for periods varying to a maximum term of 3 years. External members may be re-appointed for subsequent terms, following a public advertising process in accordance with 2 (b). A quorum shall be 3 (with a minimum of 2 independent members). The Chairperson shall be an external independent person and the Chairman's term will overlap the term of appointed Councillors to ensure continuity. The Chief Executive Officer should be required and entitled to attend all Audit & Risk Committee meetings.

External independent persons will have senior business and/or financial management/reporting knowledge and experience and be conversant with the financial and other reporting requirements. The evaluation of potential members will be undertaken by the Mayor and Chief Executive Officer taking account of the experience of candidates (as per the Committee's expertise matrix) and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.

- (b) Appointments of external persons shall be made by Council by way of a public advertisement and be for a maximum term of three years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.
- (c) If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.
- (d) Remuneration will be paid to each independent member of the Committee (the basis may be an annual fee, with an additional amount paid to the Chairperson or a set fee per meeting, or another basis as appropriate).

- (e) The Chairperson shall be appointed from the external members of the Committee by the Audit & Risk Committee subject to Council's approval. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- (f) Other members of Council or Council staff and the internal auditor (whether a member of staff or contractor) may be invited to attend at the discretion of the Committee to advise and provide information when required.
- (g) Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings considering the draft annual financial report and results of the external audit.
- (h) Council shall provide secretarial and administrative support to the Committee.

3 Meetings

- (a) Process
The Committee shall meet at least quarterly (e.g. in August to review the draft annual financial accounts and consider the initial report of the external auditor, in November to review the final results of the annual audit, in February to review the progress of the internal audit program and any interim reports from the external auditor, and in May to review the current year and determine the next financial year annual internal audit program). Additional meetings may be convened at the discretion of the Chairperson, at the written request of an independent member, or any of the member Councillors.
- (b) Declaration of Conflicts of Interest
Declaration of Conflicts of Interest will be in accordance with the requirements of the *Local Government Act 2020*.
- (c) Closure of Meetings to the Public
In accordance with Section 66(2) of the *Local Government Act 2020*.

4 Planning

- (a) The Committee will develop an annual work plan.
- (b) The Committee will review the Charter and Terms of Reference annually.

5 Reporting

- (a) The Audit & Risk Committee shall after every meeting forward the minutes of that meeting to the next practical ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- (b) The Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year.
- (c) The Chairperson may require any report prepared by the Audit & Risk Committee to be listed on the agenda for the next practical ordinary meeting of the Council.

AUDIT & RISK COMMITTEE

LIST OF DUTIES AND RESPONSIBILITIES

- (a) The following are the duties and responsibilities of the Audit & Risk Committee in pursuing its Charter:
- (1) To review the scope of the internal audit plan and programme and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programmes; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
 - (2) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
 - (3) Review the level of resources allocated to internal audit and the scope of its authority.
 - (4) Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
 - (5) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programmes.
 - (6) Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
 - (7) Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
 - (8) Review the process for the identification, nature, extent and reasonableness of related party transactions.
 - (9) Review Council's draft annual financial report, focusing on:
 - accounting policies and practices;

- changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- (10) Annually, make a recommendation to Council on the fairness of the annual financial statements. Review any significant changes that may arise subsequent to any such recommendation but before the financial statements are signed.
 - (11) Discuss with the external auditor the scope of the audit and the planning of the audit.
 - (12) Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
 - (13) Review the annual performance statement and make a relevant recommendation to Council.
 - (14) Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
 - (15) Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate with reports on any such matters to be reviewed by the Audit & Risk Committee including any incidents of fraud or suspected fraud.
 - (16) Monitor the progress of any major legal issues facing the Council.
 - (17) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
 - (18) Monitor compliance with other "non-financial" legislated policies (e.g. EEO, OH&S etc).
 - (19) The Audit & Risk Committee in conjunction with Council and the Chief Executive Officer should develop the Committee's performance indicators.
 - (20) The Audit & Risk Committee will complete an annual evaluation of the Committee's performance at the May meeting.
 - (21) Should there be a conflict of interest for outsourced internal audit providers who perform other consultancy work for the Council, the issue will be brought before the Audit & Risk Committee for deliberation.
- (b) The Audit & Risk Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

