



# **AGENDA**

## **Ordinary Meeting of Council**

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**9:30am Wednesday 24 February 2021**

**VENUE:**

Council Chambers

Yarriambiack Shire Council

34 Lyle Street, Warracknabeal Vic 3393

Next Meeting

Wednesday 24 March 2021

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AGENDA	Ordinary Meeting of Council
Issue Date: 24 February 2021	

*OUR VISION:*

In consultation with our community, Yarriambiack Shire Council aims to provide a viable, sustainable, and vibrant future.

*OUR VALUES:*

## Customer Service

- treat our customers with courtesy and respect.
- lead and develop leadership within our community.
- constantly strive to improve our services.
- forge closer relationships with customers.
- investigate matters thoroughly and objectively and keep our customers informed, in plain language, about the process and outcome.
- treat people fairly, with respect and have proper regard for their rights.
- make decisions lawfully, fairly, impartially and in the public interest.
- we are honest, trustworthy, reliable, transparent, and accountable in our dealings.
- we are careful, conscientious, and diligent.
- use public resources economically and efficiently.
- actively pursue positive outcomes for the community

*CONTINUOUS IMPROVEMENT:*

Continuous Improvement We drive continuous and sustainable improvement in service provision, operational efficiency, and stakeholder relations to create a leading organisation.

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## **1 WELCOME**

## **2 ACKNOWLEDGEMENT AND PRAYER**

Cr G Massey opened the meeting at 9:30am by acknowledging the Indigenous Community and offering the opening prayer.

### **Acknowledging Traditional Owners**

'I would like to acknowledge that this meeting is being held on the traditional lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and I pay respects to their Elders, both past, present and emerging'.

### **Prayer**

*Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.*

*Amen*

## **3 PRESENT**

## **4 APOLOGIES OR REQUEST FOR LEAVE OF ABSENCE**

## **5 CONFIRMATION OF MINUTES**

### **5.1 Minutes of the Ordinary Council Meeting of 27 January 2021**

Minutes of the ordinary Council Meeting held on Wednesday 27 January 2021 be taken as an accurate record and confirmed.

**Recommendation:**

That the minutes of the Ordinary Meeting of Council held on Wednesday 27 January 2021, as circulated be taken as read and confirmed.

[Attachment: Minutes of 27 January 2021](#)

### **5.2 Minutes of the Closed Council Meeting of 27 January 2021**

Minutes of the Closed Council Meeting held on Wednesday 27 January 2021 be taken as an accurate record and confirmed

**Recommendation:**

That the minutes of the Closed Council Meeting of Council held on Wednesday 27 January 2021, as circulated, be taken as read and confirmed.

[Minutes of closed session of 27 January 2021](#)

### **5.3 Minutes of the Closed Council Meeting of 10 February 2020**

Minutes of the Closed Council Meeting held on Wednesday 10 February 2021 be taken as an accurate record and confirmed

**Recommendation:**

That the minutes of the Closed Council Meeting of Council held on Wednesday 10 February 2021, as circulated, be taken as read and confirmed.

[Minutes of closed session of 10 February 2021](#)

### **5.4 Motion of Ordinary Meeting 25 November 2020**

That Council write to the Minister for Roads – Mr Ben Carroll and Chief Executive Officer of Regional Roads Victoria Mr Paul Northery to advise them of the unsatisfactory condition of the State road network across Yarriambiack and the wider Wimmera/Mallee area that requires significant expenditure to maintain a safe and trafficable asset.

The current poor condition of the pavement and edges combined with the narrow seals are creating a significant safety issue and compromising the ability to deliver the rich economic agriculture from the region to market.

We write to advise that we would welcome announcements of significant funds to maintain and upgrade critical C class roads across our Shire and significant funds to maintain and upgrade critical regional road assets such as the Sunraysia Highway and Henty Highway.

That we invite the Minister for Roads and the CEO of Regional Roads Victoria to Yarriambiack Shire to meet with Council and discuss the need for greater investment in the road network and the need for a commitment to recurrent road funding to Yarriambiack Shire Council and other rural Council areas to maintain the extensive road network of which we have responsibility despite minimal revenue streams to invest the required funding.

**Recommendation:**

That the Motion passed at the Ordinary Meeting of Council held on Wednesday 25 November 2021, as circulated, be taken as read and confirmed.

## 6 DECLARATION OF CONFLICT OF INTEREST

Pursuant to Division 2 – Conflict of Interest, of the *Local Government Act 2020* general and material conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting.

A Councillor who has declared a conflict of interest in respect of a matter must;

- a) Disclose the conflict of interest in the manner required by the Yarriambiack Shire Council Governance Rules
- b) Exclude themselves from the decision-making process in relation to that matter, including any discussion or votes on the matter at any Council meeting or delegated committee, and any action in relation to the matter

General conflict of interest is if a relevant person has an interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty

- a) *Private interests* mean 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.
- b) *Public duty* means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

Material conflict of interest is if a relevant person has an interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter

- a) The benefit or loss incurred may be directly or indirectly
- OR
- b) In a pecuniary or non-pecuniary form.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

## 7 BUSINESS ARISING

### 7.1 Business arising from previous Minutes

Cr A McLean

- *Community Consultation Survey.*  
Concerns regarding persons receiving invitations to not their towns.  
**Tammy response** - This was due to Australia Post bulk mail out. Boxes sent to Aust Post were marked with specific towns, there was an error in one of the post office delivering flyers marked for another town. Both post office's have been notified of the error

Cr T Hamilton

- *Customer Satisfaction survey.*  
Currently not working correctly. Unable to click multiple boxes.  
**Tammy Response** – The issue has been resolved and the survey is now working correctly. New links to the survey have been replaced on website.

Cr C Lehmann

- **Raised against Item 14.1** Cronomby Tank Road was proposed to be sealed in the 19/20 Financial Year but it is not sealed yet. Why?  
**R Upadhyaya response** - The job was an upgrade from gravelled to sealed status. The road was re-sheeted however due to the large volume of works for the sealing contractor as a result of unbudgeted additional federal funding and fast approaching cold weather, sealing was put on hold until the next season. Sealing works was completed on 28 January 2021.
- **Raised against Item 14.5** Have we ever undertaken any testing for Drum's Pit material?  
**R Upadhyaya response** – Yes, over the last two year, we have tested the construction material on an annual basis prior to excavation. Testing post excavation has not been carried out.
- Transfer Station operating hours in Hopetoun was changed from 1:30pm to 5:30pm, to 10am to 2pm without any consultation. Why?  
**R Upadhyaya response** - The Hopetoun Transfer Station operating hours were changed for operational efficiencies across northern landfills. No complaints have been received since the implementation of new times but we encourage feedback on this.
- Volunteer Transport – Any chance of reinstating this service? It's a service that is missed in the Hopetoun district.  
**Gavin Blinman response** - contact has been made with Centre for Participation as the funded provider of this service and a reply has not yet been received. Council is also looking at ways to assist over 65 CHSP eligible clients with social support including travel as a funding route. This issue has been raised throughout community consultation sessions.

Cr C Heintze

- **Raised against 14.5 Can** we please undertake the test on pavement material before putting it down on the road?  
**R Upadhyaya response** - Appropriate tests were undertaken before excavation and crushing of gravel. Further to this, the operations manager is now developing a rigorous material testing regime for post excavation. The material properties of gravel have a huge amount of variability, hence even with the very detailed testing there is still a likely chance that we might encounter a bad batch during construction.

## 7.2 Ongoing and Pending Action List

<b>Council meeting</b>	<b>Recommendation Action</b>	<b>Action Taken</b>
25 November 2020	That Council write to the Minister for Roads advising them of the unsatisfactory condition of the State road network across Yarriambiack	Letter sent 11 December 2020 <a href="#">Attachment – Letter sent to Hon Ben Carroll</a>
27 January 2021	Consult with the community for 30 days, commencing from Thursday 27 January 2021 regarding the proposed sale of surplus land and buildings being 51 Gardiner Street, Warracknabeal.	

## 8 PETITIONS

Nil

## 9 CORRESPONDENCE

### 9.1 Reply letter Hon Ben Carroll

Letter received 2 February 2021 from The Hon Ben Carroll MP responding to letter sent on 22 December 2020

[Attachment: Hon Ben Carroll reply letter](#)

## 10 SPECIAL COMMITTEES

### 10.1 Audit and Risk Committee Meeting

Audit and Risk Committee Meeting held 10 February 2021

#### **Recommendation:**

That Council note the Audit and Risk Committee Minutes as Tabled.

[Attachment: Draft Minutes Audit and Risk Committee Meeting](#)

11 December 2020



The Hon. Ben Carroll MP  
Minister for Public Transport  
Minister for Roads and Road Safety

Via email: [ben.carroll@parliament.vic.gov.au](mailto:ben.carroll@parliament.vic.gov.au)

Dear Minister,

**RE: Yarriambiack strategic routes and roads**

On behalf of Council, who passed a unanimous motion at the November 2020 Ordinary Meeting I write to bring to your attention the rapidly deteriorating condition of the State road network across Yarriambiack and the wider Wimmera/Mallee area that requires significant expenditure to maintain a safe and trafficable asset.

The current poor condition of the pavement and edges combined with the narrow seals are creating a significant safety issue and compromising the ability to deliver the rich economic agriculture from the region to market.

We write to advise that we would welcome announcements of significant funds to maintain and upgrade critical C class roads across our Shire and significant funds to maintain and upgrade critical regional road assets such as the Sunraysia Highway and Henty Highway.

Whilst the recent budget announcement of \$4 million dollars for the Henty Highway is a much appreciated first step, it will have a minimal impact on the condition of the road given its current pavement failings and severe shoulder failings over substantial lengths.

We invite yourself as the Minister for Roads and Road Safety and the CRRO of Regional Roads Victoria to Yarriambiack Shire to meet with Council and discuss the need for greater strategic and targeted investment in the road network and the need for a commitment to recurrent road funding to Yarriambiack Shire Council and other rural council areas to maintain the extensive road network of which we have responsibility despite minimal revenue streams to invest the required funding.

We note that the Infrastructure Victoria – Investment for the Region priorities include as their number one recommendation:



*Deliver certainty for regional road maintenance and upgrades.*

As a government entity that has multiple funding priorities including assets and service we understand that the State Government must invest their limited available funds in an efficient way, however it is well known predicament that roads need constant funding, not sporadic intervention to ensure they are maintained over a long asset cycle in the most effective manner.

If you require any additional information please do not hesitate to contact me on 5398 0101 or [jholmes@yarriambiack.vic.gov.au](mailto:jholmes@yarriambiack.vic.gov.au)

Warm Regards,

**Jessie Holmes**

**Chief Executive Officer**

**Cc:** Mr Paul Northey, Chief Regional Roads Officer, Regional Roads Victoria



## The Hon Ben Carroll MP

Minister for Public Transport  
Minister for Roads and Road Safety

1 Spring Street  
Melbourne Victoria 3000  
Telephone: +61 3 9095 4301  
DX210292

Ref: CMIN-1-20-5930

Ms Jessie Holmes  
Chief Executive Officer  
Yarriambiack Shire Council  
jholmes@yarriambiack.vic.gov.au

Dear Ms Holmes

Thank you for your letter of 11 December 2020 about additional funding to maintain and upgrade C class roads in the Yarriambiack Shire Council.

Currently, improvement works are targeted at arterial roads that have higher traffic volumes and are principal freight routes in the Yarriambiack Shire, such as the Henty Highway. In addition significant investment and maintenance works are planned for Yarriambiack Shire in the 2020-2021 financial year. These include \$2 million for 40 km of pavement resurfacing and \$1.5 million for 2 km of pavement reconstruction works.

I have asked the Department of Transport through Regional Roads Victoria (RRV) to consider your concerns and provide me with options to improve C class roads in Yarriambiack Shire Council where there is a clear identified need.

RRV will continue to monitor the condition and carry out maintenance works on the arterial road network in the Yarriambiack Shire in accordance with its Road Management Plan.

Thank you for taking the time to raise this matter. If you would like to discuss this further, please contact Michael Bailey, Director - Grampians of the Department of Transport on telephone 0448 227 872.

Yours sincerely

**The Hon Ben Carroll MP**  
Minister for Public Transport  
Minister for Roads and Road Safety

Date: 02/02/2021

- 1) **WELCOME** – Welcome by James Gregson Chairperson.
- 2) **PRESENT** – Diane Connolly, James Gregson, Martin Moynihan, Graeme Massey, Kylie Zanker, Tammy Smith, Daniel Brandon, Ram Upadhyaya and Kathie Teasdale (Internal Auditor).
- 3) **APOLOGIES**  
Jessie Holmes, Anita McFarlane
- 4) **CONFLICT OF INTEREST**  
NIL
- 5) **WORK PLAN**  
Noted the annual work plan attached in the agenda.  
**5.1 February Work Plan Tasks**
  - a) *Business Continuity Plan*  
Diane noted that 6.2 Function Prioritisation, Technology and Communication along with Customer Service should be the first function item on the list. The organisation is heavily reliant on ICT and Customer Service would be required to coordinate communication.  
It was confirmed the role of the Mayor is the spokes person and is not involved in the daily operations.  
Diane noted that debriefs should be more regular and held during and after the event.
  - b) *Integrity Body Reports (Refer to Item 16)*
  - c) *Employee Code of Conduct Review*  
Diane suggested a small change to the wording of the Code of Conduct for Employees. When referring to illicit drugs, Diane suggested reviewing the wording, as it was ambiguous. Tammy suggested reviewing against the organisations Fit for Work Policy. The word “also” appears numerous times throughout the document. Consider changing.
- 6) **MINUTES OF PREVIOUS MEETING**  
**Recommendation:**  
That the Minutes of the previous meeting as noted in the Agenda held on the 07 Dec 2020 be accepted.  
Draft minutes Audit and Risk Committee 07 Dec 2020 attached in the agenda.  
**Moved:** Diane Connolly      **Seconded:** Martin Moynihan      **Motion Carried**
- 7) **BUSINESS ARISING FROM THE PREVIOUS MEETING**  
**7.1 COVID 19 Update**
  - a) Council staff are starting to return to the office 50% with the easing of restrictions. (masks are worn inside again.)
  - b) Sign in QR codes are located in the Shire Office, Depots, Library, Early Years Centres and Tips.**7.2 NEW AUDIT AND RISK COMMITTEE MEMBERS UPDATE**
  - a) The advertising of the Audit and Risk Committee members was undertaken. Councillors will be required to review the applications prior to a recommendation going before Council.
- 8) **STRATEGIC INTERNAL AUDIT PLAN REVIEW**  
The table outlining the proposed timing of future internal audit projects provided in the Agenda. No change was recommended to the Audit program.
- 9) **INTERNAL AUDIT**  
**Audit Scope: Human Resource and Payroll**  
Project Scope Human Resource and Payroll attached in the Agenda.
- 10) **FINANCIAL PERFORMANCE**  
Tammy circulated via email a proposed financial reporting lay out for the Audit and Risk Committee. Discussed incorporating “hot spots” into the front of the report to identify areas that may be of risk or concern across the organisation. The Committee agreed that the finance report should include a significant variance report, greater than 10% or set a monetary value. Would like rates revenue to be budgeted based on when rates would be received. Gearing ratio not required, however would like to see balance sheet comparison (e.g., same time last year and report on variance). A debtors and creditors report to be included with days to pay or be paid. Capital Works program year to date, compared to budget. Would like to see an interpretation on the meaning of the ratio’s and tolerance levels.
- 11) **RISK AND OHS REPORTING**  
The Proposed Strategic Risks, CCTV Quarterly Report and OHS Report were provided as attachments to the Agenda.  
**Recommendation:**  
That the Audit and Risk Committee:
  - a) Review the proposed new Strategic Risks
  - b) Review the Occupational Health and Safety Report
  - c) Review the CCTV Quarterly Report
  - e) Accept all reports as presented.**Moved:** Martin Moynihan      **Seconded:** Diane Connolly      **Motion Carried**

**12) AUDIT RECOMMENDATION ACTIONS**

The Audit Tasks Report was attached to the Agenda for discussion.

**Recommendation:**

That the Audit and Risk Committee:

- a) Note the updated Audit Recommendation Actions Report dated 20 February 2021
- b) Approve the closure of the seven Audit Actions highlighted in the report as attached.

**Moved:** Diane Connolly      **Seconded:** Kylie Zanker      **Motion Carried.**

**13) SUMMARY OF POLICIES REVIEWED AND ADOPTED BY COUNCIL SINCE LAST MEETING**

A copy of the supporting documents was provided as attachments to the Agenda. Attachments included:

Policies Overdue and Policies due Soon, Information Privacy Policy, External Works Policy, Councillor Code of Conduct and Privacy Management Checklist.

**Recommendation:**

That the Audit and Risk Committee accept:

- a) The Policies Overdue and Policies due Soon Reports.

That the Audit and Risk Committee endorse the following policies to be presented to Council at the February meeting:

- a) Information Privacy Policy
- b) External Private Works Policy
- c) Councillor Code of Conduct.

That the Audit and Risk Committee accept the Privacy Management Checklist Report.

**Moved:** Martin Moynihan      **Seconded:** Diane Connolly      **Motion Carried.**

**14) INFORMATION, COMMUNICATION AND TECHNOLOGY UPDATE**

The information communication technology report was provided in the Agenda.

An update on the progress was provided to the Committee by Tammy Smith, Director Business Strategy and Performance as outlined in the Agenda.

**15) FRAUD PREVENTION SYSTEMS AND CONTROLS**

A report was provided to the Committee that noted the following:

- a) There were no instances of fraud or corruption to be reported to the Audit and Risk Committee.
- b) There have been no reports of such matters to the appropriate integrity bodies.

**16) REPORTS FROM INTEGRITY BODIES**

Links to reports were provided to the Audit and Risk Committee in the Agenda.

**17) GENERAL BUSINESS**

**NIL**

**18) NEXT MEETING**

03 May 2021, 6.30PM

**19) MEETING CLOSED**

The meeting closed at 4.36PM

**11 ACTIVITY REPORTS****11.1 Mayor's Report****Prepared by Graeme Massey**

- 29/01/2021      Attended Meeting of Wimmera Local Government Mayors in Horsham
- 3/2/2021        Attended Community Engagement Meeting at Tempy
- 8/2/2021        Attended Community Engagement Meeting at Lascelles
- 10/2/2021      Attended Council Forum  
Attended Audit and Risk Committee Meeting in Warracknabeal  
Attended Community Engagement Meeting in Brim
- 11/2/2021      Attended Wimmera Southern Mallee Regional Approach Councillor  
Information Day in Warracknabeal
- 22/2/2021      Attended Community Engagement Meeting in Patchewollock

## 11.2 Councillor's Reports

### Cr A McLean

- 3/2/2021 Attended Community Engagement Meeting at Speed
- 8/2/2021 Attended Community Engagement Meeting at Lascelles
- 10/2/2021 Attended Council Forum

### Cr T Hamilton

- 8/2/2021 Attended Rupanyup Consultative Committee, Rupanyup
- 10/2/2021 Attended Council Forum and Audit Committee Meeting
- 16/2/2021 Attended Murtoa Progress Association Meeting, Online zoom meeting
- 19/2/2021 Attended Rail Freight Meeting, Online meeting zoom

### Cr K Zanker

- 3/2/2021 Attended Community Engagement Session at Tempy
- 4/2/2021 Attended Rural Financial Counselling Services Finance Meeting via ZOOM  
Attended Rural Financial Counselling Services Finance - Extra Ordinary Meeting via ZOOM
- 8/2/2021 Attended Wimmera Mallee Tourism Meeting
- 10/2/2021 Attended Council Forum  
Attended Internal Audit and Risk Committee Meeting  
Attended Community Engagement Session at Brim
- 11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor Information Day  
Attended and met with the design consultants and architect for the Education Precinct build
- 15/2/2021 Attended Wimmera Mallee Tourism Meeting

### Cr C Lehmann

- 3/02/2021 Attended Community Engagement Meeting in Speed  
Attended Community Engagement Meeting in Tempy
- 4/02/2021 Attended Hopetoun Community Hotel AGM

8/2/2021 Attended Community Engagement Meeting at Lascelles

10/2/2021 Attended Council Forum

Attended Hopetoun Table Tennis AGM

**Cr C Heintze**

10/2/2021 Council Forum and Audit and Risk Committee Meeting

11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor Information Day

16/2/2021 Attended GCWRRG Board Meeting via Zoom

18/2/2021 & Attended GCWRRG Strategic Planning Meetings  
19/2/2021

**Cr K Kirk**

2/2/2021 Attended Wimmera Development Association (WDA) Executive Meeting

9/2/2021 Attended Country Women's Association (CWA) Meeting  
Attended Wimmera Development Association (WDA) Board Meeting

10/2/2021 Attended Council Forum

11/2/2021 Attended Wimmera Southern Mallee Regional Approach Councillor Information Day

## 12 Chief Executive Officer Report

Prepared by Jessie Holmes

27/1/2021	Wimmera southern mallee Covid 19 Regional Economic Committee
2/2/2021	Attended Mallee Silo Art Trail Committee Meeting
3/2/2021	Attended Community Engagement Meeting at Speed Attended Community Engagement Meeting at Tempy
4/2/2021	Met with Hopetoun Historical Society
8/2/2021	Attended Rupanyup Progress Meeting via ZOOM
9/2/2021	Attended MAV COVID-19 Update Attended Wimmera Development Association Board Meeting
11/2/2021	Attended Wimmera Southern Mallee Regional Approach Councillor Information Day Attended LGPro Awards
12/2/2021	Attended Draft 30 Year Infrastructure Victoria Session via ZOOM
15/2/2021	Attended Wimmera Southern Mallee COVID-19 Regional Economic Committee
16/2/2021	Attended By 5 Final COAG Meeting
18/2/2021	Attended Wimmera Development Association Regional Housing Taskforce Meeting
22/2/2021	Attended Community Engagement Meeting at Patchewollock
23/02/2021	Attended MAV COVID-19 update Attended Mallee Silo Art Trail Committee Meeting

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**13 REPORTS FOR DECISION – OFFICE OF THE CHIEF EXECUTIVE OFFICER**

Nil

## 14 REPORTS FOR DECISION – DIRECTORATE BUSINESS STRATEGY AND PERFORMANCE

Organisational Performance Responsibilities	Corporate Services Responsibilities
<ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Customer Service</li> <li>• Executive Assistant to CEO</li> <li>• Records (Information Management)</li> <li>• Information Communication Technology</li> <li>• Governance</li> <li>• Risk</li> <li>• Audit and Planning</li> <li>• Occupational Health and Safety</li> <li>• Corporate System Administration (Happy HR, AvePoint, RelianSys, Learning Management System)</li> </ul> <p>Manager Organisational Performance delegated roles:</p> <ul style="list-style-type: none"> <li>• Return to Work Coordinator</li> <li>• Freedom of Information Officer</li> <li>• Privacy Officer</li> <li>• Welfare Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Payroll</li> <li>• Accounts Payable</li> <li>• Procurement and Contracts</li> <li>• Debtors</li> <li>• Insurance</li> <li>• Rates</li> <li>• Corporate Planning (Performance Reporting)</li> <li>• Media and Communications</li> <li>• Corporate System Administration (Property, Rating, Animal Management, Infringement, Financial, Happy HR Payroll, Website)</li> </ul> <p>Manager Corporate Services delegated role:</p> <ul style="list-style-type: none"> <li>• Principal Accounting Officer</li> </ul>

### 14.1 Finance Report January 2021

**Prepared by Anita McFarlane, Manager Corporate Services (Principal Accounting Officer)**

#### **RECOMMENDATION:**

That the Finance Report as of January 2021 be received.

