



HEPBURN SHIRE COUNCIL
SPECIAL MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 25 August 2020

Virtual Meeting
via Video Conference

6:00 pm

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA [COUNCIL'S FACEBOOK PAGE](#)

MINUTES

Tuesday 25 August 2020

Virtual Meeting

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Commencing at 6:00 pm

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EVAN KING

CHIEF EXECUTIVE OFFICER

Tuesday 25 August 2020

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

2 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Licia Kokocinski (Mayor), Cr Kate Redwood AM, Cr Don Henderson, Cr Fiona Robson, Cr Greg May, Cr John Cottrell, Cr Neil Newitt

OFFICERS PRESENT: Mr Evan King - Chief Executive Officer, Mr Bradley Thomas - Director Community and Corporate Services, Mr Bruce Lucas - Director Infrastructure and Development Services, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager Governance and Risk

The meeting opened at 06:01 pm.

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF
GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

3 APOLOGIES

Nil.

4 DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

5 OFFICER REPORTS

5.1 HEPBURN SHIRE COUNCIL GOVERNANCE RULES DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Summary Table of Governance Rules Changes [5.1.1 - 7 pages]
2. Hepburn Shire Council Governance Rules - August 2020 [5.1.2 - 59 pages]

EXECUTIVE SUMMARY

- Section 60 of *Local Government Act 2020* states that a Council must develop, adopt and keep in force Governance Rules.
- At a Special Council Meeting held on 14 July 2020, Council approved for the Draft Governance Rules to be presented to the community inviting feedback via a Have Your Say Community consultation process from 15 July 2020 – 12 August 2020 (4 weeks).
- This report is to present the Final Governance Rules & Election Period Policy at Chapter 7 for Council adoption and for Council to meet its statutory obligations under the *Local Government Act 2020* to have the Governance Rules in place by 1 September 2020.

OFFICER'S RECOMMENDATION

That Council:

1. *Note the outcomes from the community consultation and engagement process that officers undertook from the period commencing 15 July 2020 and concluding August 2020 (4 weeks);*
2. *Adopt the Hepburn Shire Council's Governance Rules (including the Election Period Policy at Chapter 7);*
3. *Note that the community consultation process and adoption of the Governance Rules is compliant with Council's obligations under section 60 of the Local Government Act 2020;*
4. *Note that the Governance Rules as of 1 September 2020 will replace the meeting procedure requirements as detailed in Council's Meeting Procedure Local Law no. 1;*
5. *Note that Council's Meeting Procedure Local Law #1 has not yet been revoked, and from 1 September 2020 only governs the regulation of the common seal and the conduct of meetings with respect to penalties and offences as the Governance Rules takes precedence;*
6. *Note that a formal review of Council's Meeting Procedure Local Law no. 1 will take place.*

MOTION

That Council:

- 1. Note the outcomes from the community consultation and engagement process that officers undertook from the period commencing 15 July 2020 and concluding 20 August 2020 (4 weeks);*
- 2. Adopt the Hepburn Shire Council's Governance Rules (including the Election Period Policy at Chapter 7);*
- 3. Note that the community consultation process and adoption of the Governance Rules is compliant with Council's obligations under section 60 of the Local Government Act 2020;*
- 4. Note that the Governance Rules as of 1 September 2020 will replace the meeting procedure requirements as detailed in Council's Meeting Procedure Local Law no. 1;*
- 5. Note that Council's Meeting Procedure Local Law no. 1 has not yet been revoked, and from 1 September 2020 only governs the regulation of the common seal and the conduct of meetings with respect to penalties and offences as the Governance Rules takes precedence;*
- 6. Note that a formal review of Council's Meeting Procedure Local Law no. 1 will take place.*

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

Local Government Act 2020 development – background and context

- The 2020 Act received Royal Assent on 24 March 2020 and became Law.
- The 1989 Act is over 30 years old and is deemed no longer reflective of the community expectations with respect to council operations.
- The Explanatory Memorandum says that the Act is intended to achieve: “...a contemporary legislative framework for local government in Victoria that enhances democracy, council transparency, and responsiveness to community and the State...”
- Section 8(1) of the 2020 Act states that the role of Council is to provide good governance in its municipal district for the benefit and the wellbeing of the municipal community.
- Through the new legislation Councils will be more engaged with and accountable to their communities.
- Currently the 2020 Act operates simultaneously with 1989 Act. As different stages come into operation, corresponding sections of the 1989 Act will be repealed.
- The objectives of the Act are to ensure that:
 1. Local Government continues to be constituted as a democratically elected tier of Government in Victoria;
 2. Councils are constituted as representatives bodies that are accountable, transparent, collaborative, efficient and engaged with their communities;
 3. Councils have the functions and powers necessary to enable Councils to perform their role.
- The 2020 Act was developed with 5 major themes in mind when it was reviewed and passed from a Bill into legislation this year. The themes include:
 1. Improved service delivery – allow councils to focus on better financial management and engagement with their communities to deliver better services.
 2. Improved councillor conduct – set minimum requirements for candidates and councillors and clearer standards of behaviour with stronger mechanisms to address poor conduct.
 3. Stronger local democracy – increase council and councillors direct accountability to the community.
 4. Community confidence – reforms election processes and candidate requirements to increase transparency
 5. New relationships – removal of any unnecessary Ministerial approvals and arbitrary powers to build a new relationship between the State, local government and communities.

- The Act is being implemented in four key stages.
- The first stage was proclaimed on 6 April.
- The second stage, and first tranche of documents required by Council to adopt is to implement by 1 September 2020.

Governance Rules – 2020 Act

- The development of the Governance Rules has been based off a template prepared by Maddocks Lawyers.
- The template represents a ‘standard’ form of Governance Rules that are capable of satisfying the requirements of Section 60(1) of the 2020 Act.
- Many Councils are utilising this model template to meet their statutory obligations.
- Section 60 of the 2020 Act states that a Council must develop, adopt and keep in force Governance Rule for or with respect to the following:
 - The conduct of council meetings;
 - The conduct of meetings of delegated committees;
 - The form and availability of meeting records;
 - The election of the Mayor and Deputy Mayor;
 - The appointment of an Acting Mayor;
 - The election period policy in accordance with section 69;
 - the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
 - the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
 - the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1); and
 - any other matters prescribed by the regulations.
- The Governance Rules must provide for a Council to:
 - consider and make decisions on any matter being considered by the Council fairly and on the merits; and
 - institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.
- Council may amend its Governance Rules.
- Pursuant to section 60(4) of the 2020 Act Council must ensure that that a process of community engagement is followed in developing or amending its Governance Rule, unless Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.
- The 2020 Act is silent how long Councils should seek feedback on the Governance Rules, however Council consulted with the community for a 4-

week period (15 July 2020 to the 12 August 2020) to engage with the community as extensively as possible.

- The 2020 Act states that a Council must comply with its Governance Rules.
- A Council must adopt its Governance Rules by 01 September 2020.
- A Council's first Governance rules will replace the meeting procedure as detailed in Councils current Local Law no. 1 – Meeting Procedure Local Law.
- The preparation of the Governance Rules provide an opportunity to improve not just the rules but the way meetings are conducted.
- Specific improvements relate to:
 - Aligning decision-making processes with principle-based approaches of the new Act;
 - Making meeting procedures easier for councillors to understand and apply;
 - Enduring that decision-making process are more transparent for the community;
 - Generally simplifying decision making; and
 - Making it easier to update meeting procedures.
- As the 2020 Act is a principle based legislation, with section 9 expressly stating that Councils must, in its performance of its role give effect to the overarching governance principles. These principles are:
 - Council decisions are to be made and actions taken in accordance with the relevant law;
 - priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - the municipal community is to be engaged in strategic planning and strategic decision making;
 - innovation and continuous improvement is to be pursued;
 - collaboration with other Councils and Governments and statutory bodies is to be sought;
 - the ongoing financial viability of the Council is to be ensured;
 - regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - the transparency of Council decisions, actions and information is to be ensured.
- The 2020 Act also states that in giving effect to the overarching governance principles, a Council must take into account the following supporting principles:
 - (a) the community engagement principles;
 - (b) the public transparency principles;

- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles

- The Governance Rules are divided into an Introduction and 7 Chapters.