ITEM C2.8**APPROVAL OF C6 INSTRUMENTS OF DELEGATION -
COMMUNITY ASSET COMMITTEES**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓		✓		✓			

OBJECTIVE

To transition the current Council Section 86 Committees of Management that were established under the *Local Government Act 1989* to “Community Asset Committees” to meet compliance with the requirements of section 65 of the new *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council;

- 1. Revoke the Instruments of Delegation and Section 86 Committees of Management as previously established under section 86 of the Local Government Act 1989;***
- 2. Approve the Instruments of Delegation, as attached, to establish and appoint the Community Asset Committees under Section 65 of the Local Government Act 2020; and***
- 3. Delegate the power to approve future committee member appointments to these Community Asset Committees to the Chief Executive Officer.***

BACKGROUND

Under section 65 of the Act, Council is required to transition all Section 86 Committees of Management, established under the *Local Government Act 1989*, to “Community Asset Committees” via the approval of five instruments of appointment.

The *C6 Council Resolution – Establishment of Community Asset Committee* instruments will formally establish and appoint Council’s Section 86 Committees of Management as Community Asset Committees under the Act. The following committees are being transitioned:

1. Briagolong Recreation Reserve Committee;
2. Cameron Sporting Complex Committee;
3. Gordon Street Reserve Committee;
4. Maffra Recreation Reserve Committee; and

5. Newry Recreation Reserve Committee.

A key change to note for Community Asset Committees is that committees will no longer operate under a delegation from Council. Committees and their members will be established and appointed by Council, however, the delegated processes that they operate under will now be delegated by the CEO.

Once the above Committees have been formally established by Council resolution, the CEO is required to sign the C7 Instruments of Delegation by CEO to Community Asset Committee to delegate their roles and responsibilities under the Act.

OPTIONS

Council has the following options available:

1. Approve the:
 - a. Revoke the Instruments of Delegation and Section 86 Committees of Management as previously established under section 86 of the *Local Government Act 1989*;
 - b. Approve the Instruments of Delegation, as attached, to establish and appoint the Community Asset Committees under Section 65 of the *Local Government Act 2020*; and
 - c. Delegate the power to approve future committee member appointments to these Community Asset Committees to the Chief Executive Officer; or
2. Not approve the:
 - a. Revoke the Instruments of Delegation and Section 86 Committees of Management as previously established under section 86 of the *Local Government Act 1989*;
 - b. Approve the Instruments of Delegation, as attached, to establish and appoint the Community Asset Committees under Section 65 of the *Local Government Act 2020*; and
 - c. Delegate the power to approve future committee member appointments to these Community Asset Committees to the Chief Executive Officer,and seek further information.

PROPOSAL

To transition the current Council Section 86 Committees of Management that were established under the *Local Government Act 1989* to "Community Asset Committees" to meet compliance with the requirements of section 65 of the new *Local Government Act 2020* (the Act).

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

The Act sets out that Section 86 Special Committees of Management, established under the *Local Government Act 1989*, must be transitioned to a Community Asset Committee if they continue to operate past 1 September 2020. Section 65 of the Act requires that Council establish and

appointed member of the Committee, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district under section 65(2) of the Act. The governance arrangements for these committees are specified by the CEO under section 47(4) through the signing of the C7 Instruments of Delegation. These terms and conditions include the limits and purpose of any financial delegation that can be exercised by the Committee, governance arrangements and monitoring and reporting requirements.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time as the transition is an administrative change for Council in order to meet the requirements of the new Act. It is not anticipated to impact or add additional strain on Committee volunteers and will not change the way committees operate on the ground or their purpose.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

In exercise of the power conferred by s 65 of the *Local Government Act 2020 (the Act)*, Council resolves that:

1. From the date of this resolution, there be established as a Community Asset Committee the Briagolong Recreation Reserve Community Asset Committee (**Committee**).
2. The purpose of the Committee is set out in the Schedule to this resolution.
3. The members of the Committee are:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - Two representatives from the Briagolong Junior Football Netball Club
 - Two representatives from the Briagolong Tennis Club
 - Two representatives from the Boisdale-Briagolong Cricket Club
 - Two representatives from the Briagolong & District Pony Club
 - Five representatives of the community of Briagolong
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.