## **14.2 Revenue Report February 2021**

**Prepared by Chantelle Pitt, Revenue Coordinator**

### **RECOMMENDATION**

That the Revenue Report as of February 2021 be received.

[Attachment: Revenue Report February](#)

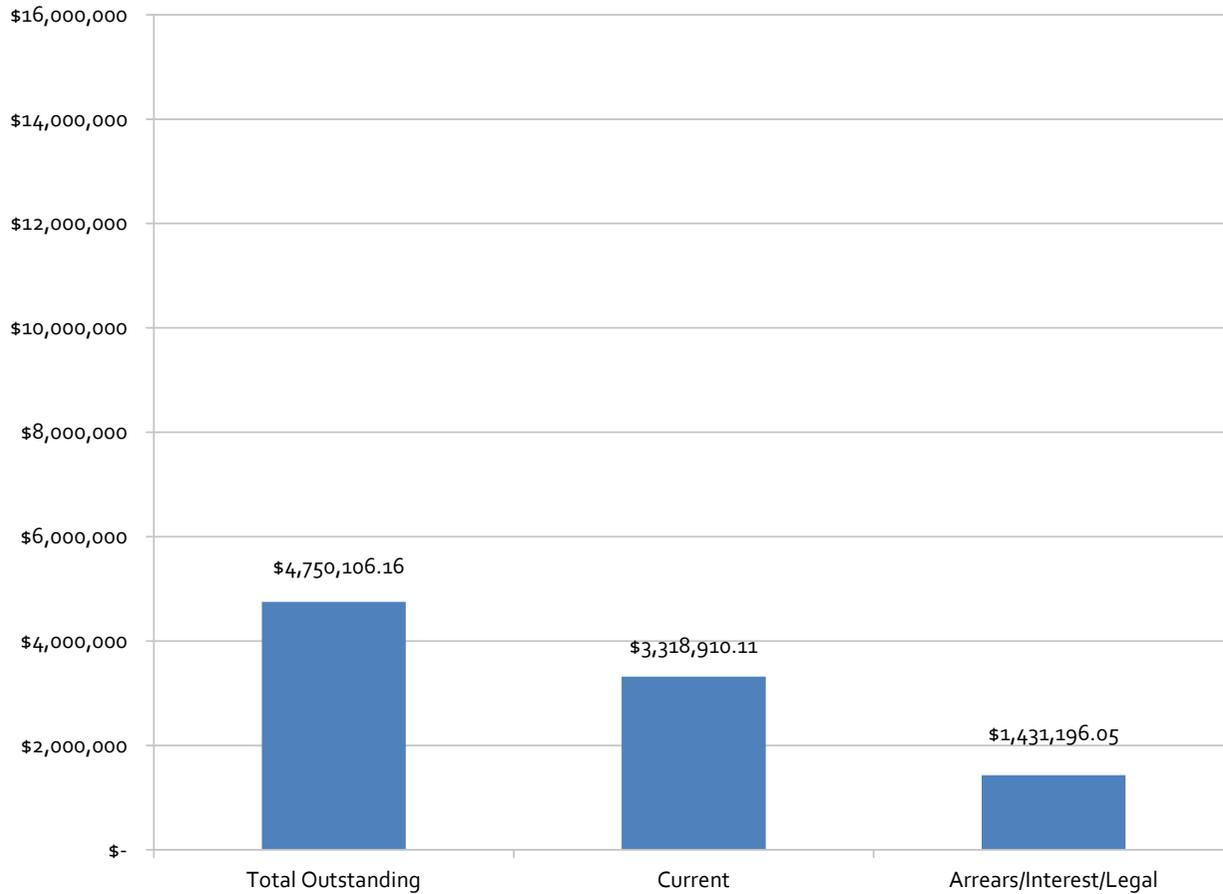


# Rates Report - February 2021

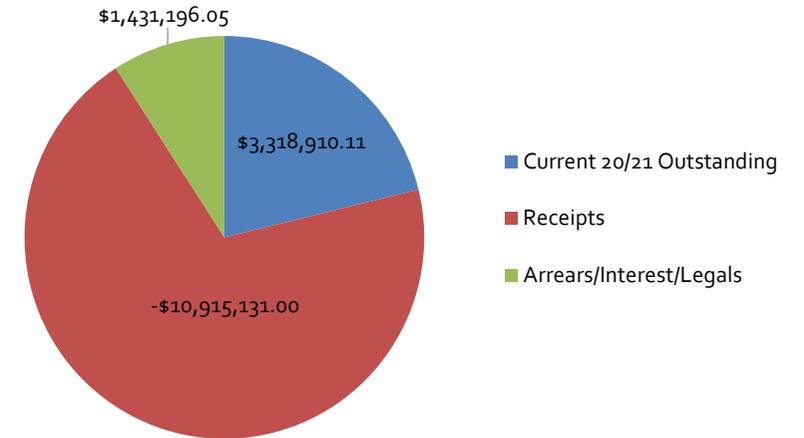
Prepared by Chantelle Pitt

Ward Total Rates & Charges	2019/2020 Budget	2019/2020 Actuals	2020/2021 Budget	Actual YTD Receipts	Rebates	Outstanding Rates		
						Current	Arrears/Legals/Interest	Total
Dunmunkle	\$4,148,364.16	\$567,315.83	\$4,154,635.37	-\$3,141,570.00	-\$85,651.09	\$1,165,690.80	\$407,937.85	\$1,573,628.65
Hopetoun	\$3,858,864.93	\$697,901.10	\$4,018,880.03	-\$3,051,742.00	-\$70,286.34	\$858,815.33	\$545,901.33	\$1,404,716.66
Warracknabeal	\$5,800,454.95	\$734,299.64	\$5,891,651.38	-\$4,721,819.00	-\$100,950.23	\$1,294,403.98	\$477,356.87	\$1,771,760.85
<b>Grand Total</b>	<b>\$13,807,684.04</b>	<b>\$1,999,516.57</b>	<b>\$14,065,166.78</b>	<b>-\$10,915,131.00</b>	<b>-\$256,887.66</b>	<b>\$3,318,910.11</b>	<b>\$1,431,196.05</b>	<b>\$4,750,106.16</b>

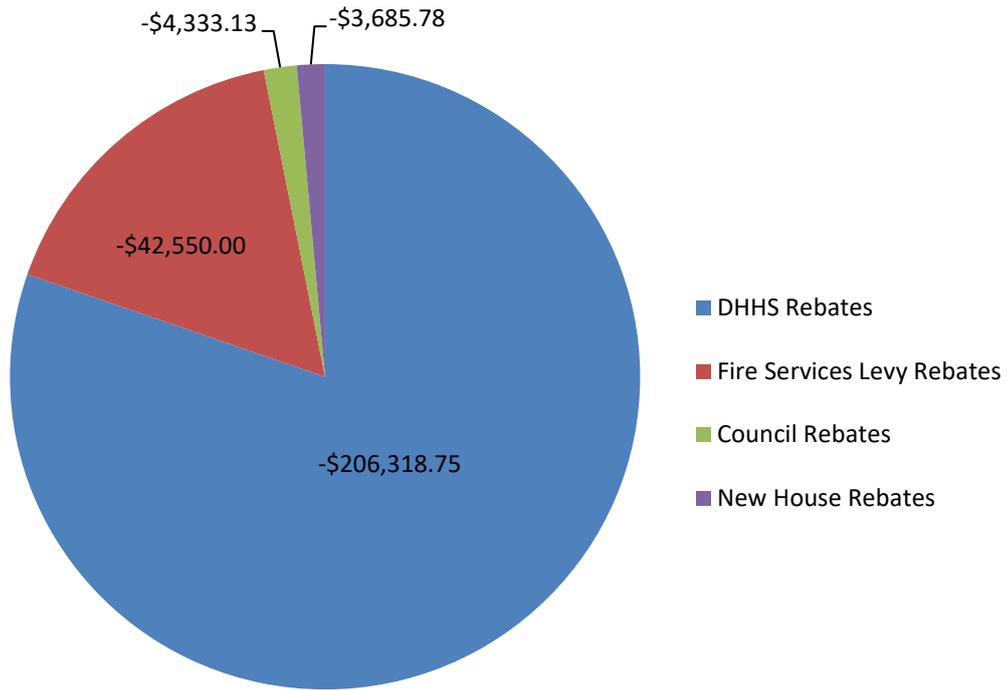
### Breakdown of Rates Outstanding



### Breakdown of Rates Outstanding

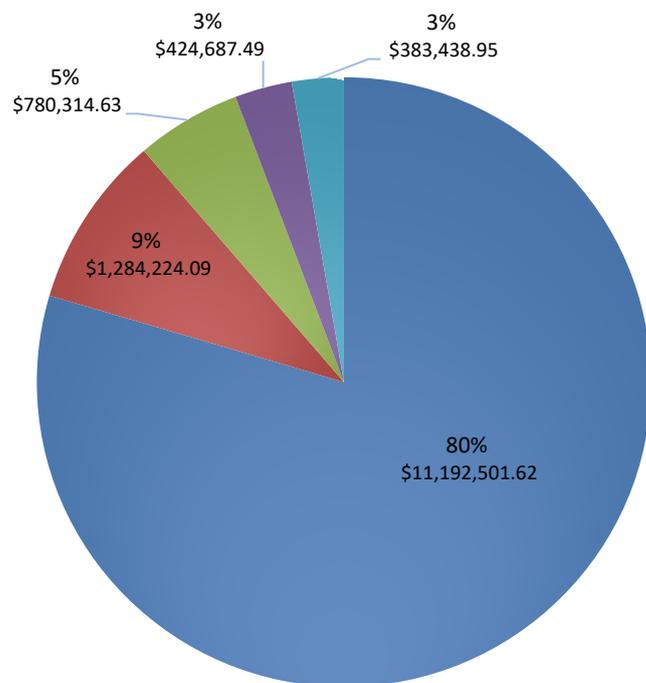


## 2020/21 Rebates

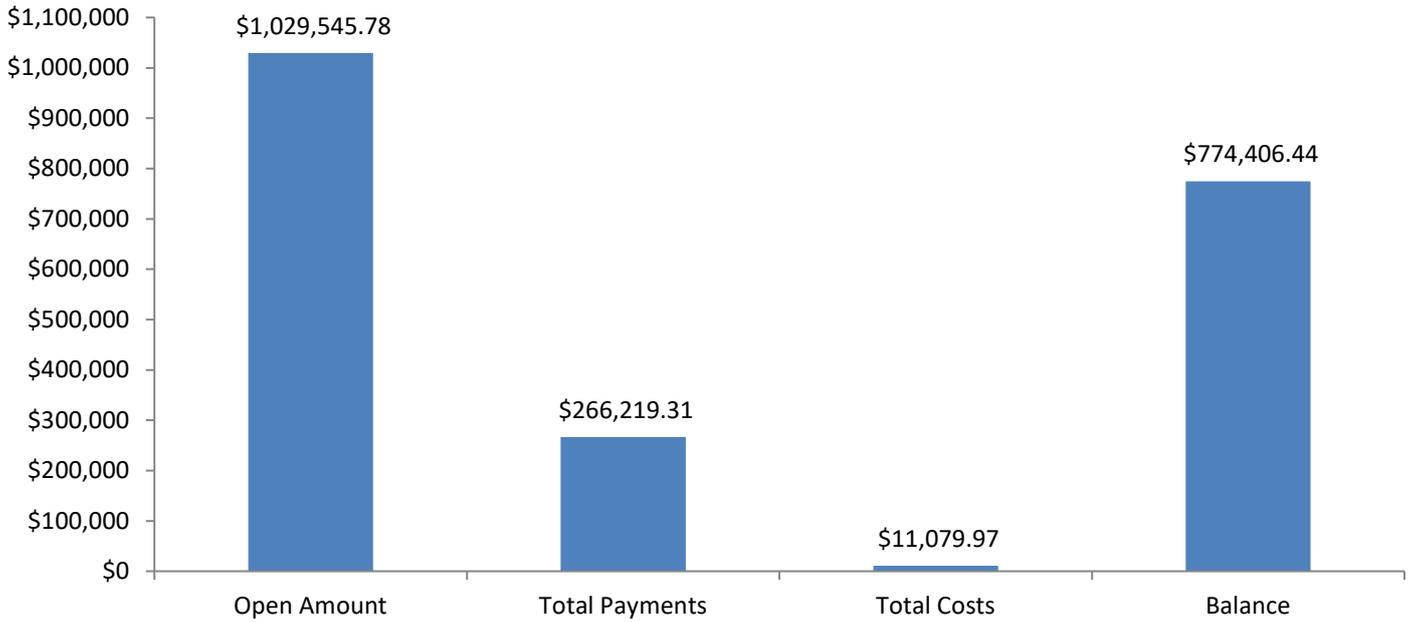


## Rates & Charges Calculation 2020/21

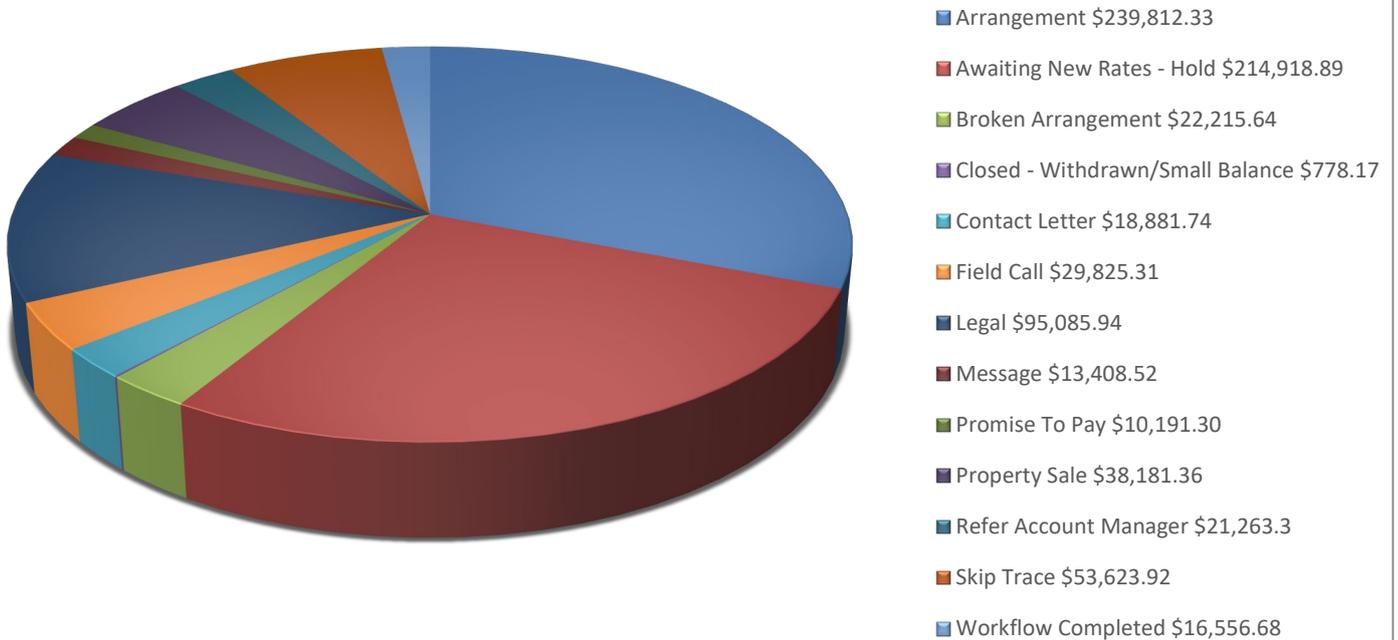
● General Rates ● FSPL ● Garbage ● Recycling ● Municipal Charge



## CollectAU Debt Collection Report Summary



## CollectAU Debt Collection Account Status



Account No.	Status	Principal	Payments	Costs	Balance
32280	Property Sale	\$3,475.31	\$0.00	\$0.00	\$3,475.31
32281	Broken Arrangement	\$15,716.58	\$1,400.00	\$550.00	\$14,866.58
32282	Legal	\$10,507.48	\$0.00	\$0.00	\$10,507.48
32283	Legal	\$4,621.87	\$0.00	\$0.00	\$4,621.87
32284	Legal	\$6,127.19	\$0.00	\$29.00	\$6,156.19
32285	Legal	\$22,390.61	\$0.00	\$4,868.61	\$27,259.22
32289	Paid - Closed	\$58,276.46	\$60,457.26	\$2,180.80	\$0.00
32393	Legal	\$14,199.90	\$0.00	\$1,684.60	\$15,884.50
32736	Property Sale	\$17,633.09	\$0.00	\$0.00	\$17,633.09
38970	Paid - Closed	\$11,099.67	\$11,099.67	\$0.00	\$0.00
38971	Arrangement	\$14,227.71	\$400.00	\$0.00	\$13,827.71
38972	Paid - Closed	\$1,839.66	\$2,179.32	\$0.00	-\$339.66
38973	Arrangement	\$4,357.36	\$400.00	\$0.00	\$3,957.36
38974	Arrangement	\$5,767.45	\$300.00	\$0.00	\$5,467.45
38975	Arrangement	\$3,300.63	\$120.00	\$0.00	\$3,180.63
38976	Workflow Completed	\$184.00	\$0.00	\$0.00	\$184.00
38977	Workflow Completed	\$852.87	\$0.00	\$0.00	\$852.87
38978	Workflow Completed	\$880.98	\$0.00	\$0.00	\$880.98
38979	Awaiting New Rates - Hold	\$574.92	\$0.00	\$0.00	\$574.92
38980	Paid - Closed	\$3,094.91	\$3,094.91	\$0.00	\$0.00
38981	Arrangement	\$1,768.54	\$200.00	\$0.00	\$1,568.54
38982	Legal	\$14,909.28	\$0.00	\$1,500.80	\$16,410.08
38983	Arrangement	\$1,240.01	\$932.49	\$0.00	\$307.52
38984	Awaiting New Rates - Hold	\$4,034.97	\$0.00	\$0.00	\$4,034.97
38985	Paid - Closed	\$804.79	\$804.79	\$0.00	\$0.00
38986	Paid - Closed	\$7,815.88	\$7,815.88	\$0.00	\$0.00
38987	Arrangement	\$13,246.30	\$600.00	\$0.00	\$12,646.30
38988	Paid - Closed	\$255.64	\$255.64	\$0.00	\$0.00
38989	Paid - Closed	\$957.68	\$957.68	\$0.00	\$0.00
38990	Paid - Closed	\$239.00	\$239.00	\$0.00	\$0.00
38991	Paid - Closed	\$322.00	\$322.00	\$0.00	\$0.00
38992	Paid - Closed	\$234.16	\$234.16	\$0.00	\$0.00
38993	Arrangement	\$5,753.02	\$50.00	\$0.00	\$5,703.02
38994	Arrangement	\$6,787.68	\$1,100.00	\$0.00	\$5,687.68
38995	Workflow Completed	\$407.89	\$0.00	\$0.00	\$407.89
38996	Arrangement	\$1,486.63	\$0.00	\$0.00	\$1,486.63
38997	Skip Trace	\$9,333.45	\$0.00	\$0.00	\$9,333.45
38998	Awaiting New Rates - Hold	\$4,487.81	\$0.00	\$0.00	\$4,487.81
38999	Closed - Withdrawn/Small Balance	\$493.00	\$0.00	\$0.00	\$493.00
39000	Workflow Completed	\$914.01	\$0.00	\$0.00	\$914.01
39001	Message	\$1,343.45	\$0.00	\$0.00	\$1,343.45
39002	Awaiting New Rates - Hold	\$1,484.31	\$0.00	\$0.00	\$1,484.31
39003	Workflow Completed	\$206.00	\$0.00	\$0.00	\$206.00
39004	Paid - Closed	\$2,790.56	\$2,790.56	\$0.00	\$0.00
39005	Paid - Closed	\$3,667.50	\$3,667.50	\$0.00	\$0.00
39006	Paid - Closed	\$3,407.93	\$3,407.93	\$0.00	\$0.00
39007	Paid - Closed	\$712.34	\$712.34	\$0.00	\$0.00
39008	Awaiting New Rates - Hold	\$3,722.08	\$0.00	\$0.00	\$3,722.08
39009	Awaiting New Rates - Hold	\$2,663.55	\$750.00	\$0.00	\$1,913.55
39010	Paid - Closed	\$3,553.38	\$3,553.38	\$0.00	\$0.00
39011	Skip Trace	\$1,173.13	\$0.00	\$0.00	\$1,173.13
39012	Legal	\$14,246.60	\$0.00	\$0.00	\$14,246.60
39013	Workflow Completed	\$765.00	\$0.00	\$0.00	\$765.00
39014	Paid - Closed	\$2,481.11	\$2,481.11	\$0.00	\$0.00
39015	Awaiting New Rates - Hold	\$22,377.17	\$0.00	\$0.00	\$22,377.17
39016	Awaiting New Rates - Hold	\$5,066.70	\$0.00	\$0.00	\$5,066.70
39017	Awaiting New Rates - Hold	\$9,977.26	\$0.00	\$0.00	\$9,977.26