Item	Details
Introduction	
Chapter 1	Governance Framework
Chapter 1 <i>Rule 1</i>	Council's position on the Governance Rules in context of other Council documents.
Chapter 1 <i>Rule 2</i>	Attempts to ensure compliance with s 60(2) of the Act. Imposes obligations on those involved in decision-making including members of Council staff under delegation.
Chapter 2	Meeting Procedure Contains rules relating to meeting procedure at Council meetings. Election of Mayor & any Deputy Mayor Appointment of Acting Mayor Form and availability of meeting records (in the form of meeting minutes at Council Meetings) Majority of Councils provisions relating to existing meeting procedure local law no. 1 are transferred over in this chapter.
Chapter 3 <i>Rule 1</i>	Meeting procedure for Delegated Committees
Chapter 3 <i>Rule 2</i>	Allows for flexibility either Council or Delegated Committees to resolve that any provision in the Governance Rules (n Chapter 2) relating to a Council Meeting be modified in its application of a meeting of a relevant Delegated Committee.
Chapter 4	Meeting Procedure for Community Asset Committees. This is open for the CEO to provide for how Community Asset Committee meetings are conducted in their

	<p>Instruments of Sub-Delegation delegating various duties, functions and powers to the Community Asset Committees.</p> <p>As an alternative this allows the community asset committees to set its own meeting procedure.</p>
Chapter 5	<p>Disclosure of Conflicts of Interest</p> <p>These are set out in a single chapter.</p> <p>Identical disclosure procedures in relation to Council meetings and delegated committee meetings.</p> <p>Modified procedure is then provided for councillors who are present at a community asset committee meeting.</p> <p>Procedure is detailed for meetings held under Auspice of Council – for example advisory committees, project reference committees (assembly of councillors).</p> <p><i>***no rules in this chapter become operative until Division 1A of Part 4 of the 1989 Act is repealed (24 October 2020).</i></p> <p><i>Until then the existing provisions pertaining to conflict of interest declaration under the Local Government Act 1989 will continue and disclosure will be regulated by ss 79, 80A and 80B and 80C of the 1989 Act.</i></p> <p><i>Rule 1 in Chapter 5 makes it clear that the following Rules in the Chapter only commence when the provisions in the 1989 Act are repealed**</i></p>
Chapter 5 <i>Rule 8 & 9</i>	<p>Members of Council staff are subject to disclosure obligations when exercising delegated powers or performing statutory functions s 130(1)(d) and (e) of 2020 Act.</p>
Chapter 6	<p>Provides for miscellaneous information</p> <p><i>**no rule can conflict any provision in the 2020 Act**</i>Addresses 2 matters:</p> <p>*Records of information meetings of councillors (formally known as assemblies of councillors in 1989 Act)</p> <p>*The Chief Executive Officer’s designation of</p>

	information as confidential information.
Chapter 6 <i>Rule 2</i>	<p>Once section 77(2)(c) of the 1989 Act is repealed, the CEO's will have no legislative power to designate information as 'confidential information'.</p> <p>Designation creates a presumption that the information designated <i>is</i> confidential. The Rule can not go beyond that – it can do no more than allow the CEO to express – through his/her designation – an opinion that the particular information satisfies the definition in section 3(1) of the 2020 Act.</p> <p>It is hoped that Councillors and staff will respect this and treat the information as confidential on this basis.</p> <p>Rule 2 will not be operative until s 77(2)(c) of the 1989 Act is repealed on the 24 October 2020.</p>
Chapter 7	<p>Election Period Policy</p> <p>Council's election period policy must be included in the Governance Rules and is stated in s 69(1) of the 2020 Act.</p> <p>This is included as an attachment.</p>

Governance Rules:

- Attachment provides for the Draft Governance Rules incorporating at Chapter 7 an Election Period Policy.
- Attachment provides for a summary of the key elements of Hepburn Shire Council's Draft Governance Rules.
- A change in the submission of public questions and requests to address Council from 12pm noon the day of the ordinary council meeting to 10am on the Monday prior to the ordinary council meeting. Whilst this is a change of process, Council are committed to re-establishing 'Listening Posts' when restrictions ease and Government directives change relating to COVID-19 pandemic.
- There is no change to the topics of questions than can be asked as part of public questions.
- The table below provides a summary of the Chapters and details within each.
- Officers committed to Councillors to enact the following consultation process:

Step 1	Method	Consultation Period
Council adopts its Draft	Have your say on	Commenced on

<p>Governance Rules (including the Election Period Policy) and places the Rules out for community consultation at the Special Council Meeting for 14 July 2020</p>	<p>Council's website</p> <p>Document socialised on Councils Facebook</p> <p>Regular social media posts</p> <p>Draft available at customer service centres and libraries pending cautious COVID-19 requirements.</p> <p>Copies of submissions as received will be placed on Councils website with personal affairs information of submitters redacted.</p>	<p>Wednesday 15 July and concludes on Wednesday 12 August 2020 (4 weeks)</p> <p>– in line with best practice community engagement period</p> <p><i>**timeframe not legislated*</i></p>
Step 2	Method	Councillor review
<p>Council officers take into account and where appropriate incorporate feedback received and align it to Governance Rules and 2020 Act.</p>	<p>Review submissions</p>	<p>Councillors will be provided the re-draft including a summary of submissions received.</p>
Step 3	Re-engagement process	Finalisation
<p>Council officers prepare the Final Draft of Governance Rules (including Election Period Policy) for adoption at a Special Council meeting on 25 August 2020 to meet 01 September statutory deadlines</p>	<p>Officers write to those who put in writing submissions advising that that the final draft will be presented at the Special Council meeting on 25 August 2020.</p>	<p>Adopted and come into effect for the next Ordinary Council meeting for September 2020.</p> <p>Govern the meeting procedure as detailed in the Chapters.</p> <p><i>**Meeting Procedure Local Law no. 1 continues to govern the regulation of the common seal and conduct of meetings with respect to penalties and offences**</i></p>

Summary of feedback received via Have Your Say community consultation process:

Council received no submissions from the community via the Have Your Say community consultation process with respect to the Governance Rules that were presented for public exhibition.

Records indicate that there were over 742 views on Council's website where there was a dedicated webpage created, including a:

- Fact sheet – Local Government Act 2020 - At a Glance document
- A recorded presentation by Manager Governance and Risk detailing the requirements for Council to have a set of Governance Rules and what this means for Council and the community.
- A link to Council's Special Council 'virtual meeting' where the Draft Governance Rules were presented by officers and approved by Council to go out for public consultation.

It is important to note that submissions could be received via submission at customer service centres, via email or via the Have Your Say built survey on the page listed above.

