

MINUTES of the Council Meeting of the Horsham Rural City Council held online and livestreamed at www.hrcc.vic.gov.au at 5.30pm on 24 August 2020.

PRESENT

Cr Mark Radford, Mayor, Cr Pam Clarke, Cr David Grimble, Cr Alethea Gulvin, Cr Josh Koenig, Cr Les Power, Cr John Robinson.

ALSO IN ATTENDANCE

Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure Services; Kevin O'Brien, Director Communities and Place; Fiona Kelly, Executive Assistant to CEO and Councillors; Diana McDonald, Co-ordinator Governance.

1. PRAYER

Almighty God, we pledge ourselves to work in harmony for, the social, cultural and economic well-being of our Rural City. Help us to be wise in our deliberations and fair in our actions, so that prosperity and happiness shall be the lot of our people. AMEN

2. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

The Horsham Rural City Council acknowledges the five Traditional Owner groups of this land; the Wotjopaluk, Wergaia, Jupagulk, Jaadwa and Jadawadjali people. We recognise the important and ongoing place that all Indigenous people hold in our community.

We pay our respects to the Elders, both past and present, and commit to working together in the spirit of mutual understanding and respect for the benefit of the broader community and future generations.

3. OPENING AND WELCOME

Chairman, Cr Mark Radford formally welcomed those in attendance to the meeting. The Mayor advised that the meeting will be recorded to maintain an audio archive, which will be available on the Horsham Rural City Council website as soon as possible.

The Mayor also advised that Councillors participating in the meeting by electronic means will be taken to be present and part of the quorum for the meeting, provided that they can hear proceedings, they can see and be seen by other members in attendance and they are able to speak and be heard by those in attendance. The Mayor asked Councillors individually to confirm that they could see and hear other members in attendance and be able to speak. Confirmed by all Councillors.

4. APOLOGIES

Nil

5. LEAVE OF ABSENCE REQUESTS

Nil

6. CONFIRMATION OF MINUTES**Recommendation**

That the minutes emanating from the Council Meeting of the Horsham Rural City Council held online and livestreamed at 5.30pm on 27 July 2020 and 3 August 2020 be adopted.

Council Resolution**MOVED Cr David Grimble, Seconded Cr Pam Clarke**

That the minutes emanating from the Council Meeting of the Horsham Rural City Council held online and livestreamed at 5.30pm on 27 July 2020 be adopted, subject to the alteration to Cr Robinson's conflict of interest at Item 7, to delete the words "Local Roads and Community Infrastructure Grant Projects" and replace with the words "Council Budget".

CARRIED

Council Resolution**MOVED Cr Pam Clarke, Seconded Cr Les Power**

That the minutes emanating from the Council Meeting of the Horsham Rural City Council held online and livestreamed at 5.30pm on 3 August 2020 be adopted, subject to the inclusion of the last 2 paragraphs on Cr Robinson's signed rescission motion, as follows:

"This motion was passed by resolution at the Ordinary meeting of the Horsham Rural City Council held on the 27th July, 2020 commencing at 5.30pm at the Civic Centre, 18 Roberts Avenue, Horsham. In favour of the motion Cr Koenig, Cr Gulvin, Cr Power, Cr Clarke & Cr Radford. Against motion Cr Robinson, Cr Grimble.

The rescission motion to be tabled at the Ordinary Meeting of the Horsham Rural City Council to be held at the Civic Centre, 18 Roberts Avenue, Horsham (and virtually) on Monday the 24th day of August 2020 commencing at 5.30pm."

CARRIED

7. CONFLICTS OF INTEREST

Nil

8. PUBLIC QUESTION TIME

SUSPEND STANDING ORDERS

MOVED Cr Les Power, Seconded Cr Josh Koenig

That the Council meeting be suspended for public question time.

CARRIED

The Council meeting was suspended at 5.44pm for Public Question Time.

RESUME STANDING ORDERS

MOVED Cr Les Power, Seconded Cr Pam Clarke

That the Council meeting resume.

CARRIED

The Council meeting resumed at 5.56pm.

9. OFFICERS REPORTS

9.1 ECONOMIC DEVELOPMENT REPORT

Author's Name:	Joel Hastings	Director:	Kevin O'Brien
Author's Title:	Acting Manager Investment, Attraction and Growth	Directorate:	Communities and Place
Department:	Investment, Attraction and Growth	File Number:	F15/A06/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 2020 – Section 3(1)*:

Yes No

Reason: Nil

Appendix

Nil

Purpose

To receive and note the Economic Development Report for July 2020.

Summary

The Economic Development Report provides a summary of economic development activities in the municipality during the reporting period.

Recommendation

That Council receive and note the Economic Development Report for July 2020.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Josh Koenig

That Council receive and note the Economic Development Report for July 2020.

CARRIED

Council Resolution

MOVED Cr David Grimble, Seconded Cr Alethea Gulvin

That an Economic Development Report be provided at a future Council briefing meeting.

CARRIED

REPORT

Background

At the Ordinary Meeting of Council on 26 August 2019, it was resolved that a regular Economic Development Report be tabled on the Ordinary Council Meeting agenda.

Discussion

The work undertaken across Investment Attraction and Growth includes Business, Tourism and Visitor Services, Strategic Planning, Statutory Planning and Building Services.