Account No.	Status	Principal	Payments	Costs	Balance
39018	Field Call	\$3,227.03	\$3,227.03	\$0.00	\$0.00
39019	Awaiting New Rates - Hold	\$7,243.70	\$0.00	\$0.00	\$7,243.70
39020	Arrangement	\$3,467.45	\$750.00	\$0.00	\$2,717.45
39021	Paid - Closed	\$5,062.34	\$5,062.34	\$0.00	\$0.00
39022	Arrangement	\$3,147.25	\$1,900.00	\$0.00	\$1,247.25
39023	Paid - Closed	\$973.03	\$973.03	\$0.00	\$0.00
39024	Awaiting New Rates - Hold	\$1,961.06	\$0.00	\$0.00	\$1,961.06
39025	Contact Letter	\$198.72	\$0.00	\$0.00	\$198.72
39026	Paid - Closed	\$8,447.98	\$8,447.98	\$0.00	\$0.00
39027	Promise To Pay	\$3,565.93	\$0.00	\$0.00	\$3,565.93
39028	Paid - Closed	\$1,676.20	\$1,676.20	\$0.00	\$0.00
39029	Paid - Closed	\$2,319.41	\$2,319.41	\$0.00	\$0.00
39030	Paid - Closed	\$1,296.00	\$1,296.00	\$0.00	\$0.00
39031	Skip Trace	\$1,450.94	\$0.00	\$0.00	\$1,450.94
39032	Paid - Closed	\$524.01	\$524.01	\$0.00	\$0.00
39033	Arrangement	\$2,846.97	\$2,100.00	\$0.00	\$746.97
39034	Message	\$7,450.96	\$0.00	\$0.00	\$7,450.96
39035	Arrangement	\$1,484.49	\$1,100.00	\$0.00	\$384.49
39036	Workflow Completed	\$614.20	\$0.00	\$0.00	\$614.20
39037	Contact Letter	\$3,142.36	\$0.00	\$0.00	\$3,142.36
39038	Awaiting New Rates - Hold	\$524.03	\$0.00	\$0.00	\$524.03
39039	Paid - Closed	\$3,732.10	\$3,732.10	\$0.00	\$0.00
39040	Refer Account Manager	\$1,098.99	\$400.00	\$0.00	\$698.99
39041	Awaiting New Rates - Hold	\$1,117.28	\$0.00	\$0.00	\$1,117.28
39042	Workflow Completed	\$543.28	\$0.00	\$0.00	\$543.28
39043	Skip Trace	\$10,161.74	\$0.00	\$0.00	\$10,161.74
39044	Paid - Closed	\$935.71	\$935.71	\$0.00	\$0.00
39045	Contact Letter	\$815.57	\$0.00	\$0.00	\$815.57
39046	Contact Letter	\$2,756.85	\$0.00	\$0.00	\$2,756.85
39047	Contact Letter	\$2,246.70	\$0.00	\$0.00	\$2,246.70
39048	Contact Letter	\$396.60	\$0.00	\$0.00	\$396.60
39049	Arrangement	\$8,861.12	\$0.00	\$0.00	\$8,861.12
39050	Closed - Withdrawn/Small Balance	\$188.61	\$0.00	\$0.00	\$188.61
39051	Awaiting New Rates - Hold	\$8,262.80	\$0.00	\$0.00	\$8,262.80
39052	Awaiting New Rates - Hold	\$5,618.05	\$0.00	\$0.00	\$5,618.05
39053	Awaiting New Rates - Hold	\$8,705.64	\$0.00	\$0.00	\$8,705.64
39054	Workflow Completed	\$426.50	\$0.00	\$0.00	\$426.50
39055	Awaiting New Rates - Hold	\$4,271.18	\$0.00	\$0.00	\$4,271.18
39056	Paid - Closed	\$406.00	\$406.00	\$0.00	\$0.00
39057	Paid - Closed	\$767.00	\$767.00	\$0.00	\$0.00
39058	Paid - Closed	\$414.00	\$414.00	\$0.00	\$0.00
39059	Paid - Closed	\$1,002.00	\$1,002.00	\$0.00	\$0.00
39060	Field Call	\$12,910.56	\$0.00	\$0.00	\$12,910.56
39061	Field Call	\$4,709.87	\$0.00	\$0.00	\$4,709.87
39062	Paid - Closed	\$838.16	\$838.16	\$0.00	\$0.00
39063	Contact Letter	\$3,704.02	\$0.00	\$0.00	\$3,704.02
39064	Awaiting New Rates - Hold	\$1,515.10	\$0.00	\$0.00	\$1,515.10
39065	Arrangement	\$3,140.79	\$800.00	\$0.00	\$2,340.79
39066	Arrangement	\$2,173.37	\$300.00	\$0.00	\$1,873.37
39067	Awaiting New Rates - Hold	\$2,133.88	\$0.00	\$0.00	\$2,133.88
39068	Workflow Completed	\$340.00	\$0.00	\$0.00	\$340.00
39069	Arrangement	\$3,298.54	\$100.00	\$0.00	\$3,198.54
39070	Paid - Closed	\$1,945.88	\$1,945.88	\$0.00	\$0.00
39071	Awaiting New Rates - Hold	\$1,375.01	\$0.00	\$0.00	\$1,375.01
39072	Awaiting New Rates - Hold	\$10,487.53	\$0.00	\$0.00	\$10,487.53
39073	Paid - Closed	\$2,089.77	\$2,089.77	\$0.00	\$0.00
39074	Paid - Closed	\$1,527.36	\$1,527.36	\$0.00	\$0.00

Account No.	Status	Principal	Payments	Costs	Balance
39075	Paid - Closed	\$342.00	\$342.00	\$0.00	\$0.00
39076	Skip Trace	\$3,505.50	\$0.00	\$0.00	\$3,505.50
39077	Arrangement	\$6,093.19	\$5,450.00	\$0.00	\$643.19
39078	Paid - Closed	\$1,602.91	\$1,602.91	\$0.00	\$0.00
39079	Awaiting New Rates - Hold	\$2,999.68	\$0.00	\$0.00	\$2,999.68
39080	Refer Account Manager	\$2,746.02	\$20.00	\$0.00	\$2,726.02
39081	Paid - Closed	\$216.08	\$216.08	\$0.00	\$0.00
39082	Paid - Closed	\$200.00	\$200.00	\$0.00	\$0.00
39083	Paid - Closed	\$2,438.30	\$2,438.30	\$0.00	\$0.00
39084	Awaiting New Rates - Hold	\$2,982.96	\$0.00	\$0.00	\$2,982.96
39085	Arrangement	\$6,205.39	\$200.00	\$0.00	\$6,005.39
39086	Message	\$1,142.90	\$0.00	\$0.00	\$1,142.90
39087	Workflow Completed	\$883.61	\$0.00	\$0.00	\$883.61
39088	Paid - Closed	\$352.35	\$352.35	\$0.00	\$0.00
39089	Awaiting New Rates - Hold	\$1,755.00	\$1,000.00	\$0.00	\$755.00
39090	Paid - Closed	\$1,240.21	\$1,240.21	\$0.00	\$0.00
39091	Awaiting New Rates - Hold	\$1,403.00	\$0.00	\$0.00	\$1,403.00
39092	Broken Arrangement	\$573.80	\$300.00	\$0.00	\$273.80
39093	Paid - Closed	\$988.51	\$988.51	\$0.00	\$0.00
39094	Paid - Closed	\$385.70	\$385.70	\$0.00	\$0.00
39095	Arrangement	\$7,575.90	\$0.00	\$0.00	\$7,575.90
39096	Arrangement	\$1,000.62	\$300.00	\$0.00	\$700.62
39097	Workflow Completed	\$859.83	\$0.00	\$0.00	\$859.83
39098	Paid - Closed	\$688.67	\$688.67	\$0.00	\$0.00
39099	Awaiting New Rates - Hold	\$8,155.94	\$0.00	\$0.00	\$8,155.94
39100	Contact Letter	\$901.39	\$200.00	\$0.00	\$701.39
39101	Promise To Pay	\$123.00	\$0.00	\$0.00	\$123.00
39102	Paid - Closed	\$1,430.84	\$1,430.84	\$0.00	\$0.00
39103	Awaiting New Rates - Hold	\$2,219.25	\$0.00	\$0.00	\$2,219.25
39104	Paid - Closed	\$681.00	\$681.00	\$0.00	\$0.00
39105	Workflow Completed	\$699.00	\$0.00	\$0.00	\$699.00
39106	Arrangement	\$1,542.22	\$1,100.00	\$0.00	\$442.22
39107	Awaiting New Rates - Hold	\$4,656.18	\$0.00	\$0.00	\$4,656.18
39108	Awaiting New Rates - Hold	\$1,571.62	\$330.00	\$0.00	\$1,241.62
39109	Promise To Pay	\$6,502.37	\$0.00	\$0.00	\$6,502.37
39110	Contact Letter	\$1,887.06	\$0.00	\$0.00	\$1,887.06
39111	Arrangement	\$4,587.18	\$600.00	\$0.00	\$3,987.18
39112	Workflow Completed	\$986.29	\$0.00	\$0.00	\$986.29
39113	Arrangement	\$1,217.54	\$900.00	\$0.00	\$317.54
39114	Arrangement	\$3,788.01	\$1,100.00	\$0.00	\$2,688.01
39115	Paid - Closed	\$903.00	\$900.00	\$0.00	\$3.00
39116	Awaiting New Rates - Hold	\$1,820.19	\$0.00	\$0.00	\$1,820.19
39117	Awaiting New Rates - Hold	\$1,521.03	\$0.00	\$0.00	\$1,521.03
39118	Workflow Completed	\$900.95	\$0.00	\$0.00	\$900.95
39119	Awaiting New Rates - Hold	\$2,872.15	\$70.00	\$0.00	\$2,802.15
39120	Awaiting New Rates - Hold	\$9,776.96	\$0.00	\$0.00	\$9,776.96
39121	Workflow Completed	\$489.32	\$0.00	\$0.00	\$489.32
39122	Arrangement	\$21,837.29	\$50.00	\$0.00	\$21,787.29
39123	Arrangement	\$5,313.38	\$50.00	\$0.00	\$5,263.38
39124	Arrangement	\$1,881.08	\$900.00	\$0.00	\$981.08
39125	Paid - Closed	\$449.00	\$449.00	\$0.00	\$0.00
39126	Arrangement	\$5,259.76	\$0.00	\$0.00	\$5,259.76
39127	Workflow Completed	\$869.77	\$0.00	\$0.00	\$869.77
39128	Arrangement	\$3,032.90	\$1,400.00	\$0.00	\$1,632.90
39129	Paid - Closed	\$163.00	\$163.00	\$0.00	\$0.00
39130	Arrangement	\$1,680.91	\$200.00	\$30.00	\$1,510.91
39131	Paid - Closed	\$1,127.71	\$1,127.71	\$0.00	\$0.00

Account No.	Status	Principal	Payments	Costs	Balance
39132	Awaiting New Rates - Hold	\$4,042.91	\$305.00	\$0.00	\$3,737.91
39133	Refer Account Manager	\$1,356.08	\$0.00	\$0.00	\$1,356.08
39134	Arrangement	\$18,315.43	\$80.00	\$0.00	\$18,235.43
39135	Arrangement	\$20,210.62	\$1,650.00	\$0.00	\$18,560.62
39136	Paid - Closed	\$3,729.68	\$3,729.68	\$0.00	\$0.00
39137	Paid - Closed	\$308.00	\$308.00	\$0.00	\$0.00
39138	Skip Trace	\$11,363.99	\$0.00	\$0.00	\$11,363.99
39139	Skip Trace	\$2,925.33	\$0.00	\$0.00	\$2,925.33
39140	Paid - Closed	\$2,068.94	\$2,068.94	\$0.00	\$0.00
39141	Paid - Closed	\$989.91	\$989.91	\$0.00	\$0.00
39142	Paid - Closed	\$1,299.73	\$1,299.73	\$0.00	\$0.00
39143	Workflow Completed	\$388.91	\$0.00	\$0.00	\$388.91
39144	Paid - Closed	\$1,086.96	\$1,086.96	\$0.00	\$0.00
39145	Workflow Completed	\$565.53	\$0.00	\$0.00	\$565.53
39146	Arrangement	\$6,724.35	\$400.00	\$0.00	\$6,324.35
39147	Paid - Closed	\$1,616.22	\$1,616.22	\$0.00	\$0.00
39148	Paid - Closed	\$4,518.86	\$4,518.86	\$0.00	\$0.00
39149	Paid - Closed	\$1,671.91	\$1,671.91	\$0.00	\$0.00
39150	Awaiting New Rates - Hold	\$3,604.71	\$0.00	\$0.00	\$3,604.71
39151	Awaiting New Rates - Hold	\$1,372.13	\$0.00	\$0.00	\$1,372.13
39152	Arrangement	\$3,872.56	\$2,200.00	\$0.00	\$1,672.56
39153	Paid - Closed	\$12,816.50	\$12,816.50	\$0.00	\$0.00
39154	Paid - Closed	\$838.00	\$838.00	\$0.00	\$0.00
39155	Arrangement	\$15,657.14	\$805.00	\$0.00	\$14,852.14
39156	Paid - Closed	\$4,178.71	\$4,178.71	\$0.00	\$0.00
39157	Paid - Closed	\$198.72	\$198.72	\$0.00	\$0.00
39158	Awaiting New Rates - Hold	\$9,962.09	\$0.00	\$0.00	\$9,962.09
39159	Message	\$1,831.29	\$50.00	\$0.00	\$1,781.29
39160	Awaiting New Rates - Hold	\$4,149.23	\$0.00	\$0.00	\$4,149.23
39161	Paid - Closed	\$2,445.34	\$2,445.34	\$0.00	\$0.00
39162	Arrangement	\$10,161.08	\$600.00	\$0.00	\$9,561.08
39163	Paid - Closed	\$196.00	\$196.00	\$0.00	\$0.00
39164	Paid - Closed	\$471.00	\$471.00	\$0.00	\$0.00
39165	Awaiting New Rates - Hold	\$4,997.61	\$0.00	\$0.00	\$4,997.61
39166	Arrangement	\$17,744.53	\$0.00	\$0.00	\$17,744.53
39167	Paid - Closed	\$4,527.50	\$4,527.50	\$0.00	\$0.00
39168	Paid - Closed	\$754.58	\$754.58	\$0.00	\$0.00
39169	Paid - Closed	\$2,013.00	\$2,013.00	\$0.00	\$0.00
39170	Broken Arrangement	\$2,194.64	\$0.00	\$0.00	\$2,194.64
39171	Workflow Completed	\$568.12	\$0.00	\$0.00	\$568.12
39172	Skip Trace	\$1,354.10	\$0.00	\$0.00	\$1,354.10
39173	Message	\$1,689.92	\$0.00	\$0.00	\$1,689.92
39174	Paid - Closed	\$293.57	\$293.57	\$0.00	\$0.00
39175	Paid - Closed	\$2,451.01	\$2,451.01	\$0.00	\$0.00
39176	Paid - Closed	\$249.00	\$249.00	\$0.00	\$0.00
39177	Skip Trace	\$1,748.70	\$0.00	\$0.00	\$1,748.70
39178	Skip Trace	\$2,359.26	\$0.00	\$0.00	\$2,359.26
39179	Refer Account Manager	\$1,400.82	\$550.00	\$0.00	\$850.82
39180	Awaiting New Rates - Hold	\$6,654.98	\$0.00	\$0.00	\$6,654.98
39181	Awaiting New Rates - Hold	\$3,399.69	\$0.00	\$0.00	\$3,399.69
39182	Paid - Closed	\$1,405.17	\$1,405.17	\$0.00	\$0.00
39183	Property Sale	\$951.98	\$0.00	\$0.00	\$951.98
39184	Field Call	\$1,365.44	\$0.00	\$0.00	\$1,365.44
39185	Broken Arrangement	\$2,280.54	\$20.00	\$15.00	\$2,275.54
39186	Paid - Closed	\$4,361.26	\$4,361.26	\$0.00	\$0.00
39187	Skip Trace	\$1,550.79	\$0.00	\$0.00	\$1,550.79
39188	Closed - Withdrawn/Small Balance	\$211.00	\$114.44	\$0.00	\$96.56

Account No.	Status	Principal	Payments	Costs	Balance
39189	Workflow Completed	\$585.82	\$0.00	\$0.00	\$585.82
39190	Paid - Closed	\$194.00	\$194.00	\$0.00	\$0.00
39191	Workflow Completed	\$606.06	\$0.00	\$0.00	\$606.06
39192	Paid - Closed	\$1,812.68	\$1,812.68	\$0.00	\$0.00
39193	Paid - Closed	\$2,146.09	\$2,146.09	\$0.00	\$0.00
39194	Paid - Closed	\$1,316.42	\$1,316.42	\$0.00	\$0.00
39195	Property Sale	\$13,957.29	\$0.00	\$221.16	\$14,178.45
39196	Paid - Closed	\$641.31	\$641.31	\$0.00	\$0.00
39197	Awaiting New Rates - Hold	\$1,185.92	\$0.00	\$0.00	\$1,185.92
39198	Arrangement	\$1,609.69	\$200.00	\$0.00	\$1,409.69
39199	Refer Account Manager	\$14,470.75	\$0.00	\$0.00	\$14,470.75
39200	Paid - Closed	\$308.25	\$308.25	\$0.00	\$0.00
39201	Awaiting New Rates - Hold	\$2,168.88	\$50.00	\$0.00	\$2,118.88
39202	Awaiting New Rates - Hold	\$2,312.28	\$0.00	\$0.00	\$2,312.28
39203	Arrangement	\$12,527.54	\$0.00	\$0.00	\$12,527.54
39204	Arrangement	\$5,046.20	\$120.00	\$0.00	\$4,926.20
39205	Paid - Closed	\$1,097.18	\$1,097.18	\$0.00	\$0.00
39206	Workflow Completed	\$812.24	\$150.00	\$0.00	\$662.24
39207	Paid - Closed	\$1,517.10	\$1,517.10	\$0.00	\$0.00
39208	Awaiting New Rates - Hold	\$4,878.61	\$0.00	\$0.00	\$4,878.61
39209	Paid - Closed	\$329.00	\$329.00	\$0.00	\$0.00
39210	Awaiting New Rates - Hold	\$13,367.72	\$0.00	\$0.00	\$13,367.72
39211	Field Call	\$10,839.44	\$0.00	\$0.00	\$10,839.44
39212	Broken Arrangement	\$2,905.08	\$300.00	\$0.00	\$2,605.08
39213	Awaiting New Rates - Hold	\$2,568.53	\$0.00	\$0.00	\$2,568.53
39214	Skip Trace	\$4,776.04	\$0.00	\$0.00	\$4,776.04
39215	Refer Account Manager	\$1,860.64	\$700.00	\$0.00	\$1,160.64
39216	Contact Letter	\$1,988.71	\$0.00	\$0.00	\$1,988.71
39217	Property Sale	\$963.60	\$0.00	\$0.00	\$963.60
39218	Paid - Closed	\$9,183.47	\$9,183.47	\$0.00	\$0.00
39219	Skip Trace	\$1,920.95	\$0.00	\$0.00	\$1,920.95
39220	Paid - Closed	\$1,071.42	\$1,071.42	\$0.00	\$0.00
39221	Contact Letter	\$1,043.76	\$0.00	\$0.00	\$1,043.76
39222	Property Sale	\$978.93	\$0.00	\$0.00	\$978.93
39223	Workflow Completed	\$303.05	\$0.00	\$0.00	\$303.05
39224	Workflow Completed	\$381.12	\$0.00	\$0.00	\$381.12
39225	Workflow Completed	\$672.33	\$0.00	\$0.00	\$672.33
39226	Awaiting New Rates - Hold	\$640.68	\$0.00	\$0.00	\$640.68
39227	Paid - Closed	\$256.50	\$256.50	\$0.00	\$0.00
39228	Awaiting New Rates - Hold	\$2,779.93	\$0.00	\$0.00	\$2,779.93
39229	Paid - Closed	\$255.64	\$255.64	\$0.00	\$0.00
39230	Paid - Closed	\$269.00	\$269.00	\$0.00	\$0.00
39231	Paid - Closed	\$315.70	\$315.70	\$0.00	\$0.00
39232	Paid - Closed	\$385.66	\$385.66	\$0.00	\$0.00
<b>Grand Total</b>		<b>\$1,029,545.78</b>	<b>\$266,219.31</b>	<b>\$ 11,079.97</b>	<b>\$774,406.44</b>

### 14.3 Non-Financial Performance Reporting - Prepared by Tammy Smith, Director Business Strategy and Performance

#### SUMMARY

In November 2019 Yarriambiack Shire Council adopted the Performance Reporting Framework (Framework).

The Framework contains the structure for reporting financial and non-financial performance indicators on a periodic basis to Council, to ensure legislative compliance.

#### RECOMMENDATION

That Council:

- a) Accept the Non-Financial Performance Reporting Report for quarter two as attached.
- b) Acknowledge that the Financial Performance Reporting will be presented at the March 2021 Council Meeting.

#### ATTACHMENTS

[Attachment: Non-Financial Performance Reporting – Quarter Two](#)

#### DISCUSSION

The following reports are required to be presented at the Council meetings:

January Meeting (Report Delayed Until February)	Comment
Finance Report	Separately reported in Monthly Report
Permits issued by Council	Separately reported in Monthly Report
Risk Report	OHS is included in the Non-Financial Performance Report Attachment.  Council's strategic risks and risk appetite are currently under review and will be revised and adopted as part of the implementation of the new Council Plan.
Quarterly financial indicators and forecast review	Delayed until March 2021 Meeting.
Non-Financial Performance Reporting	Council specific indicators identified and reported in Non-Financial Performance Report attachment.

## **COUNCIL PLANS AND POLICIES**

Council Plan 2017-2021

*Strategic Objective 1 – Good Governance.*

The Performance Reporting Framework has been developed based on best practice guidance and to manage Council's strategic and operational risks.

## **RELATED COUNCIL DECISIONS**

Performance Reporting Report presented at the October 2020 Council Meeting.

## **OPTIONS**

Not Applicable.

## **SUSTAINABILITY IMPLICATIONS**

Sustainability consideration have been considered and there are no reported implications.

## **COMMUNITY ENGAGEMENT**

Engagement has not been undertaken to develop the Performance Reporting Framework.

In accordance with section 9 of the Local Government Act 2020, Council must in the performance of its role give effect to the overarching governance principles.

The financial and non-financial performance indicators are utilised as a tool for decision making to achieve good governance.

Council has a draft Community Engagement Policy that will outline the specific engagement activities that will occur in the near future when reviewing policies, procedures and plans.

## **RISK**

This report addresses the Corporate Risk Register and aligns with the Risk Management Framework 2019.

The non-financial performance indicators are utilised by the Audit and Risk Committee and Council when assessing risks and financial considerations in relation to investment decisions.

The indicators will be an important tool to enhance decision making to comply with the financial management and service performance principles, outlined in the new Local Government Act.

## **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable

## **CONFLICTS OF INTEREST**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

**Tolerance Indicator**  
 Within range  
 Not within acceptable range

Source	Indicator	Calculation	Tolerance	Jul-Sep	Oct-Dec	Jan-Mar	Mar-June	Comments
				Q1	Q2	Q3	Q4	
Xero and WorkflowMax	Capital projects with forecast overspend		>10%					Refer to WorkflowMax Report.
KeyPay (Happy HR)	Excess Annual Leave	Number of staff in excess of eight weeks/total headcount	<10%					Acceptable level to be less than 14.3 staff. Average based on 143 Staff. All staff with excess leave balances over 304 hours have been requested to complete leave plans and submit to the CEO for approval. Staff have not wished to take leave due to the uncertainty of COVID-19. We expect increased leave requests in 2021.
Key Pay (Happy HR)	Absenteeism	Number of sick leave hours paid/total hours paid x 100	<5%					average full time person works 1976 hours per year x 111.02 Full Time Equivalent staff = 219,376, divided by 4 quarters = 54,844 Tolarence level is five percent of two quarters equals 5,484 hours. (report run from 01 July to 10 Jan). There would be an expected increase in Absenteeism due to COVID-19 testing requirements and internal promotion of encouraging staff not to come to work if they are ill or experience symptoms of COVID-19.
	Injury Claims	Number of workcover claims over six month period	<5					Council has had five work cover claims that are all closed. Once claim in January 2021 that remains open and will be reported in the next quarter.
OH&S Database		Incidents, Hazard or Near Miss Reports		19	15	4		31 incidents reported and 1 hazard and 6 near misses. (Report as at 02 February 2021 to align with Audit and Risk Committee Reporting). YSC is utilising Happy HR OHS reporting. This is an online system to encourage more timely reporting and to encourage the reporting of near misses.
Corporate Services		Public Liability Claims		0	0			No public liability claims to report as at 31 December 2020.
Corporate Services		Significant legislative breach		0	0			No significant legislative breaches to report as at 31 December 2020
Corporate Services		Contracts past due		2	2			Two contracts have expired. Council is currently working on the Request for Quotation / Tender for the contracts - Meals on Wheels and Fire Prevention.
Source	Indicator	Calculation	Tolerance	As at 05 February 2021				Comments
Asset Finda		Customer Request overdue		53 overdue				986 service requests received. 764 service requests closed. 220 open requests and complaints.
Source	Indicator	Calculation	Tolerance	As at 05 February 2021				Comments
Asset Finda	Complaints handling	Number of complaints received	0%	11 Complaints received.				Council has had 253 Requests and 19 Complaints. 190 Work Requests have been closed, 71 remain open and 11 are overdue.
Source	Indicator	Calculation	Tolerance	As at 05 February 2021				Comments
Organisational Performance	Percentage of Staff attending governance training	% of staff that completed governance training	100%	100.00%				Staff undertook the Governance training in August 2019 and additional sessions were held in May 2020 to capture staff whom did not attend in August 2019. All staff have been enrolled in the Code of Conduct online learning management module. As new staff are recruited to Council they are required to undertake online training as part of the induction process.
Source	Indicator	Calculation	Tolerance	01 October 2020 to 31 December 2020				Comments
DWM Solutions	Percentage resolved helpdesk tickets	Number of tickets resolved / number of tickets received x 100	>80%	101.40%				Number of tickets resolved (271) / number of tickets received (267) x 100.
DWM Solutions	Percentage backups completed successfully	Number of successful back ups / number of back ups carried out x 100	100%	100.00%				There are now only 8 servers being backed up due to server decommission works completed last quarter. DWM backs up the YSC servers 12 times per day and sometimes during the 12 back ups that are occurring one may fail. DWM has one complete successful back up per server each day. 751 scheduled back ups were completed and successful.
Source	Indicator	Calculation	Tolerance	As at 09 February 2021				Comments
Organisational Performance	Percentage of strategies and policies overdue	Overdue strategies and policies in register	<10%	16%				Policies • 80.85% current • 15.96% overdue • 3.19% due soon The overdue policies are in the Assets and Operations area where a review is being undertaken to streamline some of the policies into an overarching manual.
Organisational Performance	Percentage of high risk audit recommendations outstanding compared to last reporting period	Number of high risk recommendations / number of high risk recommendations at last period x 100	<95%	100%				Two high/major risk action. This relates to the Business Continuity Plan. The plan has been revised and is being presented to Audit and Risk Committee on 10 February 2021. No movement since last reporting period.