Media and Communications plan that was undertaken to communicate and socialise to the community feedback was sought on the Governance Rules:

- Development of dedicated webpage on Council's website
<https://www.hepburn.vic.gov.au/have-your-say-on-the-proposed-governance-rules-public-transparency-policy/>
- Built Have your Say Survey
- Face sheet developed
- Link to Virtual Council Meeting – Special Council Meeting 14 July 2020 where the Draft Rules were presented to Council.
- 8 Facebook social media posts that encouraged submissions from community members:
 - Wednesday 15 July 2020
 - Monday 20 July 2020
 - Friday 24 July 2020
 - Monday 27 July 2020
 - Friday 31 July 2020
 - Monday 3 August 2020
 - Friday 7 August 2020
 - Monday 10 August 2020
- Print media publications that were published into:
 - The Courier – Saturday 15 July 2020
 - The Local – Monday 20 July 2020

- Hardcopies of the Governance Rules were prepared and available at Customer Service Centres at Clunes, Creswick and Daylesford.

KEY ISSUES

- Council are required under the *Local Government Act 2020* to have the Governance Rules adopted and in force by 1 September 2020.
- As such Officers have prepared the preparation, consultation, engagement with councillors and Council adoption in line with these timeframes.
- In light of COVID-19 restrictions, a range of communication and engagement strategies were enacted in attempt to engage with the Hepburn Shire Council to seek their views on the Rules.
- It is important to note that the Meeting Procedure in the Governance Rules take precedence over the Meeting Procedure Local Law no. 1.
- The Meeting Procedure Local Law no. 1 still remains in force, and will be reviewed early 2021.
- The Meeting Procedure Local Law no. 1 will only then govern the regulation of the common seal and conduct of meetings in terms of penalties and offences once the Governance Rules are adopted.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. Although Council received no submissions from the community via the

Have Your Say community consultation process significant community advertising was undertaken.

5.2 HEPBURN SHIRE COUNCIL PUBLIC TRANSPARENCY POLICY DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Policy 83 (C) - Public Transparency Policy - August 2020 [5.2.1 - 15 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present to Council the Public Transparency Policy for adoption as required under the *Local Government Act 2020*.

The Policy, alongside the Governance Rules were presented to Council at its Special Council Meeting on 14 July 2020 to go out for community comment via Council's Have Your Say webpage from 15 July to the 12 August.

The community consultation was promoted via advertisements placed in local newspapers and postings on Council social media sites as detailed in this report.

Council did not receive any feedback on the policy however the policy was viewed over 724 times.

OFFICER'S RECOMMENDATION

That Council:

1. *Note the outcomes from the community consultation and engagement process that officers undertook from the period commencing 15 July 2020 and concluding August 2020 (4 weeks); and*
2. *Adopt the Hepburn Shire Council's Public Transparency Policy as required under section 57 of the Local Government Act 2020.*

MOTION

That Council:

1. *Note the outcomes from the community consultation and engagement process that officers undertook from the period commencing 15 July 2020 and concluding 20 August 2020 (4 weeks); and*
2. *Adopt the Hepburn Shire Council's Public Transparency Policy as required under section 57 of the Local Government Act 2020.*

Moved: Cr Neil Newitt

Seconded: Cr John Cottrell

Carried

BACKGROUND

This Policy fulfils the Council's requirement under section 57 of the *Local Government Act 2020* (the Act) to adopt and maintain a Public Transparency Policy.

The Policy gives effect to the following Public Transparency Principles outlined in section 58 of the Act:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- Council information must be publicly available unless—
 1. the information is confidential by virtue of this Act or any other Act; or
 2. public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community.
- public awareness of the availability of Council information must be facilitated.

The Public Transparency is a key document that is required for Council's to adopt as part of the first tranche of governance documents to be completed by the legislative timeframe of 1 September 2020.

The Public Transparency Policy has been prepared based on guidance materials from Local Government Victoria and the requirements under the Act.

Councils are required to prepare and adopt a Public Transparency Policy by 1 September 2020, as the requirement under the Act came into effect on 1 May 2020.

This Policy has been developed alongside Council's Freedom of Information Part II Statement (a requirement under the Freedom of Information Act 1982 (Vic)) which lists all documents either produced by or in possession of Council that are available to the public either via Council's website or for inspection by appointment at Council offices.

Key elements of the Public Transparency Policy

The policy is broken down into key elements detailing:

- Introduction and purpose – why the policy has been developed and rationale for transparency
- The scope of the policy expanding to Councillor and members of Council staff Definitions. Specific mention of the new definition of confidential information under the Local Government Act 2020.
- Councils position on transparent decision making
- Types of information that Council traditionally has in its possession
- Information that would generally not be available - as determined as confidential.

- Public Interest Test - how Council will determine that some information will be withheld.

Officers propose to keep transparency principles at the forefront of our minds and will review this policy periodically to keep it contemporary.

Summary of feedback received via Have Your Say community consultation process:

Council received no submissions from the community via the Have Your Say community consultation process with respect to the Public Transparency Policy that were presented for public exhibition.

Records indicate that there were 742 views on Council's webpage where there was a dedicated webpage created, including a:

- Fact sheet – Local Government Act 2020 - At a Glance document
- A recorded presentation by Manager Governance and Risk detailing information about the 2020 Act.
- A link to Councils Special Council 'virtual meeting' where the Draft Public Transparency Policy was presented by officers and approved by Council to go out for public consultation.

It is important to note that submissions could be received via submission at customer service centres, via email or via the Have Your Say built survey on the page listed above.

Media and Communications plan that was undertaken to communicate and socialise to the community feedback was sought on the Governance Rules:

- Development of dedicated webpage on Council's website
<https://www.hepburn.vic.gov.au/have-your-say-on-the-proposed-governance-rules-public-transparency-policy/>
- Built Have your Say Survey
- Face sheet developed
- Link to Virtual Council Meeting – Special Council Meeting 14 July 2020 where the Draft Policy were presented to Council.
- 8 Facebook social media posts that encouraged submissions from community members:
 - Wednesday 15 July 2020
 - Monday 20 July 2020
 - Friday 24 July 2020
 - Monday 27 July 2020
 - Friday 31 July 2020
 - Monday 3 August 2020
 - Friday 7 August 2020
 - Monday 10 August 2020
- Print media publications that were published into:
 - The Courier –Saturday 15 July 2020

- The Local – Monday 20 July 2020
- Hardcopies of the Draft Policy were prepared and available at Customer Service Centres at Clunes, Creswick and Daylesford.

KEY ISSUES

Council will be required to release all information, unless exempt under legislation, in a timely and accessible manner.

Councillor and staff conduct and decision-making during meetings will be under a higher level of public scrutiny. This includes formal and informal meetings.

Until Council services are back to full operation public access to information in a timely manner may be impacted due the current opening structure of customer service centres and libraries and the like. This is an issue and risk that officers cannot rectify until the Government directives around COVID-19 pandemic provide for the officers to be back working in the office.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

5.3 HEPBURN SHIRE COUNCIL PRIVACY POLICY DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Policy 30 (C) - Draft Hepburn Shire Council Privacy Policy - August 2020 [5.3.1 - 16 pages]

EXECUTIVE SUMMARY

Council is obliged to have a Privacy Policy that is available on Council's website and clearly articulate Council's position in the use, collection and disclosure of personal information that it collects.

In giving rise to the information privacy principles and the Health Information Principles, and associated legislation, officers have revised the Policy to ensure that it is up to date, reflects current legislation as well as the Information Commissioner and Privacy and Data Protection Commissioner recommendations and allows for the transparent approach that Council takes in managing peoples' private details.

The previous Privacy Policy (2014) was requiring significant review, since legislative changes and oversight guidance from the Information Commission has been released. Officers propose that the detail in this Policy satisfies Council's obligations and provides guidance to the organisation on appropriate management of personal and private information that it collects.