SCHEDULE

Briagolong Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Briagolong Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Briagolong Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Briagolong Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Briagolong Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Briagolong Recreation Reserve.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

In exercise of the power conferred by s 65 of the *Local Government Act 2020 (the Act)*, Council resolves that:

1. From the date of this resolution, there be established as a Community Asset Committee the Cameron Sporting Complex Community Asset Committee (**Committee**).
2. The purpose of the Committee is set out in the Schedule to this resolution.
3. The members of the Committee are:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - One representative from Maffra Gymnastics Inc
 - One representative from Maffra & District Basketball Association
 - One representative from Maffra Cricket Club
 - One representative from Maffra Junior Football Club
 - One representative from Maffra Volleyball Association
 - Five representatives of the community of Maffra
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.

C6 Council Resolution (Community Asset Committee)

April 2020 Update



SCHEDULE

Cameron Sporting Complex Community Asset Committee

Purpose

- To manage, operate and maintain the Cameron Sporting Complex for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Cameron Sporting Complex for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Cameron Sporting Complex by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Cameron Sporting Complex's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Cameron Sporting Complex.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

In exercise of the power conferred by s 65 of the *Local Government Act 2020 (the Act)*, Council resolves that:

1. From the date of this resolution, there be established as a Community Asset Committee the Gordon Street Recreation Reserve Community Asset Committee (**Committee**).
2. The purpose of the Committee is set out in the Schedule to this resolution.
3. The members of the Committee are:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - One representative from the Heyfield Cricket Club
 - One representative from the Heyfield Football Netball Club
 - One representative from the Heyfield Junior Football Club
 - One representative from the Heyfield Junior Netball Club
 - One representative from the Heyfield Basketball Club
 - One representative from the Heyfield Vintage Machinery Group
 - One representative from the Heyfield Pigeon Club
 - One representative from the Heyfield Tennis Club
 - One representative from the Heyfield Traders & Tourism Association
 - Five representatives of the Community of Heyfield
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.

C6 Council Resolution (Community Asset Committee)

April 2020 Update



SCHEDULE

Gordon Street Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Gordon Street Recreation Reserve and Middle Oval for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Gordon Street Recreation Reserve and Middle Oval for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Gordon Street Recreation Reserve and Middle Oval by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Gordon Street Recreation Reserve and Middle Oval's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Gordon Street Recreation Reserve and Middle Oval.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

In exercise of the power conferred by s 65 of the *Local Government Act 2020 (the Act)*, Council resolves that:

1. From the date of this resolution, there be established as a Community Asset Committee the Maffra Recreation Reserve Community Asset Committee (**Committee**).
2. The purpose of the Committee is set out in the Schedule to this resolution.
3. The members of the Committee are:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - Two representatives from the Maffra Football Club
 - Two representatives from the Maffra Agricultural Society
 - One representative from the District Kennel Club
 - One representative from the Poultry Club
 - One representative from the Maffra Municipal Band
 - One representative from the Maffra Rockhounds
 - One representative from the Eastern Victorian Pleasure Harness Club Inc
 - One representative from the American Truck Historical Society (Australian Charter)
 - Four representatives of the Community of Maffra
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.

C6 Council Resolution (Community Asset Committee)

April 2020 Update



SCHEDULE

Maffra Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Maffra Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Maffra Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Maffra Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Maffra Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Maffra Recreation Reserve.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

In exercise of the power conferred by s 65 of the *Local Government Act 2020 (the Act)*, Council resolves that:

1. From the date of this resolution, there be established as a Community Asset Committee the Newry Recreation Reserve Community Asset Committee (**Committee**).
2. The purpose of the Committee is set out in the Schedule to this resolution.
3. The members of the Committee are:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - One representative from the Newry-Nambrok Junior Football Club
 - One representative from the Newry Golf Club
 - One representative from the Maffra-Sale Motorcycle Club
 - One representative from the Upper Maffra Mechanics Institute
 - Five representatives of the community of Newry
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.

C6 Council Resolution (Community Asset Committee)

April 2020 Update



SCHEDULE

Newry Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Newry Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Newry Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Newry Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Newry Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Newry Recreation Reserve.