**Asset Condition Inspections**  
 Asset Finda Asset condition inspections overdue

Asset Class	% of condition assessment complete	Year Completed	Completion Due Date	Comments	Status
Road	95%	2020	30-06-20	Sealed road inspection completed by IMG. Unsealed road inspection completed by Road Inspector.	Sealed road condition assessment completed in 2020. AM team is working to import this data into the
Footpath	100%	December 2019		Inspection regime to be completed again in 2022.	Annual condition assessment completed in November 2019. Due again in November 2020. All data in AssetFinda.
Bridges	100%	August 2019		Inspection regime to be completed again in 2022.	Last level 2 assessment completed in 2015. Data in AssetFinda. Next inspection in 2021/22 FY subject to budget availability.
Buildings	100%	June 2020		Building valuations and condition assessments currently being undertaken and to be completed by 30 June 2020.	Building assessment completed in June 2020.
Fleet	0%		30-06-20	Condition inspections currently being undertaken. Target completion date 30 June 2020.	Data validation complete.

## 14.4 Councillor Code of Conduct - Prepared by Bernardine Schilling, Manager Organisational Performance

### SUMMARY

The new Local Government Act received Royal Assent on 24 March 2020. Section 139 of *the Local Government Act 2020*, Councillor Code of Conduct, replaces Section 76C of *the Local Government Act 1989*.

A Councillor Code of Conduct, under the new 2020 Act must include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification. It may also include any other matters which the Council considers appropriate.

A Council must review and adopt the Councillor Code of Conduct within four months of the general election by a formal resolution. Until a Council adopts a Councillor Code of Conduct (under the 2020 Act), the Councillors must comply with the existing Councillor Code of Conduct.

### RECOMMENDATION

That Council:

- a) Adopt the Councillor Code of Conduct as included as an attachment to this report that will supersede the Councillor Code of Conduct that was adopted by Council on 26 June 2019.

### ATTACHMENTS

[Attachment: Draft Councillor Code of Conduct](#)

[Attachment: Councillor Code of Conduct Confirmation - unsigned](#)

### DISCUSSION

In order to comply with the *Local Government Act 2020*, Council has reviewed and developed a Councillor Code of Conduct to assist Councillors;

- In understanding and complying with the standards of conduct that are expected of them; and
- To enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence in a way that enhances public confidence in Local Government.

### RELEVANT LAW

*Section 139 of the Local Government Act 2020 states that Council must develop a Councillor Code of Conduct within the period of 4 months after a general election, must include provisions addressing any matter prescribed by the regulations for the purpose of this section, including the Standards of Conduct.*

### COUNCIL PLANS AND POLICIES

This Code should be read in conjunction with other relevant documents including Council Plan, Governance Rules, Council policies, protocols and Council's local laws, which all form part of Council's Governance Framework.

## RELATED COUNCIL DECISIONS

Adoption of the superseded version of the Councillor Code of Conduct on 26 June 2019.

## OPTIONS

Council is required to adopt a Councillor Code of Conduct in accordance with the *Local Government Act 2020*. Councillors have the option of including additional matters which they deem to be important and appropriate inclusions.

## SUSTAINABILITY IMPLICATIONS

*Social:* The revision of the Councillor Code of Conduct provides the community with confidence that there is a governance structure that informs standards of conduct and behaviour for Councillors.

## FINANCIAL IMPLICATIONS

Nil

## COMMUNITY ENGAGEMENT

A copy of the Councillor Code of Conduct will be made available on Council's Website.

## RISK

Utilising the Corporate Risk Management Framework 2020, the following assessment has been made:

<b>Risk Rating</b>	<b>Consequence</b>	<b>Risk Description</b>	<b>Action</b>
Low	Medium	Corporate Risk No. 9 – Governance – Policy documents substantially overdue for review and update.	The <i>Local Government Act 2020</i> received Royal Assent 24 March 2020. The requirements of the Act to be met by Council and actions executed within timeframes stated to maintain compliance. Councillor Code of Conduct due to be reviewed within 4 months of general election.

## REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Requirements contain in the *Local Government Act 2020 and Local Government Regulations 2020*.

## CONFLICT OF INTEREST

The author involved in the preparation of this report has no Conflict of Interest requiring disclosure.

# Councillor Code of Conduct

**This Code, which incorporates the statutory requirements specified for a Code of Conduct in accordance with section 139 of the Local Government Act 2020, was adopted by the Yarriambiack Shire Council on 27 January 2021.**

**In accordance with the Local Government Act, a copy of the Code has been provided to each Councillor and is available to the community for inspection on our Website or at the Yarriambiack Shire Office**

Asset Lifecycle Policy	This Document is Uncontrolled when Printed	Responsible Officer: Director Business Strategy and Performance	
Version: 2.0	Issue Date: 27/05/2020	Next Review: 27/05/2023	Page 1/ 31

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*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

## 1 Objective

To adopt a Councillor Code of Conduct to use as guidelines, pursuant to the Local Government Act 2020 and *Local Government Regulations 2020*.

## 2 Responsibility

The Chief Executive Officer is responsible for the implementing the Councillor Code of Conduct. Councillors are responsible for adhering to the code.

## 3 Policy Statement and Scope

The Councillor Code of Conduct sets the minimum standards of conduct to be observed by Councillors in the course of performing their duties and functions, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

It is prescribed by the regulation to assist councillors:

- a) In understanding and complying with the standards of conduct that are expected of them.
- b) To enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence in a way that enhances public confidence in Local Government.

## 4 Definitions

Chief Executive Officer	The Chief Executive Officer of Council of the Yarriambiack Shire Council.
Conflict of Interest	A Councillor has a conflict of interest where a reasonable and informed person would perceive they could be influenced by a private interest when carrying out their public duty.
Councillor	All references to 'Councillor' include the Mayor, Deputy Mayor and elected members of Yarriambiack Shire Council.
Councillor Conduct Panel	means a panel formed by the Principal Councillor Conduct Registrar under section 156.
Employee	An employee of Council includes all members of staff, contractors and volunteers under the direct control or supervision of the Yarriambiack Shire Council.
Misconduct	Misconduct by a Councillor means any of the following: <ul style="list-style-type: none"> <li>• failure by a Councillor to comply with Council's internal resolution procedure,</li> <li>• failure by a Councillor to comply with a written direction given by Council following a finding the Councillor has contravened the Code of Conduct,</li> <li>• repeated contravention of any of the Councillor conduct principles.</li> </ul>
Gross misconduct	'Gross misconduct' by a Councillor means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor.
Serious conduct	Serious misconduct by a Councillor means; <ul style="list-style-type: none"> <li>• the failure of a Councillor to attend a Councillor Conduct Panel hearing formed to make a finding in respect of that Councillor,</li> </ul>

	<ul style="list-style-type: none"> <li>the failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give,</li> <li>the failure of a Councillor to comply with a direction of a Councillor Conduct Panel,</li> <li>continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel,</li> <li>bullying of another Councillor or member of Council staff by a Councillor,</li> <li>improper direction or influence by a Councillor in respect of a member of Council staff, the release of confidential information by a Councillor.</li> </ul>
Principal Conduct Officer	A person appointed by the Chief Executive Officer to assist Council in implementing its internal resolution procedure.
Natural Justice	The hearing rule of <b>natural justice</b> requires that a person be told 'the case to be met' and have an opportunity to comment in reply.
Arbiter	An <b>arbiter</b> is a person or institution that judges and settles a quarrel between two other people or groups.
The Act	All references to the 'Act' are to the <i>Local Government Act 2020</i> .

## 5 Standards of Conduct

### 5.1 Treatment of Others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect. This includes ensuring the Councillor;

- Takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the **Equal Opportunity Act 2010**.
- Supports the Council in fulfilling its obligation to achieve and promote gender equality.
- Does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- Considers the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

#### 5.1.1 General Conduct

Good conduct or behaviour is an important part of a civil society, it's also the basis for good relationships which are vital for the success of the Council.

Good conduct in Local Government means that Councillors should act with integrity and impartiality. Councillors should;

- Be honest and diligent.
- Avoid conflicts of interest.
- Treat people with respect.
- Act lawfully.
- Show leadership.

Source: Good Governance Guide ([www.goodgovernance.org.au](http://www.goodgovernance.org.au))

#### 5.1.2 Bully, Harassment & Discrimination

Councillors are committed to providing a safe and productive working environment free from discrimination, harassment, bullying and occupational violence. Councillors are responsible for treating others with respect and are not to participate in, condone or fail to act on inappropriate behaviour of any kind.

Discrimination is defined as treating someone unfairly or unfavourably because of a personal characteristic they have or are assumed to have. Any breaches should be reported immediately to your Manager or the Chief Executive Officer.

No one will be victimised for identifying discrimination in our workplace.

#### 5.1.3 Work Health and Safety

All Councillors owe statutory duties under the *Work Health and Safety Act 2004*. Councillors must comply with duties under the Act and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety.

Councillors will aim to promote awareness within the community about issues that impact on health and wellbeing, including the health benefits of physical activity and healthy eating.

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### 5.1.4 Cultural Awareness

The traditional owners on the land in which Yarriambiack covers is the Wotjobaluk Nation. Council currently incorporates an Acknowledgement of Country at the start of each Ordinary Council meeting as follows:

*'I would like to acknowledge that this meeting is being held on the traditional lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and I pay respects to their Elders, both past, present and emerging'.*

Council does not currently have a Reconciliation Action Plan in place; however, the legislated Registered Aboriginal Party Barengi Gadjin Land Council has developed:

*Country Plan: Growing what is Good*

which includes re-engaging with Community, creating strategies to better manage their land and water, looking after historical cultural sites, such as Ebenezer, The Ranch, and maintaining their cultural practices.

### 5.1.5 Teamwork

Local Government is a form of democracy in which individuals are elected as Councillors on the basis of individual or group platforms that they have put to the community. Once elected, Councillors require ways of working together in the interests of the whole community, while remaining accountable to all stakeholders.

Councillors need each other to achieve their individual and collective goals. Effective relationships between Councillors help to promote a successful Council, a pleasant working environment and a Council with public credibility. Some features of an effective relationship are:

- While they may have different views, Councillors should treat each other with respect and courtesy.
- Disagreements, if they must be aired, should be expressed in a way that cause no detriment to individual Councillors or the Council as a whole.

Councillors should not undermine each other, either within Council or in public; and Councillors must have effective working relationships in order to succeed individually and collectively.

### 5.1.6 Relationship between the Mayor and Councillors

An effective relationship between the Mayor and Councillors will help to promote the successful delivery of the Council Plan and a credible Local Government. The relationship needs to be based on mutual respect and understanding of the different roles. Some important aspects of this relationship are:

- The Mayor is the leader of the Council and this role should be respected by all Councillors.
- The Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities.
- The Mayor is able to help Councillors and should facilitate the resolution of any disputes between Councillors.

### 5.1.7 Relationship between the Mayor and the Chief Executive Officer (CEO)

The relationship between the Mayor and the CEO assists in the smooth running of the Council, through good communication and anticipation of issues. It should be outward looking. That is, it should be focused on ways in which the Councillors and the organisation can be supported to best achieve the Councils goals. Some important aspects of this relationship are:

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- Both parties work regularly together and put energy into achieving a good working relationship
- The relationship is characterised by consistency, openness and good communication. Each has the responsibility to keep the other informed about important and relevant issues. Open communication ensures that both parties understand what is important; and
- The relationship between the Mayor and the CEO promotes involvement and inclusion amongst the Councillors and management. It does not seek to concentrate power in the relationship.

### **5.1.8 Relationship between the Councillors and the Chief Executive Officer (CEO)**

Effective relationships between the Councillors and the CEO can improve liaison between the Councillors and management. The CEO is often able to assist Councillors in addressing community issues. Councillors can keep the CEO informed about issues. The CEO is accountable to Councillors when they sit as Council. Councillors, sitting as Council, are responsible for the performance management of the CEO. Important aspects of this relationship are:

- Each has a good understanding of each other's roles.
- Councillors understand that the CEO can be a source of advice and support and that honest and open communication between Councillors and the CEO can assist the CEO's role.
- Councillors are a source of information to the CEO about what is happening in the community.

## **5.2 Performing the Role of the Councillor**

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- Undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor.
- Undertake Councillor Induction Training as per s 32 of the Act and must be conducted in person or by electronic means. Councillor must also make a written declaration before the CEO after completing Councillor induction training.
- Diligently uses Council processes to become informed about matters which are subject to Council decisions.
- Is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity.
- Represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

### **5.2.1 Values**

In a time of accountability and transparent decision making, the conduct of Councillors and employees must be above reproach. To achieve this, we must have shared values and a clear understanding of what is expected of you as Councillors.

#### *Council Plan Values*

Treat our customers with courtesy and respect:

- Lead and develop leadership within our community.

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- Constantly strive to improve our services.
- Forge closer relationships with customers.
- Investigate matters thoroughly and objectively.
- Keep our customers informed, in plain language, about the process and outcome.
- Treat people fairly, with respect and have proper regard for their rights.
- Make decisions lawfully, fairly, impartially, and in the public interest.
- Be honest, trustworthy, reliable, transparent, and accountable in our dealings.
- Be careful, conscientious, and diligent.
- Use public resources economically and efficiently.
- Actively pursue positive outcomes for the community.

### **5.2.2 Councillors Working Together**

Our primary role as Councillors is to set the vision and directions for the Yarriambiack Shire and to advocate on behalf of the whole community. We recognise that, as Councillors we should represent and promote the interests of the Yarriambiack Shire community as a whole, whilst recognising our special relationship with our constituents.

### **5.2.3 Role of a Council**

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

The new *Act* is a principles-based act with the overarching principles centred on governance.

#### **5.2.3.1 Overarching Governance Principles and Supporting Principles**

- 1) A Council must in the performance of its role give effect to the overarching governance principles.
- 2) The following are the overarching governance principles:
  - a) 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.
  - b) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
  - c) The municipal community is to be engaged in strategic planning and strategic decision making.
  - d) Innovation and continuous improvement are to be pursued.
  - e) Collaboration with other Councils and Governments and statutory bodies is to be sought.
  - f) The ongoing financial viability of the Council is to be ensured.
  - g) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
  - h) The transparency of Council decisions, actions and information is to be ensured.
- 3) 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.

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- c) The strategic planning principles.
- d) The financial management principles.
- e) The service performance principles.

#### **5.2.4 Role of a Councillor**

The role of a Councillor is set out at Section 28 of the *Act*.

- 1) The role of every Councillor is:
  - a) To participate in the decision making of the Council.
  - b) To represent the interests of the municipal community in that decision making.
  - c) To contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.
- 2) In performing the role of a Councillor, a Councillor must:
  - a) Consider the diversity of interests and needs of the municipal community.
  - b) Support the role of the Council.
  - c) Acknowledge and support the role of the Mayor.
  - d) Act lawfully and in accordance with the oath or affirmation of office.
  - e) Act in accordance with the standards of conduct.
  - f) Comply with Council procedures required for good governance.
- 3) The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.

#### **5.2.5 Role of a Mayor**

The Act defines the role and powers of the Mayor at Division 3 of Part 2. As with many other aspects of Government, tradition, convention and practice broaden and better define the role and authority of the Mayor.

- 1) The Act outlines the role of the Mayor as being to:
  - a) Chair Council meetings.
  - b) Be the principal spokesperson for the Council.
  - c) Lead engagement with the municipal community on the development of the Council Plan.
  - d) Report to the municipal community, at least once each year, on the implementation of the Council Plan.
  - e) Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct.
  - f) Assist Councillors to understand their role.
  - g) Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer.
  - h) Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.
  - i) Perform civic and ceremonial duties on behalf of the Council.
- 2) The Mayor is not eligible to be elected to the office of Deputy Mayor.

In addition to these statutory obligations, the Mayor exercises political leadership and aims to:

- a) Create and maintain political stability within the Council.

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- b) Articulate aspirations of the community and promote collective endeavours.
- c) Lead, inspire and support the team of elected Councillors.
- d) Defend the interests of the community and the Local Government of the community.
- e) Set the tone and style of local government and set standards for behaviour and practice.
- f) Speak publicly about the role of local government and about developments in the community.
- g) Generate community cohesion and inclusiveness.
- h) Govern for all members of the community.
- i) Be a mentor for other Councillors.

As chairperson of Council, the Mayor presides firmly and fairly over all Council meetings.

### **5.2.6 Acting Mayor**

If an Acting Mayor is appointed by Council, such as in the circumstances where the Mayor is absent for an extended period, the Acting Mayor shall perform the role of Mayor as outlined above.

### **5.2.7 Deputy Mayor**

Section 20A of the *Act*, a Council may establish an office of Deputy Mayor.

Section 21 sets out the role and powers of the Deputy Mayor, who may exercise any of the powers of the Mayor if:

- a) The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting.
- b) The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness.
- c) The office of Mayor is vacant.

### **5.2.8 Role of the Chief Executive Officer**

Section 44 of the *Act* outlines the statutory functions of the CEO.

- 1) A Chief Executive Officer is responsible for:
  - a) Supporting the Mayor and the Councillors in the performance of their roles.
  - b) Ensuring the effective and efficient management of the day-to-day operations of the Council.
- 2) Without limiting the generality of subsection (1)(a), this responsibility includes the following:
  - a) Ensuring that the decisions of the Council are implemented without undue delay.
  - b) Ensuring that the Council receives timely and reliable advice about its obligations under this Act or any other Act.
  - c) Supporting the Mayor in the performance of the Mayor's role as Mayor.
  - d) Setting the agenda for Council meetings after consulting the Mayor.
  - e) When requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision.
  - f) Carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the **Workplace Injury Rehabilitation and Compensation Act 2013**.

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- 3) Without limiting the generality of subsection (1)(b), this responsibility includes the following:
  - a) Establishing and maintaining an organisational structure for the Council.
  - b) Being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff.
  - c) Managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.
  - d) Performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.
- 4) For the purposes of subsection (3)(a), a Chief Executive Officer must:
  - a) Develop and maintain a workforce plan that;
    - describes the organisational structure of the Council;
    - specifies the projected staffing requirements for a period of at least 4 years;
    - sets out measures to seek to ensure gender equality, diversity and inclusiveness.
  - b) Inform the Council before implementing an organisational restructure that will affect the capacity of the Council to deliver the Council Plan; and
  - c) Consult members of Council staff affected by a proposed organisational restructure, before implementing the organisational restructure.
- 5) A Council and the Chief Executive Officer must, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section.
- 6) A Chief Executive Officer must ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan.
- 7) A Chief Executive Officer must develop the first workforce plan under this section within 6 months of the commencement of this section.

The CEO leads a diverse and complex organisation and manages the functions and activities of Council in a democratic environment.

Understanding and responding effectively to the wide range of competing demands of stakeholders is critical, as is the ability to anticipate the changing strategic position of Council and the municipality.

The CEO must ensure that the calibre, responsiveness and efficiency of management, staff and contractors serving Council is of the highest quality and that service providers are chosen only after rigorous tendering or examination and against demanding performance criteria.

### **5.2.9 Commitment to Fair and Transparent Decision Making**

As per Councillors adherence to YSC Governance Rules 2020 (including conduct at meetings) any matter in which a decision needs to be made, Councillors must consider the matter and make a decision fairly:

- By giving consideration and making a decision which is balanced, ethical, impartial and on merit.
- Free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.

When making any decision to which the principles of natural justice apply, ensuring that any person whose rights will be directly affected by a decision of Council, is entitled to

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communicate their views and have their interests considered with this recorded in any Council report.

### 5.2.10 Natural Justice

Natural justice refers to the principles set in place to protect those affected against arbitrary exercise of power by ensuring fair play. This principle is especially relevant to decisions which clearly affect an individuals' rights, for example planning permit applications.

There are two fundamental rules for natural justice:

- a) All sides of an argument should be given a fair opportunity to be heard before a decision is made; and
- b) The decision maker must not have predetermined the matter or be perceived as having predetermined the matter.

The principles of natural justice have implications for all Councillors. Regardless of their political views, Councillors must ensure that they consider all the available arguments and information before finally making up their minds on an issue.

Councillors must be able to demonstrate that they are "capable of being persuaded" by the advice they receive. However, this does not mean that they have to follow the advice. Instead, they must, at the very least, be able to demonstrate that they have considered it.

### 5.2.11 Personal Opinions

Natural justice does not prevent Councillors from having opinions on upcoming matters and stating their views during election campaigns. Having a view on something doesn't mean that a Councillor is incapable of delivering on natural justice principles. They just need to ensure that they will impartially consider the evidence and advice, which may or may not support their view, during the formal decision-making process.

When Councillors give the impression that they will never change their views on an issue regardless of the evidence or advice, they are at severe risk of breaching the natural justice principles. In such cases, the Council decision is then at risk of being set aside by a court or tribunal.

### 5.2.12 Relationship with the Community

The community's expectations of us, their elected representatives, are high. The business of Council will be conducted in a professional manner with efficiency and impartiality, whilst demonstrating compassion and sensitivity towards the needs of the community.

We acknowledge our obligations as Councillors to carry out our duties in the best interests of the community, and in accordance with the *Local Government Act 2020*.

### 5.2.13 Media

Council media resources and support will only be provided to an authorised Council spokesperson. Councillors are entitled to speak to the media on any topic but are not acting as an authorised official spokesperson for Yarriambiack Shire Council except when permitted under Councils media policy. When a Councillor is acting as an authorised spokesperson for Council, they will avoid expressing any personal views.

The Mayor is the primary spokesperson for Council and may speak on any issue other than administrative and management issues. However, the Mayor may ask another Councillor to act as spokesperson and, in allocating the role, will base the decision on Councillor Delegation committee responsibilities. They will be the primary spokesperson on major issues such as major Government announcement, significant Council projects, and highly controversial and high-profile issues.

All enquiries from media representatives must be referred immediately to Council's Chief Executive Officer who will help determine the appropriate spokesperson(s). Depending on

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the subject matter, the Chief Executive Officer is available to help Councillors source information, set up briefings prior to interviews, write statements and to help Councillors prepare for interviews if required.

The media can be demanding at times; however, it is in the best interest of Council to maintain an open and honest relationship with all media to defer misinformation.

### **5.2.14 Support and Resources for Councillors in Delivery of their Role**

Council's facilities and equipment are available to carry out Councillor activities and business.

Councillor are required to use Council ICT resources in accordance with Information, Communication, Technology Acceptable Use Policy.

Under no circumstances are Council resources to be used for personal use.