OFFICER'S RECOMMENDATION

That Council adopt the Hepburn Shire Council Privacy Policy.

MOTION

That Council adopt the Hepburn Shire Council Privacy Policy.

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

BACKGROUND

The Privacy Policy sets out Council's commitment to implementing the Information Privacy Principles ("IPPs") in the *Privacy and Data Protection 2014* (VIC) and the Health Privacy Principles ("HPPs") in the *Health Records Act 2001* (VIC) (jointly the "Privacy Principles"). In fulfilling the objectives of the IPP and HPP principles, Council is mindful of the need to balance the public interest in the free flow of information with the public interest in protecting the privacy of personal and health information.

In his letter to Council, dated 23 May 2019, the Information Privacy Commissioner made the following four recommendations:

1. That Council reviews its Privacy Policy, unless it has done so within the last 12 months.
2. That Council schedules a review of the Privacy Policy at least every two years.
3. That Council reviews its explanation of its processes of accessing and correcting personal information.
4. When undertaking its next review of its Privacy Policy, Council should consider plain English drafting principles.

These recommendations have informed the review of Council's Privacy Policy.

The development of the draft Policy has been informed by guidance documents prepared by the Office of the Victorian Information Commissioner (OVIC) such as the IPP 5 policy self-assessment tool, the requirements under the Acts and best practice examples identified by OVIC.

All Council representatives and employees are required to undergo online Privacy training when they commence their employment or term of office.

Key Elements of the Privacy Policy

The policy is broken down into the following key elements:

1. Policy Statement – Council's commitment to Information Privacy Principles and Health Privacy Principles.
2. Purpose – To meet the IPPs and HPPs in relation to managing and handling personal and health information within the Council
3. Scope – the policy applies to all employees, Councillors, committee members and contractors. The policy applies to all personal information and health information held by the Council, including personal information sourced by the Council from third parties.
4. Definitions - describes key terms such as personal information, health information and sensitive information, public registers, the IPPs and the HPPs.
5. Policy – describes how Council manages the following:
 - Principle 1 – Collection of Personal or Health Information

- Principle 2 – Use and Disclosure of Personal or Health Information
 - Principle 3 – Data Quality
 - Principle 4 – Data Security and Data Retention
 - Principle 5 – Openness
 - Principle 6 – Access and Correction
 - Principle 7 – Unique Identifiers
 - Principle 8 - Anonymity
 - Principle 9 – Transborder Data Flows
 - Information Privacy Principle 10 – Sensitive Information
 - Health Privacy Principles 10 And 11 – Health Service Provider Changes
6. Exemptions to the Legislation
 7. How to Make a Complaint or Enquiry Concerning Privacy – describes the process in which individuals can enquire about how Council are managing their personal information at both a Council level and to oversight agencies.
 8. Training and Awareness – how this Policy will be applied and educated to the officers of the organisation.
 9. Related Documents – legislation, policies etc
 10. Responsibilities - details Council’s responsibilities.

Education to the organisation and Council will be provided over the coming months with respect to what this policy gives rise to and our express requirements under the Acts.

KEY ISSUES

- The Privacy Policy describes to the public how Council collects, stores, discloses and disposes of private and sensitive information.
- Supporting internal procedures will need to be developed.
- Council’s new Public Transparency Policy as required under the *Local Government Act 2020* sets out Councils commitment to open and accountable government. One of the main objectives of the policy is to release as much information to the community in a timely and accessible way outside of the Freedom of Information legislated process. To this achieve this, Officers need to feel confident about which information they can and cannot freely release. The Privacy Policy and Freedom of Information Part II Statement along with internal procedures and associated training will provide Council officers the ability to make decisions about which information they can and cannot release.
- Council is required to report annually to the Office of the Victorian Information Commissioner (OVIC) on its Protective Data Security Plan.
- Council will continue to report and investigate any privacy breaches when they are made to Council in a timely and appropriate manner, and where required report breaches determined necessary to inform, to the Information Privacy Commissioner in accordance with the Acts and standards.

- Council officers are required to prepare Privacy Statements, which are otherwise known as Collection Notices for their services/programs/surveys etc when they are collecting the personal or sensitive information from any individual. Council is obliged to communicate to all individuals whose private information they collect of how they will use, store, collect and under which circumstances their information would be shared. Support to write Collection Notice will be provided by Council's Privacy Officer and this work has already commenced

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

12. Enhance our processes and systems to deliver excellent customer service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

The implementation of the Policy which includes updating the privacy training module, implementation of training across Council, design Privacy webpage and develop associated internal procedures will be done utilising current Council resources.

RISK IMPLICATIONS

If Council does not regularly review and update its policies there is a risk of non-compliance with changing legislation and standards, misunderstanding across the organisation on our obligations and potential privacy breach investigations.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

5.4 COUNCIL EXPENSES AND RESOURCE POLICY DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. DRAFT Policy 80 (C) - Council Expenses and Resources Policy - August 2020
[5.4.1 - 35 pages]

EXECUTIVE SUMMARY

The purpose of this report is to present to Council the Council Expense and Resource Policy (hereon in referred to as the “Policy”) to Council for adoption before 1 September 2020 as required under the *Local Government Act 2020* (the Act).

The revised Council Expenses and Resources Policy applies to Councillors and members of delegated committees. It replaces the Councillor Expenses and Resources Policy dated 2014.

The Policy clearly sets out the expenses that can be claimed, the process for claiming expenses, and outlines the methods and standards for reporting and accountability. It also includes allowances, entitlements, resources and facilities.

The Policy has been developed in accordance with legislation requirements and best practice. It also addresses the recommendations made by the Victorian Auditor General’s Office (VAGO).

OFFICER’S RECOMMENDATION

That Council adopt the Council Expense and Resources Policy under Council’s obligations pursuant to section 41 of the Local Government Act 2020.

MOTION

That Council adopt the Council Expense and Resources Policy under Council’s obligations pursuant to section 41 of the Local Government Act 2020.

Moved: Cr Fiona Robson

Seconded: Cr Neil Newitt

Carried

BACKGROUND

Section 41 of the Local Government Act (2020) states that a council must adopt and maintain an expenses policy by 1 September 2020.

The Council Expenses and Resource Policy will replace the current Councillor Expenses and Resource Policy.

The policy includes the following new provisions such as:

- applies to members of joint delegated committees
- reimbursements of childcare
- reimbursements of costs incurred by those who are carers costs (s4 Carers Recognition Act 2012).
- documentary requirements for submitting a claim
- timeframes for submitting claims

Internal processes for submitting claims, approval processes and reporting are also included.

The policy includes resources and facilities for mayors and councillors (Section 42 of the Act) that ensures that the mayor and councillors have the tools, services and facilities to undertake their roles. This includes specific provisions to support Council with support requirements due to a disability or carer duties.

This Policy is based on Local Government Victoria's model Council Expenses template with input from the Executive Team.

In developing the Council Expenses and Resources Policy Council officers have also considered:

- feedback provided by VAGO in relation to Council's Councillor Expenses and Resources Policy
- feedback from Council officers
- the Local Government Victoria Expenses Policy model template
- best practice examples from other Victorian councils.

KEY ISSUES

1. The new policy and procedures hold Councillors to a higher standard of compliance than previously, as required under the new Act.
2. Telecommunication devices will include a laptop with a second screen and with mobile internet, mobile phone and printer.
3. Record keeping improvement from previous practise to ensure greater transparency and accountability, and to ensure all legislative requirements are met.
4. Training will be included in new Council Inductions and refresher training provided throughout the Council term.