### **5.2.15 Confidential Information**

Councillors may be exposed to information that must be treated confidentially. Except in the proper course of your duties, any unauthorised use or disclosure of information relating to the conduct of the Council is prohibited.

In general, this includes:

- a) Ensuring that you do not disclose information relating to proceedings at closed Council meetings.
- b) Ensuring that you do not use or attempt to use confidential information gained by virtue of an official position for the purpose of securing a private benefit, whether directly or indirectly, for yourself or for the benefit of any other person.
- c) Not without lawful authority, disclose otherwise than to the Council, a Councillor, or a member of staff entitled to know, information concerning any of the following personnel matters concerning particular individuals.
- d) The personal hardship of any resident or ratepayer.
- e) Commercial information the disclosure of which would be likely to prejudice the commercial position of Council and/or any entity engaged with Council.
- f) To confer a commercial advantage on a competitor of Council.
- g) To reveal a trade secret.
- h) Proposals for the sale or purchase of land or the rezoning of land. Entering into contracts of any kind, if prior knowledge of those proposals could confer an unfair financial advantage on any person.
- i) Information that is subject to legal obligations of confidence.
- j) Information including the consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of a legal professional privilege.
- k) The disclosure of information of which would prejudice the maintenance of the law.
- l) Matters affecting the security of Council, Councillors, Council staff or Council property.

### **5.2.16 Refusal of Access to Information**

Where the Director or CEO determine to refuse access to information requested by a councillor, they must act reasonably. In reaching this decision, they must take into account whether or not the information requested is necessary for the councillor to perform their official functions and whether they have disclosed a conflict of interest in the matter the information relates to, that would preclude their participation in consideration of the matter. The Director or CEO must state the reasons for the decision if access is refused.

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### 5.2.17 Access to Records

Mayor and Councillors do not have direct access to records. In the event that access is required a written request must be submitted by the Mayor or Councillor to the CEO.

Councillors should only seek information from our records management systems or files about matters that inform their duties, i.e., on a need-to-know basis.

Councillors can maintain privacy by:

- a) Taking care not to discuss Council matters with anyone not entitled to know such information.
- b) Taking responsibility to safeguard confidential documents and information.
- c) Referring all media enquiries to their CEO.

### 5.2.18 Councillor and Staff Interaction

An effective Council will work as part of the Council team with the CEO and senior members of staff. As with all other relations, that teamwork will only occur if Councillors and staff have a mutual respect and co-operate with each other to achieve the Councils corporate goals and implement the Councils strategies.

To achieve this, Councillors need to:

- a) Accept that their role is that of leadership, not a management or administrative one.
- b) Acknowledge that the CEO is responsible for all staffing matters.
- c) Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions.
- d) Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others.
- e) Refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

### 5.2.19 Relationship between Councillors and Management

The fundamental role differences between the Council and Management underpin the relationship. The focus of Council and Councillors should be on **Strategy, Policy and Outcomes** i.e., they should focus on who is to benefit from the Councils activities and in what way.

The role of Management is to focus on advice, implementation, operations and acting upon Council resolutions. Some of the features of an effective relationship include:

- a) There is a mutual understanding, acceptance and respect for each other's roles.
- b) There is a preparedness to identify, discuss and resolve issues and problems if they arise.
- c) The administration has respect for and is committed to democratic governance and the important role of the Council in the Local Government structure.
- d) There are policies in place that inform and guide Councillors and staff communication.

Councillors need to be aware that they are required to abide by the *Councillor and Staff Interaction Protocols* which outlines the approved communication channels when dealing with all staff.

### 5.2.20 Councillor – Staff Contact Protocols

#### 5.2.20.1 Background

The following protocols are provided as guidelines to ensure that contact by all Councillors with Council staff is undertaken in a consistent and orderly fashion.

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As Councillors would be aware, providing direction to staff is prohibited under the *Local Government Act 2020*. It is the responsibility of the Chief Executive Officer to manage the staff resources of the organisation and inappropriate direction is in breach of the Act.

The following protocols are not designed to prevent contact between staff and Councillors, but rather are designed to provide the staff with the confidence that their conversations will not be used to form an argument in a debate.

It will also assist Councillors in avoiding the accusation that they are inappropriately involving themselves in operational activities.

#### **5.2.20.2 Reasons for Councillor / Staff Contact**

There are many reasons that direct contact with staff will assist Councillors in undertaking their civic duties, these may include but are not limited to the following:

- a) Questions around planning permit reports prior to making a decision.
- b) Finding information to answer questions from residents.
- c) Financial information.
- d) Status reports on various programs.
- e) Assistance with diary commitments and travel arrangements.
- f) Discussions on meeting minutes etc.

#### **5.2.20.3 Process for Receiving Information**

The process for Councillors to follow when seeking information that a staff member may be able to assist with is as follows:

- a) Submit a request via text, phone or in person to the Chief Executive Officer or relevant Director to provide the information.
- b) Submit a request via text, phone or in person to the Chief Executive Officer or relevant Director to meet with the staff member.

#### **5.2.20.4 Working with the Executive Assistant**

The Executive Assistant provide administrative support for Councillors. Councillors are permitted to contact the staff member directly regarding any of the following:

- a) Diary management including RSVPs.
- b) Travel arrangements.
- c) Accommodation arrangements.
- d) Itinerary preparation.
- e) Arranging meetings as required.

#### **5.2.21 Access to Council Buildings**

Councillors are entitled to have access to the council chamber (subject to availability) and public areas of council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the CEO.

Councillors must not enter staff-only areas of council buildings without the approval of the CEO or as provided for in the procedures governing the interaction of councillors and council staff.

Councillors must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence council staff decisions.

Councillors will have access to Council Chambers and Public Meeting rooms for the following:

- a) Forums

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- b) Council Meetings
- c) Official Ceremonies

*\*Councillors do not have direct access to any other council buildings including council owned depots.*

### 5.2.22 Privacy

Councillors are also reminded that the Council complies with the YSC Information Privacy Policy, *Privacy and Data Protection Act 2014*, *Health Records Act 2001* and other relevant legislation. These documents regulate to the management, collection, use and disclosure of 'personal information'. If a recognised agency or Government body lawfully approaches you for any of the above information you should refer them to your CEO.

### 5.2.23 Conflict Resolution

As required by the Act, the Councillor Code of Conduct must outline the processes to be followed should a conflict arise between Councillors.

It's expected that prior to any formal dispute resolution processes commencing, Councillors will endeavour to resolve their differences between themselves.

If Councillors cannot resolve disputes amongst themselves, the Act creates several levels for the management of Councillor Conduct issues, being:

Degree of Seriousness	Responsible Authority
<p><b>Misconduct:</b></p> <p>Any breach of a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct.</p>	<p>Internal Arbitration with an arbiter who is from the Secretary panel list.</p>
<p><b>Serious Misconduct:</b></p> <p>Any of the following:</p> <p>The failure by a Councillor to comply with the Councils Internal Arbitration process;</p> <p>The failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147</p> <p>The failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor</p> <p>The failure of a Councillor to comply with a direction of a Councillor Conduct Panel</p> <p>Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167 (1)(b)</p> <p>Bullying by a Councillor of another Councillor or a member of Council Staff</p> <p>Conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff</p> <p>The disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information</p> <p>Conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff</p>	<p>Councillor Conduct Panel</p>

The failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision-making process when required to do so in accordance with this Act	
<b>Gross Misconduct:</b> Behaviour by a Councillor that demonstrates: Is not of good character; or Is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature.	VCAT

If a complaint is made that a Councillor had breached the Councillor Code of Conduct Councils internal resolution procedure will be followed. The Councillor Code of Conduct sets out the process that will be followed and the sanctions that can be applied against a Councillor should the complaint be upheld.

To ensure a fair process is undertaken, complaints under the internal resolution procedure are investigated by an independent mediator or arbiter.

Allegations of Misconduct, Serious Misconduct and Gross Misconduct are dealt with externally and independently from Council by either an Arbiter, Councillor Conduct Panel or VCAT

APPENDIX 1: Internal Resolution Procedure

### 5.2.24 Commitment to Online/Electronic Communications

Part 12 Amendment of the *Local Government Act 2020* enables meetings to be conducted by electronic means.

## 5.3 Compliance with Good Governance Measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- Any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors.
- The Council expenses policy adopted and maintained by the Council under section 41 of the Act.
- The Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act.
- Any directions of the Minister issued under section 175 of the Act.

### 5.3.1 Personal Interest Returns

A Councillor will find, on occasions, that there is a conflict or incompatibility between personal interests and their declaration to “..... faithfully and impartially .....” fulfil their public duties. The Act provides a mechanism to deal with these situations.

Within thirty days of making the oath of office, a Councillor must complete a written Initial Personal Interests Return to disclose any matters which might conflict with their public duty. These returns are then completed twice yearly.

These forms are held in a register which is maintained by the CEO. The register may be inspected by any person following a written application to do so.

Councillors will be reminded when Personal Interest Returns are due, and this will be discussed in more detail during the Councillor Induction program.

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Source: Register of Interests Guide – Primary and Ordinary Returns

### **5.3.2 Councillor Expenses**

Council adopted the Council Expenses Policy at the June 2020 Ordinary Council meeting; the purpose of this policy is to establish the basis by which Councillors will be reimbursed for expenses while undertaking their role as Councillor. These include:

#### **5.3.2.1 Administrative Support**

An appropriate level of administrative support will be made available to assist the Mayor and Councillors in performing their roles. Administrative support may include, but not be limited to, the preparation of correspondence, responding to invitations, press release research, and constituent/community contact activities.

#### **5.3.2.2 Communication and Internet Expenses**

Council will pay a maximum monthly amount of \$15 inclusive of usage and service provision charges from a recognised telecommunications provider, increased annually by CPI/rates increase if Councillors wish to use their own phone or a phone will be provided. Councillors will also be provided with internet access for their tablet computer and Council will pay all associated connection fees and rental charges.

Councillors are required to read and comply with Council’s corporate policies in relation to the use of telecommunication and information technology equipment. Data usage and support requests will be monitored by the Manager Organisational Performance with any concerns reported to the CEO for discussion as deemed appropriate.

#### **5.3.2.3 Travel Expenses**

Councillors may have the opportunity of attending conferences, seminars and training courses or participate or present as an official Council representative.

The Councillor Support and Expenses Policy outlines the processes to be followed in relation to associated travel expenses and arrangements.

#### **5.3.2.4 Councillor Allowances**

Councils are divided into three categories based on the income and population of each Council. Yarriambiack Shire Council is classified as a Category 1 Council, the current allowances ranges are available on the Know Your Council Website <http://knowyourcouncil.vic.gov.au/guide-to-councils/how-councils-work/the-system-of-government>.

In addition to these allowances, Councillors also receive an amount the equivalent of the superannuation guarantee. Councillors can choose whether this extra amount contributes to superannuation or not.

Councillor allowances are paid monthly in.

The Act specifies that that a Council does not have to pay an allowance to a Councillor who does not wish to receive it.

#### **5.3.2.5 Remote Factor Allowance**

Council will also provide compensation to Councillors living in remote areas for the time spent on long distances. This allowance is set at a maximum limit of \$2,000 per annum (a daily rate of \$40).

#### **5.3.2.6 Reimbursement of Expenses**

Council will reimburse Councillors for expenses made in accordance with their role.

Examples of these expenses are:

- a) Childcare services.
- b) Private vehicles used on Council business, based on the ATO reimbursement rate of 66 cents per kilometre and index annually.

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- c) Travel on Council business.
- d) Sustenance and hospitality.
- e) Conferences and training.

Councillors should familiarise themselves with the Council Policy on Council Expenses prior to expending their own funds.

All expense payments and reimbursements in relation to Councillors will be subject to approval by the CEO. Councillors must provide appropriate evidence with an explanation of the reason for the expense.

The Executive Assistant will be able to assist Councillors with expense reimbursements.

### **5.3.3 Councillor Facilities**

In addition, each Councillors will be entitled to the following home/workplace facilities.

- a) A tablet, Laptop and specified accessories.
- b) Access to internal, email, Council Forum and Meeting minutes and agendas.
- c) Each Councillor will be entitled to post, through the Council mailing system and utilising Council supplied stationery, standard mail items, which relate to Council business only. The Executive Assistant will assist Councillors in the provision of mail services.
- d) Council shall, upon request, supply Councillors with standard stationery held for the organisation's requirements. Stationery may include paper, pens, envelopes, writing pads, business cards and stationery.

### **5.3.4 Governance Rules and Local Law 2020 – Common Seal & Conduct at Meetings**

The detail of how Council's formal meetings are to be conducted is outlined in Councils Governance Rules and some elements within the Local Law No 6. The Governance Rules and Local Law includes details such as notice requirements, quorum, agenda and minutes, use of the Council seal and the conduct of business.

The Governance Rules also provides Councillors with the rules of debate and how a decision of Council is made. There are a number of ways in which a Councillor can voice their opinion on a matter, but it must be in accordance with the Local Law and with the approval of the Chairperson (normally the Mayor) who controls the meeting.

To assist Councillors, the process of debate and a motions guide are presented here for ease of use, however Councillors should read and understand the Governance Rules which are available online.

#### **5.3.4.1 Meeting Agenda**

The Agenda for the Ordinary Council Meeting will be made up of reports on matters which require formal Council resolution such as development applications, awarding of contracts and adopting policies and strategies. These reports contain sufficient information and are set out in a logical, concise and clear style, to enable a well-informed decision to be made.

Ideally the report will be no more than two pages in length. Detailed technical and administrative information, such as plans, may be included as attachments to the report.

Currently, the Agenda is available on the Friday prior to the Council Meeting. The media will receive a link to the Agenda on Councils website on the Friday night prior to the Council Meeting.

#### **5.3.4.2 Minutes**

The Minutes of both Ordinary and Special Council Meetings will be available by the Friday week following the Council Meeting.

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The Minutes contain the summary of the report presented and the resolution passed by Council. The Minutes from the previous months Council Meeting are confirmed at the next Ordinary Council Meeting.

### 5.3.5 Gifts, Benefits & Hospitality

Transparent and accountable practices are vital to maintaining the community's trust and its confidence that public resources are being used responsibly and appropriately.

As public officials, our management of any gifts, benefits and hospitality is a practical demonstration of our integrity, impartiality and accountability. It allows our community, business associates and Government to be confident that we make decisions and provide advice free of favouritism, influence and conflicts of interest.

Therefore, as a guiding principle, Councillors should not accept a gift if it is likely to be perceived by a 'reasonable person', as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties as a member of Council. Refer to Council's Gifts, Benefits & Hospitality Policy.

**The following process must be followed for all accepted gifts, Benefits and hospitalities.**

Value	Roles and Responsibility
Any Value	<p><b>Councillor</b></p> <p>Complete Councillor Gifts, Benefits &amp; Hospitality Declaration Form and submit to the Mayor or Chief Executive Officer</p> <p><b>Mayor and Councillor Support – Executive Assistant (EA)</b></p> <p>Formally acknowledge the giver on behalf of the Councillor</p> <p>Finalise form and submit to the Councillor Support Officer (EA) or Manager of Organisational Performance.</p> <p>Department of Organisation Performance and/or Councillor Support Officer (EA) to complete and update Councillor Register and Website</p>

Yarriambiack Shire Councillors will record all campaign donations in their Election Campaign Donation Return as per section 307 of the Local Government Act 2020.

### 5.3.6 Land use planning, development assessment and other regulatory functions.

Councillors should be aware that there are circumstances in which staff have independent authority which is conferred by other legislation. For example, Environmental Health Officers have a range of powers and responsibilities under the Health Act and are not formally accountable to the Council for actions taken under this authority. This is of particular note in Local Laws, Fire Management, Animal Control, Land Use Planning, Building and Emergency Management.

Councillors and staff need to be sensitive to tensions which can arise in these circumstances. Good communication can to a large degree address any issues that may arise.

### 5.3.7 Council Record Keeping

Councillors are to treat all electronic communication as discoverables. Any document read or created as a council document should be treated as a council record, including such documents housed on personal devices or with a person internet service provider. The

destroying, alter, share or disposal of council records can only be in accordance with Councils Record Management Policy and Procedures.

#### **5.4 Councillors must not discredit or mislead council or public standard**

- In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

##### **5.4.1 Misuse of Position**

In performing the role, the Councillors must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

Councillors must ensure they do not misuse their position to gain, or attempt to gain, directly or indirectly an advantage for themselves or for another person, or to cause, or attempt to cause detriment to the Council or another person.

Councillors must not direct or improperly influence, or seek to direct or improperly influence, a member of Council staff or members of the public.

##### **5.4.2 Internet Access**

Yarriambiack Shire Council's Information, Communication and Technology (ICT) resources are to be used in an ethical and efficient manner within a sound governance framework, thereby enabling Council's assets to be appropriately managed within acceptable risk tolerances. A key underpinning goal of this approach is to ensure users of ICT resources behave in ways that support the business activities and objectives of Council.

Official use of Council owned or provided ICT resources means usage undertaken for a business need to assist in carrying out the work of Council. Refer to YSC ICT Policy.

##### **5.4.3 Conflict of Interest**

Disclosure of conflict of interest at a Council Meeting, Delegated or Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter which is to be considered or discussed at a Meeting at which he or she

- 1) Is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Meeting immediately before the matter is considered
- 2) Intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Meeting commences a written notice:
  - a) Advising of the conflict of interest.
  - b) Explaining the nature of the conflict of interest.
  - c) Detailing, if the nature of the conflict of interest involves a Councillor's or Member's relationship with or a gift from another person, the;
    - i. Name of the other person
    - ii. Nature of the relationship with the that other person or the date of receipt, value and type of gift received from the other person
    - iii. Nature of that other person's interest in the matter
    - iv. And then immediately before the matter is considered at the Meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this rule.

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The Councillor must, in either event, leave the Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been disposed of.

The definitions of general and material conflict of interests are located at Section 127 and 128 of the Act. Councillors should read this section of the Act carefully as it will be the individual Councillors' decision on whether to declare or not. The CEO and staff are not able to advise Councillors on this issue.

#### **5.4.4 Gifts, Benefits and Hospitality & Bribery**

No Councillor shall, either directly or indirectly, solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which the Council is interested.

Councillors must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. Councillors should also make attempts to avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO or the Mayor.

#### **5.4.5 Fraud & Corruption – Breaches of Code of Conduct**

Misconduct by a Councillor means any breach by a Councillor of the prescribed standards of Conduct included in the Councillor Code of Conduct.

If a complaint is made that a Councillor had breached the Councillor Code of Conduct, Council's internal resolution procedure will be followed. The Councillor Code of Conduct sets out the process that will be followed and the sanctions that can be applied against a Councillor should the complaint be upheld.

To ensure a fair process is undertaken, complaints under the internal resolution procedure are investigated by an independent mediator or arbiter.

Allegations of Misconduct, Serious Misconduct and Gross Misconduct are dealt with externally and independently from Council by either an Arbiter, Councillor Conduct Panel or VCAT.

#### **5.4.6 Elections**

The election Period Policy contained in the Governance Rules 2020 provides Councillors an outline of expected behaviours for the conduct of Council business during the lead-up to a General Election. Refer to Chapter 7 of the Governance Rules 2020.

A Councillor who nominates as a candidate for a state or federal election (a Nominated Candidate), must apply for leave of absence from the Council and this leave of absence must commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who is on a leave of absence must not attend meetings of the Council or otherwise act as a Councillor.

#### **5.4.7 Values & Behaviours**

Values are ideals that guide or qualify our personal conduct. Like morals, they help us distinguish right from wrong and tell us how we can conduct our lives (both work and personal) in a meaningful way. Values provide the perspective in the best and the worst of times.

Our values and behaviours impact on our organisation in the following ways:

- 1) How we feel, our morale, our enjoyment and fulfilment levels.

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- 2) Our ability to function efficiently and effectively.
- 3) Our colleagues, customers and our team performance.
- 4) The community's perception of our organisation.
- 5) Our ability to achieve the Council Plan and ultimately fulfil the Yarriambiack Shire Council objectives.

#### **5.4.8 Complaint Handling**

Complaints or disclosures other than protected disclosures will be handled in accordance with Council's Complaints Handling Policy.

If a Councillor receives a complaint from a resident it should be immediately referred to the Executive Assistant to determine if it needs to be managed under Council's Customer Complaints Policy.

Customer complaints are managed through the Operational Performance Department with the complainant receiving acknowledgement of their complaint within 10 business days with the aim to resolve all complaints within 28 days.

An internal review process has been established if the customer is not satisfied that their complaint has been resolved or was handled incorrectly.

The Yarriambiack Shire Council is committed to ensuring that personal information collected, stored and used by Council is handled in a responsible manner and in accordance with the Privacy and Data Protection Act 2014.

Personal Information is information that can be used on its own or with other information to identify, contact, or locate a person, or whose identity can be ascertained from the information.

Information provided will be retained for Council use only and will not be disclosed except as required by law or with consent.

Council is required to collect and use personal, confidential and sensitive information from individuals and therefore, abides by the Information Privacy Principles identified in the *Privacy and Data Protection Act 2014*.

The objective of Council's Public Transparency Policy is to formalise its support for transparency in its decision-making processes (including complaints handling) and to promote public awareness of the availability of Council information.

##### **5.4.8.1 Public Transparency Principles**

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.

- 1) Council information must be publicly available unless;
  - a) The information is confidential by virtue of this Act or any other Act.
  - b) Public availability of the information would be contrary to the public interest.
- 2) Council information must be understandable and accessible to members of the municipal community.
- 3) Public awareness of the availability of Council information must be facilitated.

*Source: Yarriambiack Complaints Handling Policy, Information Privacy Policy & Public Transparency Policy*

#### **5.5 Standards do not limit robust political debate Standard**

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

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## **5.6 Review of Councillor Code of Conduct**

Council may review or amend the Code of Conduct at any time.

## **5.7 References**

Governance Rules 2020

Common Seal & Conduct Meetings Policy

Occupational Health and Safety policy

Information Privacy Policy

Complaints Handling Policy

Public Transparency Policy

Human Rights Charter

Occupational Health and Safety Act (2004)

Workplace Injury Rehabilitation and Compensation Act (2013)

Crimes Act (1958)

Equal Opportunity Act (2010)

Local Government Act 2020

Local Government (Governance and Integrity) Regulations 2020

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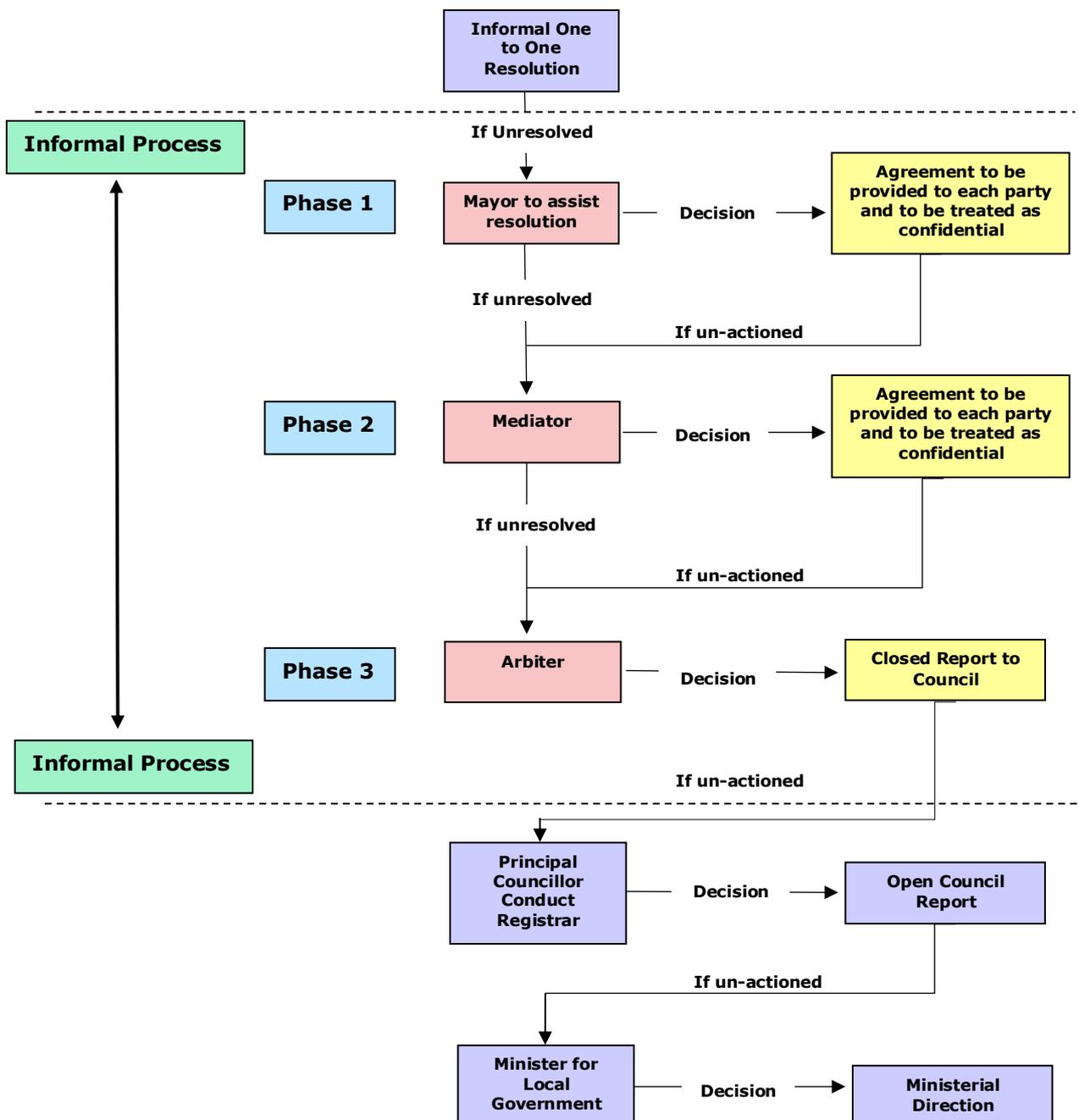
**APPENDIX 1: Internal Resolution Procedure**

Before commencing the formal internal resolution, procedure outlined below, the Councillors who are parties to an alleged contravention of this Code will endeavour to resolve the matter informally in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

The Council's three phase dispute resolution process involves;

- Direct negotiation between the parties in dispute with the Mayor in attendance to provide guidance.
- External mediation by an independent mediator engaged by the CEO.
- An internal resolution procedure involving an independent arbiter.

Dispute Resolution Process Flowchart



### PHASE 1 – Direct Negotiation

Where Councillors who are in dispute have not been able to resolve the dispute between them, either (or both) party (parties) may request the Mayor to convene a meeting of the parties.

A dispute referred for direct negotiation may relate to:

- An interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council.
- An alleged contravention of the Councillor Code of Conduct.

The party requesting the direct negotiation meeting is to provide the Mayor with the name of the other Councillor and the details of the dispute in writing. The written request is to indicate that it is for a “direct negotiation” dispute resolution process.

Where the request relates to an alleged contravention of the Councillor Code of Conduct, the request must:

- Specify the name of the Councillor alleged to have contravened the Code.
- Specify the provision(s) of the Code that is alleged to have been contravened.
- Include evidence in support of the allegation.
- Name the Councillor appointed to be their representative where the request is made by a group of Councillors.
- Be signed and dated by the requestor or the requestor’s representative.

The requestor is to notify the other party of the request and provide him or her with a copy of the written request either at the same time as it is provided to the Mayor or as soon as practicable thereafter.

The Mayor is to ascertain whether or not the other party is prepared to attend a “direct negotiation” meeting.

If the other party is not prepared to attend a meeting, the Mayor is to advise the requestor forthwith. No further action is required of the Mayor.

If the other party declines to participate in a meeting, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party consents to a meeting, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within 5 working days of receiving the consent of the other party.

The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the meeting.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65 of the Act, and the observation of the councillor conduct principles and the Councillor Code of Conduct.

The Mayor is to document any agreement reached at the meeting and the parties are required to sign the agreement. Copies of the agreement are to be provided to both parties and are to be treated as confidential.

Where one party does not comply with the agreement, the other party has recourse to external mediation or the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both of the parties have recourse to external mediation or the internal resolution

procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

Where the Mayor is a party to the dispute, the request is to be made to the Deputy Mayor (if any) or the immediate past Mayor. The Deputy Mayor or the immediate past Mayor will perform the functions ascribed to the Mayor.

### **PHASE 2 – External Mediation**

A Councillor or a group of Councillors may make an application for a dispute to be referred for external mediation whether or not the dispute has been the subject of an application for “direct negotiation”.

An application made for a dispute to be referred for external mediation may relate to:

- An interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council.
- An alleged contravention of the Councillor Code of Conduct.

The applicant is to submit a written application to the Principal Conduct Officer setting out the name of the Councillor and the details of the dispute. The application is to indicate that the application is for an “external mediation”.

Where the application relates to an alleged contravention of the Councillor Code of Conduct, the application must:

- Specify the name of the Councillor alleged to have contravened the Code.
- Specify the provision(s) of the Code that is alleged to have been contravened.
- Include evidence in support of the allegation.
- Name the Councillor appointed to be their representative where the application is made by a group of Councillors.
- Be signed and dated by the applicant or the applicant’s representative.

The applicant is to notify the other party of the request and provide him or her with a copy of the application either at the same time that it is submitted to the Principal Conduct Officer or as soon as practical thereafter.

The Principal Conduct Officer is to ascertain (in writing) whether or not the other party is prepared to attend an “external mediation”. If the other party declines to participate in an external mediation, he or she is to provide their reasons for doing so in writing to the Principal Conduct Officer. These reasons may be taken into account if the matter is, subsequently, the subject of an application for a Councillor Conduct Panel.

When the other party declines to participate in an external mediation, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party agrees to participate in an external mediation, the Principal Conduct Officer is to advise the applicant, the Mayor and CEO forthwith.

The CEO is to engage the services of an external mediator to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the meeting and both parties are required to sign the agreement. Copies of the agreement are to be provided to both parties and are to be treated as confidential.

Where one party does not comply with the agreement, the other party has recourse to the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the

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applicant has recourse to the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

### **PHASE 3 – Internal Resolution Procedure – Arbiter**

An application cannot be made for an internal resolution procedure during the election period for a general election. Any internal resolution procedure that is in progress is to be suspended during the election period for a general election.

If the respondent to an application for an internal resolution procedure is not returned to office as a Councillor in the election, the application lapses. If the respondent is returned to office in the election, the application may resume if:

- The application was made by the Council and the Council so resolves.
- The application was made by a group of Councillors and anyone (or more) of those Councillors who has been returned to office wishes to proceed with the application.
- The applicant (individual Councillor) is returned to office and wishes to proceed with the application.

A councillor or a group of Councillors may make an application alleging that a Councillor has contravened this Councillor Code of Conduct. The application must:

- Specify the name of the Councillor alleged to have contravened the Code.
- Specify the provision(s) of the Code that is alleged to have been contravened.
- Include evidence in support of the allegation.
- Name the Councillor appointed to be their representative where the application is made by a group of Councillors.
- Be signed and dated by the applicant or the applicant’s representative.

The application must be submitted to the Council’s Principal Conduct Officer.

An applicant may withdraw an application for an internal resolution procedure. Once an application has been withdrawn, the same or a similar application relating to the same instance in relation to the respondent Councillor cannot be resubmitted by the applicant.

On receiving an application, the Principal Conduct Officer will:

- Advise the Mayor and CEO of the application without undue delay.
- Provide a copy of the application to the Councillor who is the subject of the allegation at the earliest practical opportunity but not later than two working days from receipt of the application.
- Identify an arbiter to hear the application.
- Obtain from the arbiter written advice that they have no conflict of interest in relation to the Councillors involved.
- Notify the parties of the name of the proposed arbiter and provide them with the opportunity (2 working days) to object to the person proposed to be the arbiter.
- Consider the grounds of any objection and appoint the proposed arbiter or identify another arbiter.
- Provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object to an arbiter has expired.
- After consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing.
- Attend the hearing(s) and assist the arbiter in the administration of the process.

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In identifying an arbiter to hear the application, the Principal Conduct Officer must select an arbiter who is suitably independent and able to carry out the role of arbiter fairly.

The role of the arbiter is to:

- Consider applications alleging a contravention of the Councillor Code of Conduct by a Councillor.
- Make findings in relation to any application alleging a contravention of the Councillor Code of Conduct which the arbiter must give to the Council.
- Give a written statement of reasons supporting the findings to the Council at the same time as it gives its findings to the Council.
- recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened the Councillor Code of Conduct.

In considering an application alleging a contravention of the Councillor Code of Conduct, an arbiter will:

- In consultation with the Principal Conduct Officer, fix a time and place to hear the application.
- Authorise the Principal Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing.
- Hold as many meetings as he or she considers necessary to properly consider the application. The arbiter may hold a directions hearing.
- Have discretion to conduct the hearings as he or she deems fit while ensuring that the hearings are conducted with as little formality and technicality as due and proper consideration of the application allows.
- Ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter.
- Consider an application by an applicant or a respondent to have legal representation at the hearing to ensure that the hearing is conducted fairly and may, in his or her absolute discretion, grant the application or deny the application.
- Ensure that the rules of natural justice are observed and applied in the hearing of the application.
- Ensure that the hearings are closed to the public.

Where an application to have legal representation is granted by an arbiter, the costs of the applicant's and/or the respondent's legal representation are to be borne by the applicant or the respondent in their entirety.

An arbiter:

- May find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the Code.
- May find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code.
- Will suspend consideration of an internal resolution procedure during the election period for a general election.

The arbiter is to give a copy of his or her findings and the statement of reasons to the Council, the applicant and the respondent. At the same time, the arbiter provides the findings and statement of reasons, he or she shall, where a Councillor has been found to have contravened the Code, recommend an appropriate sanction or sanctions for the contravention for consideration by the Council.

A copy of the arbiter's findings, statement of reasons and any recommended sanctions is to be submitted to the next ordinary meeting of the Council for its consideration.

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If an arbiter has found that a contravention of the Code has occurred, the Council may, after considering the arbiter's findings, statement of reasons and recommendation on sanctions, give any or all of the following written directions to the Councillor:

- a) Direct the Councillor to make an apology in a form or manner specified by the Council.
- b) Direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council (in respect of the next scheduled meetings of the Council).
- c) Direct that, for a period of up to, but not exceeding, 2 months on a date specified by the Council the Councillor:
  - Be removed from any position where the Councillor represents the Council.
  - To not chair or attend any advisory committee or special committee meeting or an assembly of Councillors or any other meeting specified in the direction.

A Councillor who does not participate in the internal resolution procedure may be guilty of misconduct. The Act provides that misconduct by a Councillor means any of the following:

- Failure by a Councillor to comply with the Council's internal resolution procedure.
- Failure by a Councillor to comply with a written direction given by the Council under section 81AB.
- Repeated contravention of any of the Councillor conduct principles.

**Allegations of misconduct are heard on application by a Councillor Conduct Panel.**

### Council Approved Policy

<b>Policy Adopted:</b>	11 July 2006	Minute Book Page 31	Version 1
<b>Policy Reviewed:</b>	11 November 2009	Minute Book Page 34	Version 1
	12 December 2012	Minute Book Page 26	Version 1
	13 March 2013	Minute Book Page 28	Version 1
	22 October 2014	Minute Book Page 34	Version 1
	13 July 2016 Special Meeting	Minutes Book Page 2	Version 2
	22 February 2017 Special Meeting	Minute Book Page 2	Version 3
	26 June 2019	Minute Book Page 152	Version 4
			Version 5



## COUNCILLOR CODE OF CONDUCT

**“I hereby declare that I have read the Councillor Code of Conduct for Yarriambiack Shire Council adopted on 24 February 2021 and declare that I will abide by this Code”.**

**Cr Graeme Massey..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

**Cr Andrew McLean..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

**Cr Karly Kirk..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

**Cr Corinne Heintze..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

**Cr Tom Hamilton..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

**Cr Chris Lehmann..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

**Cr Kylie Zanker..... CEO, Jessie Holmes.....**

**Date 24/02/2021**

**Date 24/02/2021**

## 14.5 Information Privacy Policy - Prepared by Bernardine Schilling, Manager Organisational Performance

### SUMMARY

Council's Information Privacy Policy was due for review in January 2021. The policy is a requirement to comply with the *Privacy & Data Collection Act 2014*.

### RECOMMENDATION

That Council:

- a) Adopt the Information Privacy Policy as included as an attachment to this report that will supersede the Information Privacy Policy that was adopted by Council in 2018.

### ATTCHMENTS

[Attachment: Draft Information Privacy Policy](#)

### DISCUSSION

In order to comply with the *Privacy & Data Collection Act 2014*, Council has developed a Policy to establish a regime:

- For the responsible collection, storage, use, handing and disclosure of personal information.

To ensure records are maintained according to the Information Privacy Principles of the *Privacy & Data Collection Act 2014*.

Council is committed to protecting an individual's right to privacy and its compliance with the 10 Information Privacy Principles contained within the Act.

The additions applied to the revised policy include:

- Review date to be completed every 2 years.
- Demonstrated examples within the document.
- Utilising a simpler language for people to understand.
- Privacy Impact Assessment clause.
- Example of Public Registers available (including public information).
- Staff training and awareness.

### RELEVANT LAW

*As per Section 20 of the Privacy & Data Collection Act 2014, Council must not do an act, or engage in a practice, that contravenes an Information Privacy Principle in respect of personal information collected, held, managed, used, disclosed or transferred by it.*

### COUNCIL PLANS AND POLICIES

This policy should be read in conjunction with relevant policies including:

- Yarriambiack Shire Council's Complaints Policy
- Public Interest Disclosure Policy and Guidelines
- CCTV Policy

- CCTV Standard Operating Procedures and Operations and Maintenance Manual
- Occupational Health and Safety Guidelines Manual.

### RELATED COUNCIL DECISIONS

The former policy was adopted by a resolution of Council in 2018, minutes reference 11.3.

### OPTIONS

It is a best practice governance requirement for Council to have an Information Privacy Policy.

### SUSTAINABILITY IMPLICATIONS

*Social:* The implementation of the Information Privacy Policy will provide community with confidence in the overall handling of personal information.

### FINANCIAL IMPLICATIONS

Nil

### COMMUNITY CONSIDERATIONS

When revising the Information Privacy Policy, the key findings from the examination of local government privacy policies from May 2019 by the Office of the Victorian Information Commissioner (OVIC) were taken into consideration and addressed throughout the document.

A copy of the Information Policy and Guidelines will be made available to the Community via Council's website.

### RISK

Utilising the Corporate Risk Management Framework 2020, the following assessment has been made:

<b>Risk Rating</b>	<b>Consequence</b>	<b>Risk Description</b>	<b>Action</b>
Medium	Significant	Corporate Risk No. 8 – Governance – Policy documents substantially overdue for review and update.	Policy updated utilising the key findings from the examination of local government privacy policies. Policy to be reviewed every 2 years and is updated in the RelianSys System.

### REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The Requirements contain in the *Privacy & Data Collection Act 2014*.

### CONFLICT OF INTEREST

The author involved in the preparation of this report has no Conflict of Interest requiring disclosure.

## Information Privacy Policy

*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

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## 1. Objective

The objective of this policy is to ensure the responsible collection and handling of personal information relating to individuals by compliance with the Information Privacy Principles (IPPs).

## 2. Responsibility

Council's Manager Organisational Performance is the Council's Privacy Officer. The Information Privacy Officer has the responsibility to assist Council comply with its obligations under the *Privacy and Data Protection Act 2014 (PDPA)* and is authorised to provide advice and receive complaints and requests for access and correction. The Information Privacy Officer may be required to seek legal advice if required.

The Information Privacy Officer is responsible for preparing and periodically updating the policy and submitting it to the Executive Management Team for approval, ensuring that staff understand the Information Privacy Policy.

## 3. Policy Statement and Scope

The Yarriambiack Shire Council views the protection of an individual's privacy as an integral part of its commitment towards complete accountability and integrity in all its activities, functions and programs. This statement outlines Council's policies relating to the management of personal information as required by the *Privacy and Data Protection Act 2014 (PDPA)*.

Ten Information Privacy Principles (IPPs) underpin the PDPA. Under IPP 5, it is a requirement for a local government organisation to have a written policy about its management of personal information and to make this available to anyone who asks for it.

This policy applies to all staff, Councillors, Consultants, Contractors, Volunteers of Yarriambiack Shire Council and those on Work-placement and Work Experience.

## 4. Definitions

<b>Information Privacy Principles</b>	The Information Privacy Principles (IPPs) are a set of ten principles that regulate how personal information is handled (collected, managed, stored, used, disclosed or transferred by an organisation). These principles underpin the <i>PDPA</i> .
<b>Personal Information</b>	Personal information is defined in the <i>PDPA</i> as <i>information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies</i> . Personal information can include, but is not limited to, such information as a person's <ul style="list-style-type: none"> <li>• Name, age, weight or height</li> <li>• Income</li> <li>• Marital Status</li> <li>• Education</li> </ul>

	<ul style="list-style-type: none"> <li>• Home address and home number</li> <li>• Employee Details or email address</li> </ul>
<b>Sensitive Information</b>	<p>Sensitive information is a subset of personal information. It is defined in the <i>PDPA</i> as information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record.</p>
<b>Public Registers</b>	<p>Public registers are documents that Council are required to make publicly available pursuant to Victorian Government legislation. These registers are:</p> <ul style="list-style-type: none"> <li>• open to inspection by members of the public or made available on Council's website</li> <li>• contain information required or permitted by legislation</li> <li>• may contain personal information.</li> </ul> <p>The Yarriambiack Shire Council also makes available a number of non-statutory registers that may contain personal information.</p>
<b>Privacy Impact Assessment (PIA)</b>	<p>Is an assessment of any actual or potential effects that the activity or proposal may have on individual privacy and ways in which any adverse effects may be mitigated?</p>

## 5. Yarriambiack Shire Council functions

Council's main services, functions and activities include:

- animal management
- business and community development
- capital works and maintenance of parks and gardens, roads, pedestrian ways, and public spaces of the townships
- community health services
- environment and water management
- financial planning, budgets, valuations, rates and credit control
- food safety and regulation of food premises
- IT infrastructure
- land transfers and subdivisions
- library services
- maintenance of council-owned facilities, property and other assets

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- management of parks, gardens and sporting facilities and services
- public safety
- recycling and waste management
- regulation of filming, trading and other activities in the streets
- services for children, youth, aged people and people with disabilities
- housing
- tourism
- planning and building

## 6. General Privacy Statement

The Yarriambiack Shire Council is committed to ensuring that personal information collected, stored and used by Council is handled in a responsible manner and in accordance with the *PDPA*.

Personal Information is information that can be used on its own or with other information to identify, contact or locate a person, or whose identity can be ascertained from the information.

Information provided will be retained for Council use only and will not be disclosed except as required by law or with consent.

Council is required to collect and use personal, confidential and sensitive information from individuals and therefore, abides by the Information Privacy Principles identified below.

### Principles

- Principle 1 Collection
- Principle 2 Use and Disclosure
- Principle 3 Data Quality
- Principle 4 Data Security and Retention
- Principle 5 Openness
- Principle 6 Access and Correction
- Principle 7 Unique Identifiers
- Principle 8 Anonymity
- Principle 9 Trans-border Data Flows
- Principle 10 Sensitive Information

A detailed explanation of each of the IPPs is available from the Office of Victorian Information Commissioner (OVIC) Website at the following link:

<https://ovic.vic.gov.au/privacy/for-agencies/information-privacy-principles/>

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## 7. How the Yarriambiack Shire Council manages information

The following Information Privacy Principles describes the way in which Yarriambiack Shire Council manages personal information.

### 7.1 Collection of Personal Information (IPP1)

Council will only collect personal information that is necessary for carrying out its functions and activities. In some circumstances, Council is required by law to collect personal information.

#### Personal Information

Depending on the reason, personal information collected typically includes, but is not limited to the following:

- Name
- Address
- Telephone number
- Date of birth
- Signature
- Motor vehicle registration
- Photograph and/or video footage

If it is reasonable and practicable to do so, Council will collect personal information directly from individuals. When doing so, individuals will be informed of the matters set out in the legislation, including the purpose(s) for which the information is collected and will use lawful and fair means.

Council will take reasonable steps to make individuals aware of:

- who we are and how we can be contacted
- how individuals may gain access to the information
- the purpose/s for which information is being collected
- to whom Council discloses the information
- any relevant laws that require the information to be collected
- the main consequences (if any) for individuals if all or part of the information is not collected.

#### The means by which Yarriambiack Shire Council may collect personal information

- during conversations between you and our representatives (face to face or via phone)
- when you access and interact with our website, social networking sites
- When you make an enquiry, provide feedback or complete an application form
- Via a Notice of Acquisition or voters roll information from the Victorian Electoral Commission

Where Council collects personal information about individuals from a third party, Council will take reasonable steps (via at least one of the following methods - telephone, mail or email) to make those individuals aware of this, unless making them aware of the matter would pose a serious threat to the life or health of any individual.

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Council Officers should complete a Privacy Impact Assessment (PIA) when collecting personal information for a new program or project, or when a program or project is being updated – refer to point 9 of this policy.

Whenever Council collects personal information, you should be given notice of how we intend to use, share and disclose that personal information. This notice should be provided in a format similar to the example below.

**Privacy Collection Notice – Example**

*Yarriambiack Shire Council is committed to protecting your privacy. The personal information you provide on this form is being collected for the primary purpose of [reason for collecting the information].*

*Where required, [the personal information being collected, e.g. your identity], will be provided to [people to whom the information will be provided, e.g. Yarriambiack Shire Council staff/contractors] to enable them to [the reason/s they need the information, e.g. process your application].*

*Your personal information will not be disclosed to any external party without your consent, unless required or authorised by law. If you wish to gain access to, or alter any personal information you have supplied on this [type of form, e.g. application / grant / agreement], please contact us on [contact details].*

**Anonymity**

Where lawful and practicable, Council will offer you the option of remaining anonymous. However, as anonymity may limit Council’s ability to process a complaint or other matter, Council reserves the right to take no action on any matter where you choose not to supply relevant personal information so that it can perform its functions.

**7.2 Use and Disclosure of Information (IPP2)**

Council will use and disclose personal information about an individual for the primary purpose for which the information was collected. Council will also use or disclose information for a secondary purpose in other limited circumstances.

*For example, Council may use or disclose information for law enforcement purposes to assist in the investigation of an unlawful activity that has been committed, being committed or in reporting concerns of the unlawful activity to the relevant authority.*

Council may further use or disclose information where lawful to do so, including where necessary to lessen or prevent a threat to the life, health, safety or welfare of an individual or group.

**7.3 Data Quality (IPP3)**

Council will take reasonable steps to ensure that all personal, sensitive information collected, held, used and disclosed is accurate, complete and up-to-date and relevant to its purpose, functions and activities.

**7.4 Data Security and Retention (IPP4)**

Yarriambiack Shire Council will take reasonable steps to maintain a secure system for storing personal information systems, operational policies and procedures are in place to protect personal information from:

- misuse and loss
- unauthorised access, modification or disclosure.