5. Councillors need to understand the ramifications of non-compliance with the policy (oversight by Audit Committee, as obligations to report fraud, damage to Council's reputation etc.)

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

Section 41 of the *Local Government Act (2020)* states that a council must adopt and maintain an expenses policy by 1 September 2020.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

Council may wish to set annual limits on expenses reimbursements and cost of other expenses such as training, travel etc. Councils Annual Budget will include adequate funding for the allocation of Councillor allowances, training and reimbursement and costs.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

5.5 ESTABLISHMENT OF AUDIT AND RISK COMMITTEE AND APPOINTMENT OF MEMBERS DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Hepburn Shire Council are currently implementing a range of documents, policies, processes and other requirements in line with the *Local Government Act 2020* (The Act).

The Act received Royal Assent on 24 March 2020 and is being implemented in stages as the parts of the Act are proclaimed and as parts of the *Local Government Act 1989* are being repealed and replaced.

This report provides Councillors with officer's recommendation to establish a Hepburn Shire Council Audit and Risk Committee by 1 September 2020 and to appoint members of the Committee as required under the 2020 Act.

OFFICER'S RECOMMENDATION

That Council:

- 1. Rescind the existing Audit Committee established under Section 139 of the Local Government Act 1989.*
- 2. Establish the Hepburn Shire Council Audit and Risk Committee pursuant to section 53 of the Local Government Act 2020;*
- 3. Re appoint Council's current Councillor and independent committee members to the Audit and Risk Committee for the terms previously resolved by Council and as detailed in this report being:*
 - The Mayor of the Hepburn Shire Council*
 - Councillor John Cottrell*
 - Mr Trevor Shard (Independent Committee Member) up until 22 April 2021.*
 - Mr Robert Taylor (Independent Committee Member) up until 31 December 2023.*
 - Ms Rachelle Tippett (Independent Committee Member) up until 22 April 2021.*

- *Ms Carol Pagnon (Independent Committee Member) up until 31 December 2023.*

MOTION

That Council:

- 1. Rescind the existing Audit Committee established under Section 139 of the Local Government Act 1989.*
- 2. Establish the Hepburn Shire Council Audit and Risk Committee pursuant to section 53 of the Local Government Act 2020;*
- 3. Re appoint Council's current Councillor and independent committee members to the Audit and Risk Committee for the terms previously resolved by Council and as detailed in this report being:*
 - *The Mayor of the Hepburn Shire Council*
 - *Councillor John Cottrell*
 - *Mr Trevor Shard (Independent Committee Member) up until 22 April 2021.*
 - *Mr Robert Taylor (Independent Committee Member) up until 31 December 2023.*
 - *Ms Rachelle Tippett (Independent Committee Member) up until 22 April 2021.*
 - *Ms Carol Pagnon (Independent Committee Member) up until 31 December 2023.*

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

The Audit and Risk Advisory Committee is proposed to be a Committee of Council under Section 53 of the *Local Government Act 2020* (the Act) (and previously Section 139 of the *Local Government Act 1989*) and is not a delegated committee of Council (in that it does not have any decision-making powers of Council).

Section 53 of the Act requires Council to establish an Audit and Risk Committee which must include members who are Councillors of Council and consist of a majority of members who are not Councillors of the Council and who collectively have:

- expertise in financial management and risk; and
- experience in public sector management; and
- not include any person who is a member of Council staff of the Council.
- The chairperson of an Audit and Risk Committee must not be a Councillor of the Council.

Current members of the Audit and Risk Committee include:

- The Mayor of the Hepburn Shire Council (member who is a Councillor of Council)
- Councillor John Cottrell (member who is a Councillor of Council)
- Mr Trevor Shard (Independent Committee Member)
- Mr Robert Taylor (Independent Committee Member)
- Ms Rachelle Tippett (Independent Committee Member)
- Ms Carol Pagnon (Independent Committee Member)

Council is required prior to 01 September 2020 to resolve to establish the Audit and Risk Committee and appoint the members to the Committee.

Officers propose to reappoint all current councillor delegates and independent committee members that currently represent Council's Audit and Risk Committee that was established under the *Local Government Act 1889*.

Current member appointments are as follows:

- Report was presented to Council for determination on 17 December 2019 and Council resolved that for a period of 4 years Robert Taylor and Carol Pagnon would be appointed to the Audit and Risk Committee with their appointment to end on 31 December 2023.
- Mr. Trevor Shard and Ms. Rachelle Tippett were re-appointed to the Audit and Risk Committee until 22 April 2021.

The Audit and Risk Committee is not a delegated committee of Council and acts as an advisory committee of Council, providing assistance to Council in the effective discharge of its responsibilities by providing independent advice and

recommendations to Council regarding the Council's risk, control and compliance framework and its reporting responsibilities.

The Committee's oversight of financial and other reporting and risk management practices does not remove the Council's responsibility to ensure the integrity of its reporting and risk processes.

It is important to note that Sections 123 and 125 and Division 2 of Part 6 of the Local Government Act 2020 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee of Council.

Section 123 of the Act describes obligations bestowed upon Councillors, members of delegated committees and Audit and Risk Committee members:

Misuse of position – section 123 of the Act – extract:

(1) A person who is, or has been, a Councillor or member of a delegated committee must not intentionally misuse their position—

(a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or

(b) to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years. (approx. \$99,132).

(2) An offence against subsection (1) is an indictable offence.

(3) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include:

(a) making improper use of information acquired as a result of the position the person held or holds; or

(b) disclosing information that is confidential information; or

(c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or

(d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or

(e) using public funds or resources in a manner that is improper or unauthorised; or

(f) participating in a decision on a matter in which the person has a conflict of interest.

(4) This section—

(a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of delegated committees; and

(b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

Confidential information – section 125 of the Act – extract:

(1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

Penalty: 120 penalty units. (This equates to approx. \$19,800)

(2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

(3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—

(a) for the purposes of any legal proceedings arising out of this Act;

(b) to a court or tribunal in the course of legal proceedings;

(c) pursuant to an order of a court or tribunal;

(d) in the course of an internal arbitration and for the purposes of the internal arbitration process;

(e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;

(f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;

(g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;

(h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;

(i) to the extent reasonably required by a law enforcement agency.

****Section 123 and 125 come into force on 24 October 2020****

KEY ISSUES

Council is required to comply with the 2020 Act and do all things necessary to ensure its compliance.

If Council does not re-establish its Audit and Risk Committee pursuant to section 53 of the Act and appoint members accordingly Council will not be compliant with the requirements bestowed upon the Victorian local government sector.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

The risk in Council not re-establishing its Audit and Risk Committee and re-appointing its members will result in Council not having an Audit and Risk Committee in place under the new legislation being the *Local Government Act 2020* and therefore the ability for the Audit and Risk Committee to carry out its duties and functions as detailed under the Act and in its Charter.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications to this report.

5.6 ADOPTION OF THE AUDIT AND RISK COMMITTEE CHARTER DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Audit and Risk Committee Charter [5.6.1 - 17 pages]

EXECUTIVE SUMMARY

The Local Government Act 2020 (the Act) Section 53(1) requires Council to establish an Audit and Risk Committee, appointment members to the Committee and adopt a governing Audit and Risk Committee Charter.

The Charter is attached at Attachment 1.

It is proposed that once the Charter is adopted by Council, the Audit and Risk Committee will develop an annual workplan that aligns to the Charter provisions.

Preparation of the workplan is a requirement under the *Local Government Act 2020* by the Audit and Risk Committee when established.

OFFICER'S RECOMMENDATION

That Council adopt the Audit and Risk Committee Charter pursuant to section 54 of the Local Government Act 2020 and as attached to this report.