Council reviews its holdings of records (which can include personal information) and will destroy and transfer these records in accordance with the *Public Records Act 1973*.

While the Yarriambiack Shire Council takes all steps to ensure your personal information is secure, you should be aware that there are risks in transmitting information across the

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Internet. If you are concerned about conveying sensitive material to Yarriambiack Shire Council over the Internet, you might prefer to contact us by telephone on 52980100 or mail at P O Box 243, Warracknabeal Vic 3393.

### 7.5 Openness (IPP5)

This policy details Council's management of personal information.

This policy is available upon request by contacting the Manager Organisational Performance on 5398 0104 or via email at [bschilling@yarrimabiack.vic.gov.au](mailto:bschilling@yarrimabiack.vic.gov.au) or you may download the policy from Council's website.

### 7.6 How to Access and Correct Information (IPP6)

An individual may ask for access to their information or request a correction to their information by contacting the Privacy Officer.

When contacted, the Privacy Officer will let the individual know whether it holds information about the individual and any further steps that the individual should take to obtain access to the information. Satisfaction of the conditions of *the Privacy and Data Protection Act 2014* could result in access being withheld in conjunction with an explanation (*for example, where the information relates to legal proceedings or where the Freedom of Information Act 1982 applies*).

If an individual believes that their personal information is inaccurate, incomplete, or out-of-date, they may request Council to correct and update the information.

Council provides individuals with a right of correction to ensure Council does not act on wrong information or misrepresent personal facts about individuals. A right of correction helps maintain the data quality of their information, complementing IPP3 – Data Quality. Council generally, should retain both the old and new information to ensure they meet any record-keeping obligations under the *Public Records Act 1993 (Vic)*.

A "Request to Correct Information" form is available to complete and submit via Council's website.

### 7.7 Unique Identifiers (IPP7)

Schedule 1 to the PDPA defines 'unique identifier' as:

*An identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the Health Records Act 2001.*

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a driver's licence number). Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently.

There are three steps to determine whether a particular 'identifier' (any sequence of numbers, letters and/or symbols) is a 'unique identifier' for the purposes of the PDPA:

- Was the identifier assigned by an organisation to an individual?
- Was the identifier assigned **with the aim, purpose or intention of uniquely identifying that individual?**
- Was the assignment of the identifier to uniquely identify the individual **for the purposes of the operations of the organisation.**

### 7.8 Anonymity (IPP8)

Where lawful and practicable, Council will offer you the option of remaining anonymous as part of your transaction with Council.

Before a member of Council staff collects your personal information, they must first establish whether that particular information is required to complete their function or activity. *For example, do they need to know your name, address and contact number to*

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action your report that a bin is on fire in Scott Street? Or could you remain anonymous and only provide the location of the bin?

Please bear in mind, anonymity may limit Council's ability to process a complaint or other matter. Therefore, if you choose not to supply personal information that is necessary for the Council to perform its functions, then Council reserves the right to take no further action on that matter.

### 7.9 Trans-border Data Flows (IPP9)

Council may transfer personal information about you to an individual or organisation outside Victoria only in limited circumstances, some of which include:

- if you have provided your consent
- if disclosure is authorised by law
- if the recipient of the information is subject to a law binding scheme or contract with similar principles as the PDPA.

### Disclosure of Personal Information Overseas

The development of new technologies, such as the internet and the 'cloud' has meant that trans-border data flows between organisations have become more common (many cloud service providers are located outside Australia).

IPP9 does not prohibit the transfer of personal information outside of Victoria but it does place restrictions on when it can occur. This is because the PDPA is a Victorian law and therefore the IPPs will not apply to organisations in a different state, territory or country.

Council will only transfer personal information outside of Victoria in accordance with the provisions outlined in the PDPA. While Council uses cloud computing services based outside Victoria, it has taken all reasonable steps to ensure that the information which it transfers will not be held, used or disclosed by the host of the information inconsistently with the Victorian IPPs. It also ensures the hosts/recipients are subject to laws and/or binding contractual arrangements that provide similar protections to that afforded under the PDPA.

### 7.10 Sensitive Information (IPP10)

Council will not collect sensitive information about you except in circumstances prescribed in the PDPA, or in circumstances whereby such information is both directly pertinent and necessary to the specific, proper and legitimate functions of one or more of its activities.

## 8. How to make a complaint or enquiry concerning privacy breach

The PDPA gives you the right to complain about a breach of your privacy by Council. A data breach occurs when personal information that is held by an organisation is subject to misuse or loss or to unauthorised access, modification or disclosure.

A breach can be caused deliberately as a result of a malicious act from an external or internal party. It can also be caused by human error or by a failure of an organisation to implement effective information management or security systems.

**Example of a breach:** *An organisation publishes details of a new project on its website which includes responses to consultation. Personal information in the responses has been electronically redacted in PDF format but the organisation later discovers that the personal information can be rendered visible where the contents of the PDF are copied and pasted into a Microsoft Word document.*

Please note:

- your complaint must relate to a breach of one or more of the ten Information Privacy Principles
- your complaint should be made within 45 days of you being made aware of the breach (although it may still be considered if there are reasons you were not able to complain within the specified timeframe)
- complaints can only be about personal information that is recorded in some form.

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Complaints must:

- be made by the person whose privacy has allegedly been breached, or a person they have authorised to act on their behalf
- be in writing (letter or email) and accompanied by a suitable form of identification. Complaints received orally or by phone must be recorded in the Council's CRM system.
- provide a brief description of the incident: *For example, the date of the incident, what personal information was involved and what form it was in (if known), for example paper records, electronic database.*

Your complaint will be acknowledged within ten business days and will be investigated as soon as practicable. You will be provided with a written response within 28 days of the date your complaint is received by Council. Complaints will be dealt with in accordance with Council's Complaints Handling Policy and investigated following a Four Step process in the event that the Council experiences a privacy breach.

Investigating process:

- Step 1** Contain the breach and make a preliminary assessment
- Step 2** Evaluate the risks for individuals associated with the breach
- Step 3** Consider breach notification to affected individuals and others (note all breaches warrant notification). Is there a risk of serious harm? Risk assessment to be undertaken on a 'case by case' basis
- Step 4** Review the incident and take action to prevent future breaches; fully investigate the cause of the breach and implement prevention strategies and mitigation controls.

Please submit your complaint to:

Manager Organisational Performance – Privacy Officer

Or by post

Privacy Officer

P O Box 243

Warracknabeal Vic 3393

Ph: 53980104

Email: [bschilling@yarriambiack.vic.gov.au](mailto:bschilling@yarriambiack.vic.gov.au)

Alternatively, a complaint can be made to the Office of the Victorian Information Commissioner (OVIC), however, the OVIC may decline to hear the complaint if you have not made a complaint to Council first.

Where a complainant is not satisfied with the decision of the Council's Information Privacy Officer, they may apply to the OVIC.

To make a complaint to the OVIC you must first download the OVIC's privacy complaint form. (available in [PDF](#) or [Word document](#) from the [OVIC website](#)), completing it and sending it to by post or email to:

Office of the Victorian Information  
Commissioner

P O Box 24274

Melbourne VIC 3001

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

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## 9. Privacy Impact Assessment (PIA)

In designing or managing any project or system, there may be several competing public interests to be considered, including the protection of privacy and privacy risks. A privacy "risk" means the risk that a project will not comply with privacy laws, will not meet community expectations, or will have unmitigated or unnecessary negative impacts.

It is strongly encouraged that staff complete a Privacy Impact Assessment (PIA) to consider the future consequences of a current or proposed action and look to prevent or minimise any negative impacts on privacy. The Privacy Impact Assessment is available from the OVIC site via following link: [Privacy Impact Assessment Template](#)

Assessments are to be conducted in accordance with the [PIA Accompanying Guide](#).

## 10. Public Registers

The following public registers are examples among those currently maintained by the Yarriambiack Shire Council which may include personal information.

- Details of current allowances fixed for the Mayor, Deputy Mayor and Councillors under section 39 of the LGA 2020.
- Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff and the date, destination, purpose and total cost of the overseas or interstate travel.
- Submissions received from the public in accordance with section 223 of the *Local Government Act 1989* during the previous 12 months.
- A register maintained under section 224(1A) of the *Local Government Act 1989* of authorised officers appointed under that section.
- A document containing details of all leases involving land, which were entered into by the Council as lessor, including the lessee and the terms and the value of the lease.
- A list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant.
- A list of the names of the organisations of which the Council was a member during the financial year and details of all membership fees and other amounts and services provided during that year to each organisation by the Council.
- A register of registered dogs and cats (including ownership details) in the municipality must be maintained by Council pursuant to the *Domestic Animals Act 1994*.
- Campaign Donation Returns received from candidates in the Council election.

## 11. Closed Circuit Television (CCTV)

Council operates CCTV systems installed at fixed and mobile locations on land and buildings with the municipality. Council operates CCTV systems to support the provisions and management of Council services, assets and facilities.

Data will only be collected, stored, accessed and disclosed in accordance with the *Privacy and Data Protection Act 2014*, the *Surveillance Devices Act 1999* and any other relevant legislation.

For more information, please refer to Council's CCTV Policy and Council's CCTV Standard Operating Procedures and Operations and Maintenance Manual.

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## 12. Health Privacy Principles (HPPS)

Council is committed to the *Health Records Act 2001* and the eleven principles that regulate how Council will collect, hold, manage, use, disclose or transfer health information. Please refer to the Yarriambiack Shire Council's [Occupational Health & Safety and Wellbeing Guidelines](#) for further information.

## 13. Staff Training and Awareness

All Council employees receive training to enhance their awareness about their obligations regarding the collection and management of personal information in the workplace.

All new staff are required to complete the online training module 'Information Privacy' as part of their induction program and must agree to abide by the 'Employee Code of Conduct' in respect to the 'Privacy' requirements.

## 14. Documents

This Policy is implemented in conjunction with the following documents:

- Yarriambiack Shire Council Complaints Policy
- Public Interest Disclosure Policy and Guidelines
- Staff Code of Conduct
- CCTV Policy
- CCTV Standard Operating Procedures and Operations and Maintenance Manual

## 15. References

- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act 1982*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Public Records Act 1973*; and
- *Surveillance Devices Act 1999 (Vic)*
- *Victorian Protective Data Security Standards, Notifiable Conduct Scheme*
- *Local Government Act 1989 & Local Government Act 2020*

CEO Approved Policy

<b>Adopted:</b>	CEO Approved Date	CEO Name	CEO Signature
<b>Reviewed:</b>			
<b>Reviewed:</b>			

## 15 REPORTS FOR DECISION – DIRECTORATE ASSETS AND OPERATIONS

Operations Responsibilities	Assets Responsibilities	Development Services Responsibilities
<ul style="list-style-type: none"> <li>• Town Maintenance</li> <li>• Capital Works &amp; Maintenance Programs- Roads, footpaths, kerb &amp; Channel, Bridges &amp; Culverts</li> <li>• Parks &amp; Gardens Gravel Pits</li> <li>• Plant &amp; Equipment</li> </ul>	<ul style="list-style-type: none"> <li>• Aerodromes</li> <li>• Technical</li> <li>• Services Asset</li> <li>• Engineer Asset</li> <li>• Inspectors</li> <li>• Waste Services</li> <li>• GIS</li> <li>• Caravan Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Building</li> <li>• Projects</li> <li>• Sustainability</li> </ul>

### 15.1 Capital Works Program 2020/2021 (February)

Prepared by Joel Turner, Manager Operations

**RECOMMENDATION:**

That the Capital Works Report as of February 2021 be received.

[Attachment: Capital Works Program 2020/2021 February](#)

**CWP 2020/21 February Report - Prepared by Joel Turner**

Work Type	Job No.	Road Name	Length	Start to End	Reference Point	Construction date & Comments	Cost
Southern Gravel Resheets	1	Ratray Rd	900	00-900	00 at Stawell W'beal Rd	Dec (Complete)	\$27,000.00
	2	Ailsa Wheat Rd	110	9750-9860	00 at Dimboola Minyip Rd	Dec/Jan (complete)	\$3,300.00
		<del>Mellis Rd</del>	<del>5720</del>	<del>1000-6720</del>	<del>00 at Stawell W'beal Rd</del>	<del>Feb/Mar</del>	<del>\$171,600.00</del>
	3	Mellis Rd	3060	13670-16730	00 at Stawell W'beal Rd	Feb/Mar	\$91,800.00
	4	Daveys rd	2600	3800-6400	00 at Donald Murtoa Road	Nov/Dec (complete)	\$78,000.00
		<del>Longerenong Warracknabeal Rd</del>	<del>1700</del>	<del>13610-17000</del>	<del>00 at Wimmera Highway (between Horsham Minyip Rd - Daveys Rd)</del>	<del>Feb/Mar</del>	<del>\$51,000.00</del>
	5	Wards Road	1770	00-1770	00 at Blue Ribbon Road - Fitzgerald Road	Oct/Nov (complete)	\$53,100.00
	6	Carron Rd	2630	8850-11480	00 Rupanyup Road	Jan/Feb (started)	\$78,900.00
	7	Drillers Rd	970	00-970	00 at Yarriambiack Creek - Longerenong W'beal Road	Oct/Nov (complete)	\$29,100.00
	8	Nitschke Rd	1000	2630-3630	00 at Mellis Road	Jan/Feb (complete)	\$30,000.00
	9	Moloneys Rd	1040	17780-18820	00 at Borung Highway	Jan/Feb (complete)	\$31,200.00
	10	Wynne Rd	1200	1400-2620	00 at Schaches Road - Banyena Pimpinio Road	Oct/Nov (complete)	\$36,000.00
	11	Albrechts Rd	1280	00-1280	00 at Dimboola Minyip Rd	Feb/Mar	\$38,400.00
		<del>Kewell School Rd</del>	<del>1880</del>	<del>5820-7700</del>	<del>00 at Donald Murtoa Road</del>	<del>Feb/Mar</del>	<del>\$56,400.00</del>
	12	Florence rd	3180	00-3180	00 at Stawell Warracknabeal rd	Mar/Apr	\$95,400.00
13	Lawler rd	1500	800-2300	00 at end of seal Boolite Sheep Hills rd - Lawler Carron rd	Feb/Mar	\$43,600.00	
14	Hewitts Rd	1850	00-1850	00 at W'beal Birchip Road	Mar/Apr	\$55,500.00	
15	Walders Road	1950	00-1950	00 at Watchem Warracknabeal Road -	Feb/Mar	\$58,500.00	

Northern Gravel Resheets	1	Erhardts Rd	530	0-530	00 at Birchip Rainbow Rd	Jan/Feb (complete)	\$15,900.00
	2	Guleys Road	3490	00-3490	00 at Golf Hill Rd	Nov/Dec (complete)	\$104,700.00
	3	Kinkora Rd	1290	6030-7320	00 at Windy Ridge Rd	Aug/Sep (complete)	\$38,700.00
	4	Lascelles North Rd	1250	13280-14530	00 at Sea Lake Lascelles Rd	Jan/Feb	\$37,500.00
	5	Lascelles St (Rosebery)	180	300-480	00 at Oehm Street	July (complete)	\$5,400.00
	6	Maidavale Rd	480	0-480	00 at Henty Hwy	Aug/Sep (complete)	\$14,400.00
	7	Martins Road	1034	8936-9970	00 at Bangerang Rd	Jan/Feb (started, material carted)	\$31,020.00
	8	McFarlanes Rd	1490	3700-5190	00 at Henty Hwy	Apr/May (started, material carted)	\$44,700.00
	9	Roberts Rd 2	2000	1500-3500	00 at Sunraysia Hwy	Oct/Nov (complete)	\$60,000.00
	10	Rosebery East Rd	1455	11345-12800	00 at Henty Hwy	Feb/Mar	\$43,650.00
	11	Two Mile Rd	1020	4800-5820	00 at Henty Hwy	Jan/Feb (complete)	\$30,600.00
	12	Wardles Road East	1350	0-1350	00 at Sheep Hills Bangerang	Feb/Mar	\$40,500.00
	13	Frankel Rd	1340	0-1340	00 at Old Walpeup Rd	Mar/Apr	\$40,200.00
	14	Golf Hill Rd	390	7180-7570	00 at Henty Hwy	July (complete)	\$11,700.00
	15	Golf Hill Rd	1730	9320-11050	00 at Henty Hwy	July (complete)	\$51,900.00
	16	Lascelles East Rd	1000	9600-10600	00 at Sea Lake Lascelles Rd	Feb/Mar	\$30,000.00
	17	King Rd	2780	1240-4020	00 Geodetic Road	Mar/Apr	\$83,400.00
	18	Hancock Rd	200	00-200	00 at Geodetic Road	Oct/Nov (complete)	\$6,000.00
	19	Smiths Rd	2000	0-2000	00 at Elliot Rd	Jan/Feb (1km complete)	\$60,000.00
	20	McPhersons Rd	2030	10340-12370	00 at Henty Hwy	Jan/Feb (complete)	\$60,900.00
		58699			TOTAL	\$1,760,970.00	

Hotmix	1	Golf Links Rd	50	Entrance from Henty hwy, hot mix up to railway line	Road ripped to pieces hot mix overlay will correct damage permanently	Mar/Apr	\$14,700.00
	2	Hopetoun West, Hopetoun Yaapeet Intersection	50		Road intersection awkward to rehabilitate using council plant. Conditions requires rehabilitation hot mix will rectify. Contains many underground services.	Mar/Apr	\$14,700.00
	3	Hopetoun Yaapeet-Yaapeet Kenmare Intersection	50		Road intersection awkward to rehabilitate using council plant. Conditions requires rehabilitation hot mix will rectify.	Mar/Apr	\$14,700.00
	5	Warracknabeal Sheephills/Sheep hills Bangerang Intersection	80		Road intersection awkward to rehabilitate using council plant. Condition requires rehabilitation, hot mix will rectify.	Mar/Apr	\$16,800.00
	6	R Learmonth Rd	360	2 Wimpak drives 30X6.4 each.	Road ripped to pieces hot mix overlay will correct damage permanently	Mar/Apr	\$15,120.00

	7	Glenorchy Rd- Warranooke Rd Intersection	50			Mar/Apr	\$16,800.00
	8	Simson Street	40	either side, centre of each driveway	Road awkward to rehabilitate using council plant. Condition requires rehabilitation, hot mix will rectify.	Mar/Apr	\$6,720.00
			680	0	0		\$99,540.00
Shoulder Resheet	1	Minyip Dimboola Rd	1440	12770-14210	00 at Stawell W'beal Road	Aug/Sep (complete)	\$57,600.00
	2	Minyip Banyena Road	2215	00-2215	00 at Stawell W'beal Road	Oct/Nov (complete)	\$88,600.00
	3	Boolite Sheep Hills Road	1463	11267-12730	00 at Sheep Hills Minyip	Aug/Sep (complete)	\$58,520.00
	5	Blue Ribbon Road	2800	5450-8250	00 at Borung Highway	Aug/Sep (complete)	\$112,000.00
	6	Banyena Pimpinio Road	800	27400-28200	East of Railway Line, 00 at Banyena Silo Rd	Sep/Oct (complete)	\$32,000.00
	7	Sea Lake Lascelles Road	1140 3040	10124-11264 15100-18300	East of Gama- Sea-Lake Rd	Jan/Feb (3km section complete)	\$121,600.00
	8	Centre Hill Road	1500	4840-6440	North from current resheet 00 at Hopetoun Sea Lake	Feb/Mar	\$60,000.00
	9	Ailsa Road	2010	9130-11140	00 at Borung Highway	July (complete)	\$80,400.00
	10	Aubrey Road	1690	1530-3220	00 at Jeparit Warracknabeal Road	Aug (complete)	\$67,600.00
	11	Aubrey Road	2515	11650-14165	00 at Jeparit Warracknabeal Road	Aug/Sep (complete)	\$100,600.00
	12	Blue Ribbon Road	1620	0-1620	00 at Borung Highway	July (complete)	\$64,800.00

	13	Blue Ribbon Road	2410	5450-7860	00 at Borung Highway	Aug/Sep (complete)	\$96,400.00
	14	Gama Sea Lake Road	1425	3690-5115	00 at Sunraysia Highway	Jan/Feb (complete)	\$57,000.00
	15	Minyip Banyena Road	1080	2215-3295	00 at Stawell W'beal Road	July (complete)	\$43,200.00
	16	Minyip Rich Avon Road	994	14286-15280	00 at Stawell W'beal Road	July (complete)	\$39,760.00
			27002				\$1,080,080.00
Rural Rehab	1	Minyip Banyena Rd	2000	4800-new segment (last rehab towards Minyip)	Widening seal, road meets AADT requirements for a 6.6m seal and road condition requires rehabilitation.	Apr/May	\$396,000.00
	2	Rosebery Rainbow Rd	740	7650-8390	Road condition requires rehabilitation. 4m seal 8m pavement.	Jan/Feb (complete)	\$88,800.00
	3	Gama Sea Lake Rd	1680	8520-10200	Road condition requires rehabilitation. 4m seal 8m pavement.	Mar/Apr	\$201,600.00
	4	Banyena Pimpinio Rd	869	24380-25249	Widening seal, road meets AADT requirements for a 6.6m seal and road condition requires rehabilitation.	Oct/Nov (complete)	\$172,062.00
	5	Sea Lake Lascelles Rd	2000	11264-13264	Widening seal, road meets AADT requirements for a 6.6m seal and road condition requires rehabilitation.	Mar/Apr	\$396,000.00

	6	Glenorchy Rd	1810	3520-5330	Widening seal, road meets AADT requirements for a 6.6m seal and road condition requires rehabilitation.	Mar/Apr	\$358,380.00
	7	Hopetoun Yaapeet Rd	2000	16385-18385	Widening seal, road meets AADT requirements for a 6.6m seal and road condition requires rehabilitation.	Jan/Feb (Started 30%)	\$396,000.00
	8	Warranooke rd	850		Road condition requires rehabilitation. 4m seal 8m pavement.	Feb/Mar	\$200,000.00
							\$2,008,842
Urban Rehab	1	Morris Street	200	Mills St - Church St		Aug/Sep (complete)	\$55,440.00
	2	Mill Street	700	Change (end of seal) - Stawell W'beal Rd		Oct/Nov (80%, seal booked for Feb 24th)	\$194,040.00
	3	Cemetery Rd	100		Car park in front of cemetery North side (in between two cemetery entrance)	Feb/Mar	\$22,500.00
	4	R Learmonth Rd	270		Stabilised from Wimpak through to South street along East side.	Feb/Mar	\$80,190.00
			1270				\$352,170.00