MOTION

That Council adopt the Audit and Risk Committee Charter pursuant to section 54 of the Local Government Act 2020 and as attached to this report.

Moved: Cr John Cottrell

Seconded: Cr Don Henderson

Carried

BACKGROUND

Council currently has in place an Audit and Risk Committee, operating under a Charter, which met the requirements outlined in Section 139 of the Local Government Act 1989.

One of the early obligations under the implementation of the *Local Government Act 2020* (the Act) Section 53(1), requires Council to establish an Audit and Risk Committee, appointment members to the Committee and adopt a governing Audit and Risk Committee Charter.

Section 54 of the Act sets out requirements for the Audit and Risk Committee Charter.

These requirements outline the responsibilities of the Committee, such as monitoring the compliance of Council policies and procedures, financial and performance reporting, risk management and fraud prevention systems and controls, internal audit function, external audit function and internal controls and compliance.

In drafting a new Charter to meet the requirements of the 2020 Act, officers have referred to the template charters provided by Local Government Victoria, reviewed Charters from other Council's and sought advice from the current Audit and Risk Committee members presenting a draft Charter at a meeting scheduled on 27 July 2020.

Feedback was sought from the Audit and Risk Committee members and has been incorporated into the Charter.

It is proposed that once the Charter is adopted by Council, the Audit and Risk Committee will develop an annual workplan that aligns to the Charter provisions.

Preparation of the workplan is a requirement under the Local Government Act 2020.

KEY ISSUES

Council's Audit and Risk Committee Charter will be reviewed every four years.

The Audit and Risk Committee Charter details the following governing requirements of the Audit and Risk Committee.

1. Purpose – purpose of establishment
2. Authority – direct responsibility
3. Roles
4. Membership and tenure- details composition of membership, for both independent committee members and Councillor delegates, Council attendees and other attendees, chairperson
5. Remuneration – payment of fees

6. Meetings – frequency, scheduling of meetings, attendance, quorum and voting, agenda and minute preparation, conduct of meetings
7. Access to information and advice -reasonable expectations for access to information and advice
8. Reporting – reporting requirements
9. Work plan – requirements to develop an annual workplan
10. Functions and responsibilities – details compliance management, financial and performance reporting, internal control environment, risk management, fraud prevention systems and controls, external audit, internal audit responsibilities and oversight
11. Obligations – details provisions in the 2020 Act that impact committee members including misuse of position, confidentiality requirements, conflict of interest provisions
12. Review of the Charter – frequency of review and process
13. Evaluating Performance - annual assessment required under the Act of the committee against the Charter
14. Induction of new members – process for induction of new members
15. Dispute resolution – process to manage disputes and resolution process

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no material financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

5.7 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES OF COUNCIL UNDER THE LOCAL GOVERNMENT ACT 2020 AND APPOINTMENT OF MEMBERS DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Governance and Risk, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Community Asset Committees - Members to be Appointed [5.7.1 - 1 page]

EXECUTIVE SUMMARY

The Local Government Act 2020 requires Council to determine the future of Council's current Section 86 Committees (S86) of Council, that were established under the Local Government Act 1989.

As section 86 of the Local Government Act 1989 is repealed come 01 September 2020 and their instrument of delegation from Council therefore expires, Council officers have engaged with Council's current s86 committees to transition them to Community Asset Committees as defined under the Local Government Act 2020.

The establishment of the Committees requires a resolution of Council, with instruments of delegation and appointment of members to be undertaken by the Chief Executive Officer after the establishment has been resolved.

Officers have scheduled individual virtual meetings with each committee to support their understanding and implementation of their instruments of delegation once developed post 1 September and after Council resolve to establish the Community Asset Committees of Council. These meetings will be established in the coming weeks and aim to support each Committee with their understanding of individual instruments of delegation.

OFFICER'S RECOMMENDATION

That Council, in exercise of the power conferred by section 65 of the Local Government Act 2020 (the Act), resolves to:

1. Establish the following Community Asset Committees of Council:

- Creswick Museum Community Asset Committee;*
- Lee Medlyn Home of Bottles Community Asset Committee;*
- Drummond Hall Community Asset Committee;*
- Dean Recreation Reserve and Tennis Courts Community Asset Committee;*
- Lyonville Hall Community Asset Committee; and*
- Glenlyon Recreation Reserve Community Asset Committee.*

2. *Appoint the committee members as detailed at Attachment 1 to this report to the newly established Community Asset Committees, thanking them for their service to the Committees to date;*

3. *Delegate the power to approve future committee member appointments to the Chief Executive Officer; and*

4. *Approve for the Instrument of Delegations (IODs) for each Council Community Asset Committees to be executed by the Chief Executive Officer as per the Local Government Act 2020.*

MOTION

That Council, in exercise of the power conferred by section 65 of the Local Government Act 2020 (the Act), resolves to:

1. *Establish the following Community Asset Committees of Council:*

- *Creswick Museum Community Asset Committee;*
- *Lee Medlyn Home of Bottles Community Asset Committee;*
- *Drummond Hall Community Asset Committee;*
- *Dean Recreation Reserve and Tennis Courts Community Asset Committee;*
- *Lyonville Hall Community Asset Committee; and*
- *Glenlyon Recreation Reserve Community Asset Committee.*

2. *Appoint the committee members as detailed at Attachment 1 to this report to the newly established Community Asset Committees, thanking them for their service to the Committees to date;*

3. *Delegate the power to approve future committee member appointments to the Chief Executive Officer; and*

4. *Approve for the Instrument of Delegations (IODs) for each Council Community Asset Committees to be executed by the Chief Executive Officer as per the Local Government Act 2020.*

Moved: Cr Fiona Robson

Seconded: Cr Don Henderson

Carried

BACKGROUND

- i. The Local Government Act received Royal Assent and was passed into Law on 24 March 2020.
- ii. The Act is a principles-based Act, with the aim to be less prescriptive and more enabling for local government agencies.
- iii. The Act mandates that councils must adhere to the overarching Governance Principles and Public Transparency Principles as set out in the legislation.
- iv. Over the lifecycle of the *Local Government Act 1989* many amendments were made to ensure committees formed by councils, for a range of purposes were prescribed under the Act.
- v. However, the cumulated amendments created confusion and uncertainty, which was exacerbated by the different roles and processes imposed on different types of committees.
- vi. The new Act (2020) simplifies the approach to committees. The Act species only three types of committees, and the powers and administrative arrangements related to those committees.
- vii. It is important to note that Section 86 of the *Local Government Act 1989* was repealed on 1 May 2020 and has not carried over to the *Local Government Act 2020*.
- viii. As such, Council need to adopt and transition new committees by 1 September.
- ix. Under the Act (2020) a limited number of committee types are defined as
 - a. Delegated Committees
 - b. Community asset committees
 - c. Audit and Risk Committee.

Community Asset Committees of Council:

- A community asset committee is a committee with powers of the Council, established and with members appointed by Council, with the powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purposes of managing a community asset in a municipal district (s 65(2)).
- The governance arrangements for these committees are specified by the Chief Executive Officer (s 47(4)). These terms and conditions must include the limits and purpose of any financial delegation that can be exercised by the committee; governance arrangements; and monitoring and reporting requirements.
- These committees will be set reporting standards specified by the CEO, and the CEO must submit an annual report to Council.

- A Council can establish a community asset committee and appoint as many members as Council considers necessary to enable the community asset committee to achieve the purpose of maintaining a community asset in the municipal district.
- A member of a community asset committee to whom a delegation is given can only exercise the delegation while acting as a member of the community asset committee at a meeting of the community asset committee.
- It is important to note that the Act is silent on the requirements of a community asset committee to the number of members each committee has, that the meetings no longer need to be open to the public, and that they don't have to have physical face to face meetings and can do this virtually. They are not governed by Councils Governance Rules and meeting procedure.
- The Act makes specific reference to Councils adhering to overarching governance principles and to give rise to public transparency principles (Section 9 and section 58 respectively).
- Officers are seeking some guidance from Councillors with respect to some of the potential requirements are set by the CEO to continue to be an open and transparent committee of Council and consider things such as whether meeting notices need to be advertised, whether the meetings are open to the public, responsibilities of office bearers, and submitting meeting minutes to Council for consideration and adoption. These will be discussed at the briefing.

KEY ISSUES

Current Section 86 Committees of Council

Hepburn Shire Council currently have 6 Special Committees of Council (S86 Committees) that are long standing and have been in establishment since either 1997 or 1998 being:

- Creswick Museum Special Committee
- Lyonville Hall Special Committee
- Dean Recreation Reserve and Tennis Courts Special Committee
- Lee Medlyn Home of Bottles Special Committee
- Glenlyon Recreation Reserve Special Committee
- Drummond Hall Special Committee

Engagement and communications plan to date:

- Information sharing with respect to officers' approach to implementation of the 2020 Act and thereafter the transition of current section 86 committees of Council to community asset committees via email on:
 - 15 June 2020
 - 9 July 2020

- Two virtual meetings were established and facilitated by the Governance and Risk Team inviting x 2 representatives from each current s86 committee of Council to either an afternoon or evening session:
 - Tuesday 28 July 2020 from 2.00pm - 3.30pm
 - Thursday 30 July 2020 from 7.00pm - 8.30pm
- Representatives from a range of Council departments including Major Projects, Waste and Facilities, Community and Economic Development and Governance were present.
- In total there were 10 representatives from the s86 committees, representing the following:
 - Drummond Hall Special Committee of Council
 - Dean Recreation Reserve Special Committee of Council
 - Glenlyon Reserve Recreation Reserve Special Committee of Council (including user group representative from Pony Club)
 - Creswick Museum Special Committee of Council
 - Lyonville Hall Special Committee of Council
- Each committee was provided with an hour and a half introduction into the Local Government Act 2020, Council's approach to the transition, development of the instrument of delegation and proposed workshops post 1 September 2020.
- At the time of writing this report, Regional Victoria are in Stage 3 Government Restrictions/Lock Down due to the COVID-19 pandemic. The committees are unable to use their facility, hire out their facility and meet, unless they do so in line with the Ministerial Guidelines in holding virtual meetings of Council.
- The below table provides a brief summary of changes.

	Section 86 committee	Community asset committee	Officer comments
Local Government Act	Operated under Section 86 of the Local Government Act 1989	Will operate under Section 65 of the Local Government Act 2020.	Change in name and section within the 2020 Act.
Purpose	To manages a community asset in a municipal district	To manage a community asset in a municipal district.	No change in the purpose of committees managing halls and reserves.
Instrument of	Delegated by	Delegated by the	A change in who

Delegation	Council	CEO as per Section 47 of the Local Government Act 2020.	delegates powers to committees. No major changes are proposed.
Reporting Requirements	Specified by Council in the IOD	Under the 2020 Act the CEO is required to submit an annual report in relation to the activities and performance of Community Asset Committees.	Proposed to be submitted in October each year and include a list of Committee appointed members.
Membership/ Appointment of Committee Members	Currently Council appoints members to the Committees.	Under the 2020 Act, Council can delegate the power to appoint members to CACs to the CEO.	As per the report body, it is recommended that Council delegates the power to appoint members to CACs to the CEO.

Instruments of Delegation

Officers are currently preparing the Instruments of Delegation (IOD's) to be executed by the Chief Executive Officer to the Community Asset Committees, and will be tailored to each individual committee in terms of the asset that they manage, however the key elements including the governance requirements remain consistent with the template.

Officers are proposing the following:

Things that will change for Community Asset Committees in their IOD's

- Instruments will be authorised and members will be appointed after initial establishment of committees and appointment of members by Council to the CEO, not Council resolution as is current process. This approach is common across the sector from benchmarking and also removes the wait time between ordinary council meetings for members to be appointed and removes process.
- The Committee itself will still be established by Council Resolution.

- Removal of requirement for meeting to be public and in person. Dates of meeting should still be published and community members welcomed to attend.
- Greater focus on management of the asset (facility or collection)
- Greater role clarity – clear delineation of Council and Committee roles

Things that will stay the same:

- Current members are welcome to continue if they wish to
- Requirement for user groups to be represented on the committee will continue
- Requirement to hold AGM and appoint office bearers remains
- Financial limits, and limits to what funds can be spent on, will remain
- Requirement to file financial returns and report regularly remains
- Requirement to file minutes remains
- Responsibility to set fees for use of/visitors to the facility remains
- Requirement to declare a conflict as required when voting at meetings remains, in the interest of good governance
- Major maintenance remains the responsibility of Council

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Due to the COVID-19 Government restrictions officers have been unable to have individual face to face meetings with the Committees.

Virtual meetings may have posed issues to those committees who did not have the technology to support a virtual meeting.

Telephone conversations with members who were not able to connect to the virtual meetings have been undertaken.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Adequate engagement with Council staff, internal departments that support the Special Committee of Council and the Committees themselves has been undertaken.

5.8 INSTRUMENTS OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER AND INSTRUMENTS OF DELEGATION FROM THE COUNCIL TO MEMBERS OF COUNCIL STAFF DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Officer, I Rebecca Smith have no interests to disclose in this report.

ATTACHMENTS

1. Revised Instrument of Delegation Council to CEO (S5) [5.8.1 - 4 pages]
2. Revised Instrument of Delegation Council to Council Staff (S6) [5.8.2 - 97 pages]

EXECUTIVE SUMMARY

Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (2020 Act) and enable the business of Council to be carried out efficiently and in line with Council approved policies.

The previous versions of the Instrument of Delegation to the CEO and the Instrument of Delegation to Members of Council Staff were executed on 19 November 2019 under the *Local Government Act 1989* (1989 Act).

The revised instruments reflect the commencement of the 2020 Act, the continuation of some powers under the 1989 Act, and minor legislative changes and amendments suggested by Maddocks as part of their continual review processes.

To ensure continuity, Council must adopt revised Instruments of Delegation before 1 September 2020.

OFFICER'S RECOMMENDATION

1. *In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Council resolved that:*
 - a) *There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;*
 - b) *The instrument comes into force immediately upon Resolution of Council;*
 - c) *On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and*
 - d) *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Council Staff, Council resolves that:*

- a) *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
- b) *The instrument comes into force immediately upon resolution of Council;*
- c) *On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and*
- d) *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

MOTION

1. *In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Council resolved that:*
 - a) *There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;*
 - b) *The instrument comes into force immediately upon Resolution of Council;*
 - c) *On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and*
 - d) *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Council Staff, Council resolves that:*
 - a) *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
 - b) *The instrument comes into force immediately upon resolution of Council;*
 - c) *On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and*
 - d) *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

Moved: Cr Don Henderson

Seconded: Cr Kate Redwood AM

Carried

BACKGROUND

Instruments of Delegation represent the formal delegation of powers by Council. Section 11(1)(b) of the 2020 Act provides for a Council to delegate powers, duties and functions to its CEO under the 2020 Act or any other Act, other than certain specified powers.

Delegations enable the business of Council to be carried out effectively, in line with Council approved policies.