Footpath	1	Dogshun st from Lascelles st to school and up to school, crossing landing on school side	200		Footpath leading to school and hospital made from old asphalt with large cracks needs replacing. Footpath hierarchy needs checking to ensure path is a high category.	Aug/Sep (complete)	\$42,600.00
	2	Munro St, Murtoa Hamilton street to school	350		Footpath leading to both schools, made of of asphalt large cracks and dangerous needs replacing. Footpath hierarchy needs checking to ensure path is a high category.	Oct/Nov (complete)	\$74,550.00
			550				\$117,150.00
Bridge	1	Minyip Banyena Rd Box Culverts	3.6m x 9m	5.5km from Stawell W'beal Road	00 at Stawell W'beal Road	Widening bridge to meet Australian Standards as it has deteriorated and requires urgent repair. Speed has been reduced.	\$50,000.00
							\$50,000.00
Reseal	1	Nandaly Tempy Rd	1610	0-1610	00 at Sunraysia Hwy	Nov/Dec (complete)	\$43,470.00
	2	Glenorchy Rd	579	5330-5909	00 at Wimmera Hwy	Nov/Dec (complete)	\$32,134.50
	3	Banyena Pimpinio Rd	1358	26834-28192	00 at Banyena Silo Road	Jan (complete)	\$101,850.00
	4	Dyer St	234	443-677	McIntosh Ave-Sweetman St	Feb/Mar	\$15,795.00
	5	Dyer St	304	1250-1554	Change - Wimmera Hwy	Feb/Mar	\$15,504.00
	6	Boolite-Sheephills Rd	2380	3310-5690	00 at Sheep Hills Minyip	Jan (complete)	\$66,045.00
	7	Duncan St	344	424-768	Breen Street-Comyn Street	Jan (complete)	\$21,328.00
	8	Friend St	200	00-200	Lake Street - Lloyd Street	Jan (complete)	\$12,750.00
	9	Webb St	193	35-228	Munro Street - Change	Jan (complete)	\$14,909.25
	10	Taylor St	107	406-513	Walter Street - North end	Feb/Mar	\$8,025.00
	11	Thomas St	524	00-524	Gardiner St - Franklin St	Nov/Dec (complete)	\$21,615.00

	12	Devereux St	242	357-599	Lyle to Woolcock	Feb/Mar	\$39,204.00
	13	Milbourne St	132	129-261	Jamouneau St - Scott St	Nov/Dec (complete)	\$5,445.00
	14	Gardiner St	231	00- 231	Anderson St- Scott St	Dec (complete)	\$19,057.50
	15	Minyip Rich Avon Rd	285	15610-15895	00 at Stawell Warracknabeal	Nov/Dec (complete)	\$7,908.75
	16	Turriff West Rd	520	00-520	00 at Sunraysia Highway	Nov/Dec (complete)	\$21,450.00
	17	Horsham Lubeck Rd	1410	12330-13740	00 at Stawell W'beal Rd	Nov/Dec (complete)	\$69,795.00
	18	Rupanyup Road	1800	Hepworth Road and Kent Road	00 at Donald Murtoa Rd	Nov/Dec (complete)	\$83,700.00
	20	Soldiers Ave	160	495-655	Change - Comyn Street	Jan (complete)	\$12,000.00
	21	Walter Str	81	200-281	Cromie St - Stewart St	Jan (complete)	\$3,341.25
	22	Gibson Str	938	00-938	Start to End	Jan (complete)	\$61,556.25
	23	Wood St	141	243-384	Dyer St - Cromie St	Jan (complete)	\$5,816.25
	24	Simpson Ave	212	0-212	Dyer St - Ron Lingham Drive	Feb/Mar	\$12,402.00
	25	Molyneaux St	288	00-288	Gardiner St - Arnold St	Nov/Dec (complete)	\$11,880.00
	26	McLean St	178	00-178	Start (Creek Side) - Hudgson St	Feb/Mar	\$9,211.50
	27	South St	125	00-125		Feb/Mar	\$6,375.00
	28	Boree St	187	0-187	Wychunga st - Quandong St	Nov/Dec (complete)	\$7,713.75
	29	Toole St	161	382-543	Austin St - Murdoch St	Feb/Mar	\$12,316.50
			14924				\$742,598.50
Kerbing	1	Petering Street	215	00-215	Mill St to Church St	Jan/Feb	\$32,250.00
	2	Jamouneau Street	240	Woolcock St to Phillips St	Right side from Woolcock St towards Phillips St	Jan/Feb	\$66,000.00
	3	Devereux Street	204			Mar/Apr	\$100,000.00
	4	Bowman Street	25			Mar/Apr	\$12,000.00
			684				\$210,250.00
Stabilisation	1	Carroll Street	202	370-572		Feb/Mar	\$22,725.00
	2	Ashens Jackson rd	300			Feb/Mar	\$74,250.00
			502				\$96,975.00

## 15.2 Permits issued by Assets and Operations Department

### RECOMMENDATION:

That Council note the permits issued by Council between 1 January 2021 and 30 January 2021.

Reference No	Applicant	Address	Date of Issue
<b>Building Permits</b>			
BP78-20	Lake Lascelles Committee	Hopetoun	28/1/2021
BP140-20	Jason Keel	Murtoa	29/01/2021
BP148-20	Megan Pryor & Phillip Huebner	Warracknabeal	28/01/2021
<b>Planning Permits</b>			
TP78-20	Robert Bailey	Warracknabeal	18/1/2021
TP59-20	Cassandra Jenkinson	Rupanyup	7/01/2021
<b>Road Reserve Works &amp; Asset Protection Permits</b>			
0			

### 15.3 External Private Works Policy – by Michael Evans

#### SUMMARY

As per the November 2019 inspectorate report recommendations, Council has developed a policy in relation “to work carried out outside of normal operational scope”.

The policy provides guidance for situations in which Council may undertake external private work activities along with outlining a systematic and transparent process.

#### RECOMMENDATION:

That Council adopt the External Private Works Policy as included as an attachment to this report

#### ATTACHMENTS

[External Private Works Policy](#)

#### DISCUSSION

The Local Government Inspectorate Report, “Protecting integrity Yarriambiack Shire Council Investigation” was released in November 2019. The Local Government Inspectorate findings highlighted a number of deficiencies in governance practices across the Shire. As a recommendation in the Yarriambiack Inspectorate Action Plan, Council has developed an External Private Works policy to be adopted and implemented. Council sought feedback from both the inspectorate office and the internal auditors before the document being presented to Council.

#### RELEVANT LAW

The Inspectorate report was instigated under the previous Local Government Act 1989

#### COUNCIL PLANS AND POLICIES

The Yarriambiack Local Government Inspectorate Action Plan was adopted at the 2019 November Ordinary Council Meeting

Inspectorate Report -Yarriambiack Action Plan 4.1 Private Works

Recommendation- Council must draft and implement a policy in relation to any works outside of council’s normal scope of operations.

#### RELATED COUNCIL DECISIONS

Council and Council’s Audit Committee agreed to the inspectorate’s recommendation of developing and implementing a policy for External Private Works.

#### OPTIONS

Nil

#### SUSTAINABILITY IMPLICATIONS

**Social-** providing the public with a level of assurance that the inspectorate report recommendation was taken seriously and actioned.

**Financial-** shows a clear understanding of Councils position on any external private works and associated costs that Council will charge as a result of any permitted works.

#### COMMUNITY ENGAGEMENT

Not applicable

**RISK**

Utilising the Risk Management Framework 2019, the following assessment has been made:

<b><i>Risk Rating</i></b>	<b><i>Consequence</i></b>	<b><i>Risk Description</i></b>	<b><i>Action</i></b>
Medium	Major	Lack of a Robust policy and processes to prevent Fraud	Develop and implement an adopted External Private Works policy  The Policy provides guidance for situations in which Council may undertake external private work activities along with outlining a systematic and transparent process

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

"Not applicable"

**CONFLICTS OF INTEREST**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

## External Private Works Policy

*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

### 1 Objective

The intent of this policy is to provide guidance on how decisions are made in relation to providing External Private Works services to statutory bodies and agencies, utility companies, community groups and rate payers/municipal residents.

All decisions made must be open, transparent, accountable and in accordance with this policy.

### 2 Responsibility

*Chief Executive Officer (CEO):* The CEO is responsible for assessing all Community Group external works requests and either approving, or where there is a deemed conflict of interest referring to the Council for a decision.

*Leadership Team:* The Leadership team consists of the CEO and Directors. A member of the Leadership Team is responsible for approving all statutory body and agency, utility, and emergency management external private works requests.

*Manager Operations:* The Manager Operations is responsible for conducting the estimations and assessments of external private works for statutory bodies, agencies and utility companies. The Manager will ensure Council service delivery requirements will not be compromised by undertaking the additional works.

*Councillors:* The Councillors are responsible for assessing Community Group external works requests, where the CEO has a declared conflict of interest.

All Council Officers must ensure the requests align with Council's Procurement Policy and approvals are in accordance with Council's Financial Delegations.

### 3 Policy Statement and Scope

#### 3.1 Competition and Supporting Local Contractors

Council is not in the business of being a competitor to local contractors and suppliers.

Therefore, Council will only consider external private works for statutory bodies and agencies and utility companies in circumstances where private contractors cannot be sourced or are unavailable and the works are required necessary and will provide benefit to our Community.

Community Group requests will only be considered where a local contractor or supplier is unable to provide the service, or where incurring the costs for works will create financial hardship.

#### 3.2 External Works Requests - Statutory Bodies and Agencies

Examples of statutory bodies include but are not limited to, Catchment Management Authority, other Councils, Department of Environment Land and Water, Parks Victoria, Country Fire Authority, Vic Roads, Regional Roads Victoria.

All requests must be assessed by a member of the Leadership Team. The member will review the request and if it meets the criteria of item 3.1, the member will refer the request to the Manager Operations.

The Manager Operations will first assess the team's workload and the ability to deliver the project. If it is possible to deliver the works in the required timeframes requested, the Manager will undertake a cost estimation that will factor in full cost recovery including overheads.

The Manager will ensure that operational and maintenance regimes will not be compromised by the additional works.

Once the assessment has been complete, a member of the Leadership Team will approve the works to be conducted.

### 3.3 External Works Utilities

Examples of utility companies include but are not limited to; Telstra, electricity providers (Powercor), GWMWater, NBNC0.

The process of assessment and approval will be in accordance with item 3.2.

### 3.4 External Works Requests – Community Groups

Community group requests must be incorporated association within the municipality.

Requests for external private works must be made in writing to the CEO. If there is a deemed conflict of interest with the request, it will be escalated to the Council for decision.

The CEO will refer to the Manager Operations for a cost estimate and a strategic assessment on delivery capabilities.

The CEO may approve the waiver of fees incurred from the private works if it meets the following condition:

The external private works will provide a direct benefit to the wider community, with multiple benefit for the municipality.

Examples of external private works for community groups are:

- a) The cleaning of the ANZAC Park toilets.
- b) The cleaning of the Lake Lascelles amenities.

### 3.5 External Works Requests – Rate Payers / Municipal Residents

Council will not perform private works for rate payers or municipal residents.

Where Council performs kerb and channel upgrades and engages a contractor to undertake the works, the rate payer will be able to liaise directly with the contractor if they express the wish to upgrade their driveways in the process. This will be deemed a commercial arrangement between the rate payer and the contractor and Council will not be a party within this arrangement.

When kerb and channel works are undertaken, Council will replace Council owned infrastructure only. Any damages to rate payer infrastructure such as a driveway will be reinstated with the same or similar material. This will be at no cost to the rate payer and will not be deemed external private works.

### 3.6 Emergency Management Works

Where Council responds to emergency situations in accordance with the Emergency Management Act 2013, such works will be undertaken to ensure the public safety of the community.

Such events include but are not limited to, floods and fires. Where Council undertakes works to meet the legislative requirements and to ensure public safety, there will be no cost to the rate payer incurred and the works will not be deemed external private works.

Where the Government provides grants to reinstate infrastructure due to damage incurred from extreme weather events, the works will be prioritised based on asset condition data captured, assessed, and modelled by the Assets Department. The assets prioritised will be presented to Council for review and resolution before works can commence.

Based on funding agreement requirements, if rate payers are required to contribute a monetary value towards the works, Council will enter into an agreement with the rate payer to recover their contribution.

### 3.7 Billing of External Private Works

The Manager Operations is responsible for providing the required information to the Corporate Services Department to process the debtor invoice in a timely manner. The debtor invoice is to be raised within 30 days of the works being completed.

### 3.8 Review and oversight

A list of all works carried out under this Policy will be provided on a biannual basis to the Audit and Risk Committee and presented as a biannual Council report to ensure transparency and accountability.

## 4 References

- Occupational Health and Safety policy
- Information Privacy policy
- Occupational Health and Safety Act (2004)
- Workplace Injury Rehabilitation and Compensation Act (2013)
- Crimes Act (1958)
- Equal Opportunity Act (2010)
- Human Rights Charter
- Local Government Act 1989
- Local Government Act 2020
- Council must comply with the Best Value Principles as defined within S.208 B of the Local Government Act (1989)
- Competitive Neutrality Policy (Victoria)

This Policy is implemented in conjunction with the following documents:

- YSC Financial Delegations
- Councillor & Employee Code of Conduct policies
- Project Management Policy
- WorkFlowMax Project and Financial Management Manual
- General conditions for the Provision of Goods and/or Services
- Finance and Payroll Management Manual
- Public Transparency Policy

Council Approved Policy

<b>Policy Adopted:</b>	Ordinary Meeting [date]	Minute Book Page [number]	
<b>Review Frequency:</b>	Every three years		
<b>Policy Reviewed:</b>	Ordinary Meeting [date]	Minute Book Page [number]	

## 15.4 Introduction of Mattress Collection fees and Aerodrome Hire Charge fees into Council's budget under Scheduled fees & Charges - Prepared by Ram Upadhyaya

### SUMMARY

This report intends to introduce mattress collection fees and aerodrome hire charging fees into the Council's budget under section 6 "Schedule of fees and Charges" so that the appropriate amount can be charged to the relevant users. Introduction of these charges is likely to reduce costs in relation to transfer Station and aerodrome operations.

### RECOMMENDATION:

That the Council adopts following charges in the budget:

- Mattress Collection fee at various Transfer Stations (any size) - \$40 per mattress
- Aerodrome hire charges for a private party (e.g. driver training) - \$200 per day.

### ATTACHMENTS

Nil

### DISCUSSION

#### Mattress:

Traditionally, all mattresses dropped off at transfer stations were dumped into the landfill. It was considered a hard waste and hence the charge for disposal of each mattress has been \$12. Mattresses take about 20 years to decompose in the landfill and average replacement time for a mattress is 10 years. Hence, the need for appropriate recycling of mattress was deemed necessary to avoid the unsustainable situation.

Council has recently established a relationship with a small business called "The Mattress Recycler" located in Moolap. This company recycles every component of the mattress. The use of various components are detailed below:

Component	Use
Springs	Recycled to be used in various metal products
Foams and fabric covers	Reused by carpet manufacturers to produce carpet underlay.
Timber	Either converted to mulch or fire kindlings
Coconut Fibre	Converted into mulch
Felt	Used by furniture removalists, powder coater, mechanics and animal shelter (for use as bedding materials).

This recycling effort comes at a cost as the recycling processes are labour intensive. Yarriambiack Shire Council currently pays \$33 per mattress (including delivery) for this recycling. Hence, to cover the cost of collection and storage of those mattresses, the

proposed charge is \$40 per mattress (any size). Since September 2020, the Yarriambiack Shire Council has recycled 226 mattresses.

**Aerodrome:**

Yarriambiack Shire Council operates two aerodromes and one airstrip to support emergency management, Royal Flying Doctor Services, aero clubs, recreational pilots, Wimmera aero club, farming operation and others. Aircrafts used for most of those services are either owned by government bodies or not for profit organisations. Hence, the use of aerodrome has been allowed free of charge.

Occasionally, the request is made by some of the commercial flying schools, drags clubs and driver training companies to hire the aerodrome for their training. As those organisations make some profit by utilizing the Council's facility, it is their responsibility to cover some of the aerodrome operations costs. Therefore, the proposal is to impose the charge of \$200 per day for hire of the aerodrome for all commercial enterprises that generate revenue by using a Council's facility.

**RELEVANT LAW**

*The Local Government Act 1989 and 2020*

**COUNCIL PLANS AND POLICIES**

Council plan strategic objectives 1 and 3 apply to this decision.

*Objective 1: Good Governance*

*Objective 3: Safe and Active Community and Sustainable Environment*

**RELATED COUNCIL DECISIONS**

NA

**OPTIONS**

- a) Adopt recommendations and build charges in the current budget.
- b) Reject the recommendation and continue with the no current charges for the aerodrome and the current hard waste charge for mattresses.

**SUSTAINABILITY IMPLICATIONS**

- Economic: None
- Social: None
- Environmental: Increased recycling means reduced environmental implications.
- Climate change: Increased recycling means a reduced impact on climate change.
- Financial: the recommended action will raise some revenue which can be utilised towards Transfer Station and Aerodrome operations.

**COMMUNITY ENGAGEMENT**

No engagement is undertaken.

**RISK**

Utilising the Risk Management Framework 2019, the following assessment has been made:

<b><i>Risk Rating</i></b>	<b><i>Consequence</i></b>	<b><i>Risk Description</i></b>	<b><i>Action</i></b>
Medium	Moderate	Risk of over expenditure in Transfer Station operation due to a larger volume of mattress disposal	Accept the recommendation to introduce charges.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Environment Protection Act 1986

**CONFLICTS OF INTEREST**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

## 16 REPORTS FOR DECISION – DIRECTORATE COMMUNITY DEVELOPMENT AND WELLBEING

Community Health Responsibilities	Community and Economic Development Responsibilities
<ul style="list-style-type: none"> <li>Local Laws (including infringement and animal management)</li> <li>Sale Yards Environmental Health Sports and Recreation</li> <li>Positive Ageing (Commonwealth Home Support Program, Brokered &amp; Packaged care)</li> <li>Leisure Centre Kindergartens Playgroup</li> <li>Maternal Child Health (including enhanced services)</li> <li>Immunisation Program</li> </ul>	<ul style="list-style-type: none"> <li>Libraries</li> <li>Economic Development Community Development Tourism</li> <li>Housing Youth</li> <li>Stakeholder Engagement</li> </ul>

### 16.1 Permits issued by Community Development and Wellbeing Department – December 2020

#### RECOMMENDATION

That Council note the permits issued by Council between 1 January 2021 and 31 January 2021.

Reference No	Applicant	Description	Date of Issue
<b>Local Laws Permits</b>			
02/21	Hearing Australia	Hearing Test Bus	27/01/2021
01/21	Good Friday Appeal	Receiving donations	25/01/2021
<b>Firewood collection Permits</b>			
	D Malcolm	Roadside Firewood Collection	6/1/2021
<b>Septic Tank Permits</b>			

## 16.2 Permit Application to keep Rooster(s) at 7 Main Street Minyip – Craig Byron

### SUMMARY

Mr. Paul Gascoigne has applied for a permit to keep Roosters at 7 Main Street Minyip.

### RECOMMENDATION

That Council Reject the Permit application to keep Roosters at 7 Main Street Minyip, due to 2 x Objections from neighbours citing noise complaints from existing Roosters being kept at the property.

### ATTACHMENTS

[Two x Objections to Permit Issue](#)

### DISCUSSION

I met with Paul on Friday 5<sup>th</sup> of February at his property at 7 Main Street Minyip. Paul explained that he had only just recently bought the property and during the COVID lockdown he had bought some chickens and four Roosters, with the intention of breeding from the chickens (and Roosters), and also for having his own supply of eggs.

The chickens and roosters were housed in timber and netting yards that provided adequate shelter and room. They also appeared to have adequate water and food.

As his property is on the edge of the township of Minyip he thought he would be OK to keep the Roosters. However, I explained to him that his property is still within the Township Zone so therefore he can't keep any Roosters without a permit.

I have received two objections to the permit application both of them stating there is excessive noise coming from the roosters, which start crowing as early as 3am and continue throughout the day.

### RELEVANT LAW

Yarriambiack Shire Council – General Local Law No.5 Clause 416 – Keeping of Bees or Roosters –

- (1)** A person must not without a permit keep or allow to be kept any beehive or roosters within a township area or on land zoned Residential 1, Low Density Residential or Township under the Yarriambiack Planning Scheme

### COUNCIL PLANS AND POLICIES

- The recommendation supports Council's strategic objectives of: *Good Governance*: Ensuring policies and good governance are in accordance with legislative requirements and best practice.
- Yarriambiack Planning Scheme:

### RELATED COUNCIL DECISIONS

"Not applicable"

### OPTIONS

To allow the permit application to be granted with conditions implemented.

**SUSTAINABILITY IMPLICATIONS**

Social and Environmental risk in that there could be excessive noise from the roosters crowing.

**COMMUNITY ENGAGEMENT**

Objection to Permit Application forms were sent to surrounding neighbours of permit applicant and follow up phone calls.

**RISK**

Utilising the Risk Management Framework 2019, the following assessment has been made:

<b><i>Risk Rating</i></b>	<b><i>Consequence</i></b>	<b><i>Risk Description</i></b>	<b><i>Action</i></b>
Low	Medium	Noise from crowing roosters	Roosters aren't permitted to be kept in township zones without a permit

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

*"Not applicable".*

**CONFLICTS OF INTEREST**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.



**RECEIVED**  
04 FEB 2021  
Yarriambiack Shire Council

Local Law No. 5- General Local Law.

**OBJECTION TO PERMIT ISSUE**

**COUNCIL WISHES TO ADVISE THAT IT HAS RECEIVED THE FOLLOWING PERMIT APPLICATION.**

PERMIT FOR: To keep more than the allowed number of animals  
ADDRESS OF ACTIVITY: 7 Main Street, Mungip  
ITEMS TO BE KEPT: Rooster

**IMPORTANT INFORMATION**

If you wish to object to the issue of this permit please complete all the sections below and return this document to Council **within 14 days**.

Failure to return this document within the specified time shall indicate to Council that you have no objections and are agreeing to the issue of this permit.

PLEASE WRITE IN BLOCK LETTERS.

Your Name: .....

Address: ..... Ph: .....

**Please state your objection in block letters.**

.....  
We would not support this permit for more  
Roosters as we are already experiencing  
excessive noise from the existing ones. The  
noise starts as early as 3.00am and continues  
throughout the day.  
.....

**NOTE:** If an objection is received the permit application shall go before Council and all information from the applicant and the objector shall be given full consideration.

Signed: . ..... Date: 29-1-2021

**Return in the pre-paid envelope supplied with this document.**



Yarriambiack  
SHIRE COUNCIL

Local Law No. 5- General Local Law.

**OBJECTION TO PERMIT ISSUE**

RECEIVED  
03 FEB 2021  
Yarriambiack Shire Council

**COUNCIL WISHES TO ADVISE THAT IT HAS RECEIVED THE FOLLOWING PERMIT APPLICATION.**

PERMIT FOR: To keep more than the allowed number of animals  
ADDRESS OF ACTIVITY: 7 Main Street, Mingip  
ITEMS TO BE KEPT: Rooster

**IMPORTANT INFORMATION**

If you wish to object to the issue of this permit please complete all the sections below and return this document to Council **within 14 days**.

Failure to return this document within the specified time shall indicate to Council that you have no objections and are agreeing to the issue of this permit.

PLEASE WRITE IN BLOCK LETTERS.

Your Name: .....

Address: ..... Ph: .....

Please state your objection in block letters .

1. ROOSTERS' START CROWING AT 3AM IN THE MORNING, CONTINUOUSLY, KEEPING US AWAKE NOTHING WORSE THAN A CROWING ROOSTER OR LACK OF SLEEP. HE HASNT JUST GOT 1 HE HAS 7 ROOSTERS. THE CONDITIONS THEY ARE KEPT IN ARE NOT GOOD COUNCIL BY LAWS STATES NO ROOSTERS IN TOWN LIMITS IF GRANTED PERMISSION GOING

**NOTE:** If an objection is received the permit application shall go before Council and all information from the applicant and the objector shall be given full consideration.

Signed: ..... Date: 29-1-.....2021

Return in the pre-paid envelope supplied with this document

AGAINST THE BY LAW.



How would you like to be locked in a pen like this in 40° heat.



**17 OTHER BUSINESS**

**17.1 Questions from Councillors**

**18 CLOSED SESSION – Reports for Decision**

**18.1 Tender C280-2020 - Warracknabeal landfill Rehabilitation**

**19 Next Meeting**

**CLOSE**

\_\_\_\_\_ **Mayor**