The first of new powers of delegation under the 2020 Act commenced from 1 May 2020. Unless sooner revoked, an existing delegation made by a Council or its CEO under the 1989 Act continues in force until 1 September 2020.

The current Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff were executed on 19 November 2019.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which are then tailored to organisational requirements. Maddocks have informed Council about the legislative changes since June 2020 that affect the powers, duties and functions of Council.

On advice received from Maddocks, the requirement to apply the Common Seal has been removed from the revised instruments. They will instead be signed by the Mayor and CEO once adopted by Council.

KEY ISSUES

Instrument of Delegation to Chief Executive Officer (S5)

The revised Instrument of Delegation to CEO (S5) is based upon the previous Instrument considered by Council in November 2019.

The revised Instrument has been drafted to take into account the matters that cannot be delegated by the CEO pursuant to section 11(2) of the 2020 Act. These matters are listed as Conditions and Limitations in the Schedule to the Instrument, including the condition under section 11(5) that any delegation to enter into a contract must include a financial limit.

The revised instrument, including tracked changes is included at Attachment 1. In summary, the legislative changes to the revised Instrument of Delegation are:

- Commencement of the Local Government Act 2020;
- A limitation that the CEO cannot adopt or amend the Governance Rules, any policy required under the Local Government Act, the Council Plan, the Council budget, or a local law;

- a Council may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days.

These provisions are not intended to limit the types of documents or matters that can come to Council for adoption or amendment but are intended to provide minimum standard of what must be brought to Council. The instrument also includes a provision that the CEO cannot make a decision in contravention of a strategy or policy that has been adopted by Council. This is consistent with practice across the sector.

A copy of the recommendation to be put to Council at the August Special Meeting of Council, as drafted by Maddocks, is provided at Attachment 2.

Instrument of Delegation to Council Staff (S6)

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in November 2019.

The Instrument has been revised to take into account recent legislative changes and to provide further clarity on officer powers.

Amendments to the delegated powers, duties and functions in the revised Instrument of Delegation to Members of Council Staff are largely administrative in nature and will not result in any significant changes to current practices

The revised instrument, including tracked changes is included at Attachment 3. In summary, the legislative changes to the revised Instrument of Delegation are:

- a) Commencement of the Local Government Act 2020;
- b) the commencement of some changes to the Residential Tenancies Act 1997;
- c) on 2 December 2019, the Rail Safety (Local Operations) Act 2006 was repealed by s 118 of the Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019
- d) amendments to the Residential Tenancies Act 1997 under the Residential Tenancies Amendment Act 2018
- e) amendments to the Road Management Act 2014 to reflect the changes made by the Transport Legislation Amendment Act 2019

A copy of the recommendation to be put to Council at the August Special Meeting of Council, as drafted by Maddocks, is provided at Attachment 4.

Instruments of Delegation to be authorised by the CEO

The following instruments will be authorised by the CEO once Council has considered the Instrument of Delegation to the CEO.

Instrument of Sub-Delegation by CEO (S7)

Section 47 of the 2020 Act provides the CEO the power to sub-delegate any powers, duties or functions that has been delegated to him or her to members of Council

staff. These powers, duties or functions may be delegated to a named person or to the holder of a specified position.

The revised Instrument of Sub-Delegation provided refers to both the 2020 Act and the 1989 Act. This is because:

- Not all provisions of the 2020 Act are yet in force;
- The 1989 Act is intended to continue in force, with some provisions surviving until the 2020 Act is, or other Acts are, amended.

The Instrument sets out the commencement date of the new provisions of the 2020 Act and the date by which the provisions of the 1989 Act will be repealed. Where no date is specified against provisions of the 1989 Act, this means no current repeal date is set and the provisions continue.

Instrument of Delegation by CEO of CEO powers, duties and functions to Members of Council Staff (S13)

This instrument allows the CEO to delegate powers, duties and functions existing under all Victorian legislation. This differs to the Instrument of Sub-Delegation by CEO (S7) in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.

Previously, elements of this Instrument have been incorporated into the Instrument of Sub-Delegation by CEO (S7). A stand-alone Instrument has been established to bring Council back in line with Maddocks' recommended format and process.

Instrument of Delegation by CEO for VicSmart Applications (S14)

The revised Instrument of Delegation by CEO for VicSmart Applications (S14) is based upon the previous Instrument considered by Council in September 2017. The S14 Instrument has been updated to reflect the commencement of the 2020 Act and amendments will have limited administrative impact.

New - Instrument of Delegation by CEO for Bushfire Reconstruction (S16)

This provides for the CEO to delegate his or her powers as a responsible authority under the *Planning and Environment Act 1987* in relation to bushfire reconstruction applications in light of Amendment VC179.

The new Instrument takes into account the new provision which exempts planning permit applications for the use and development of land from third-party notice and review requirements, subject to meeting the conditions of the clause. The application must be made within 5 years of the damage or destruction of the building.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

Amendments to the delegated powers, duties and functions in the revised Instrument of Delegation to Members of Council Staff are largely administrative in nature and will not result in any significant changes to current practices.

It is noted that the instruments provide that a power, duty or function may only be exercised in accordance with adopted policies of Council.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations, and enables the business of Council to be carried out efficiently.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The revised Instruments of Delegation have been prepared based on current advice provided by Council's solicitor Maddocks.

Consultation has occurred with relevant staff during the preparation of the revised Instruments of Delegation to ensure that appropriate staff delegates have been nominated.

Appropriate communications with staff will occur to ensure all staff are made aware of the changes to the Instruments if adopted by Council.

5.9 INSTRUMENTS OF APPOINTMENTS TO AUTHORISED OFFICERS - PLANNING AND ENVIRONMENT ACT 1987 DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Officer, I Krysten Forte have no interests to disclose in this report.

ATTACHMENTS

1. Appointment to Authorised Officers under the Planning and Environment Act 1987 [5.9.1 - 1 page]

EXECUTIVE SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks Authorisations and Delegations Service.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is done by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the Planning and Environment Act 1987 be authorised by Council resolution.

The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*.

OFFICER'S RECOMMENDATION

That Council:

1. *In the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147(4) of the Planning and Environment Act 1987, that:*
 - *Officers propose that the members of Council staff referred to in the Instrument of Appointment and Authorisation (Attached) be appointed and authorised as set out in the Instrument; and*
 - *The Instrument comes into force immediately once the resolution of Council is determined, and remains in force until Council determines to vary or revoke it.*

Cr Licia Kokocinski , Mr Evan King and Mr Bradley Thomas left the meeting at 7:02pm due to technical issues.

Cr Licia Kokocinski, Mr Evan King and Mr Bradley Thomas returned to the meeting at 7:04pm.

MOTION

That Council:

1. *In the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147(4) of the Planning and Environment Act 1987, that:*
 - *Officers propose that the members of Council staff referred to in the Instrument of Appointment and Authorisation (Attached) be appointed and authorised as set out in the Instrument; and*
 - *The Instrument comes into force immediately once the resolution of Council is determined, and remains in force until Council determines to vary or revoke it.*

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

BACKGROUND

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.

The instruments have been prepared by the Governance Team after consultation with the internal departments of Council.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* will be executed by the Chief Executive Officer as per legislation.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2017-2021

High Performing Organisation

16. Deliver good governance and integrity in all our actions, and take steps to improve organisational efficiency including regular process improvements.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

This Instrument of Appointment and Authorisation has been prepared following feedback from Development and Community Services Department. There are no other community or stakeholder engagement implications associated with this report.

- 6 **CLOSE OF MEETING**
The Meeting closed at 7:08pm.