The focus has been dominated by the Covid-19 Pandemic and the Health and Economic impact of restrictions and flow on effect the economy over the past five months, with team currently working the Business Support and the implementation of Business and Community Assistance Package recently approved by Council as part of the 2020/2021 Budget.

Development services of Planning and Building continues to be strong and progress across strategic planning and projects has been maintained to ensure the long term growth of the municipality.

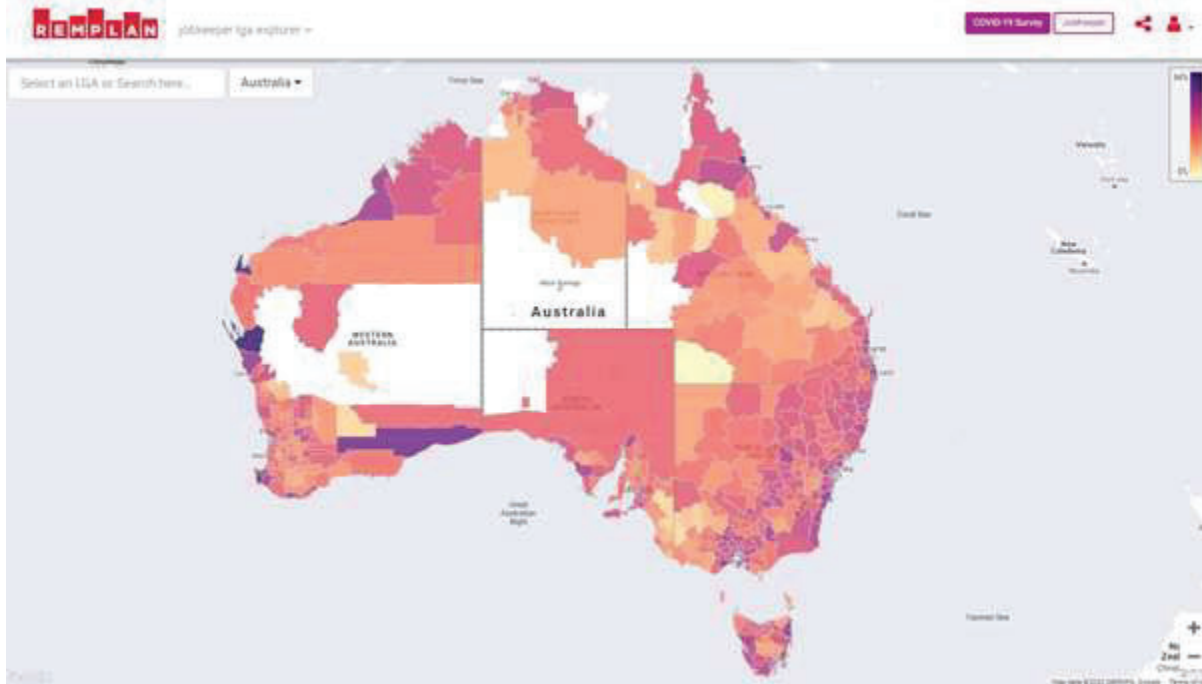
The return to stage 3 restrictions in Regional Victoria and stage 4 restrictions for Melbourne are a significant shock to the economy and it is anticipated there will be flow on effects to many parts of the region. However the restrictions are clearly aimed at controlling the significant health impacts Covid-19 can have and hopefully a strong six week lockdown can achieve a reduction to allow the community and business to function more freely and Council will be heavily focused on promoting the #togetherwearestonger messaging.

Economic Benchmarks and Data Unemployment

Unemployment may be significantly affected by Covid-19, but programs like Job Keeper and Working for Victoria recruitment currently being undertaken, other industries will have limited this impact.

Most significantly Department of Treasury Data suggests that over 400 businesses have taken up JobKeeper in the Horsham Rural City municipality. - <https://treasury.gov.au/coronavirus/jobkeeper/data>

Remplan have also recently released modelling for the uptake of JobKeeper across Australia which demonstrates the economic impact has been very region and industry specific with an estimate of 23% of businesses in our municipality taking up JobKeeper whilst many government and agricultural jobs appear to have been unaffected. - <https://www.remplan.com.au/blog/2020/08/jobkeeper-hotspot-analysis-and-mapping/>



ABS Labour Force, Australia – May 2020

There is currently a delay in Small Area Unemployment data which dates to December 2019, however Victorian data shows a 6.9% unemployment which does not take into account the take up of JobKeeper but is has been estimated the 'effective unemployment' could be as high as 11%.

Statutory Planning and Building

Planning and Building Permits have been consistent with previous years and both services have adapted to online and remote delivery to ensure development and construction projects can continue to be delivered.

Planning Applications Determined

	Number	Cost	YTD	YTD cost of development
July 2020	7	\$1,790,716.00	7	\$1,790,716.00
July 2019	8	\$608,817.00	8	\$608,817.00
Change	-1	+\$1,181,899	-1	+\$1,181,899

Building Permits Issued

	Number	Total cost of development	YTD	YTD cost of development
Council	5	\$158,648.00	5	\$158,648.00
Private surveyors	-	Data unavailable		Data unavailable
Total	-	-	-	-

Business Support

The Business Support team have focused on communications with businesses across retail, tourism, events, construction, agriculture and hospitality to give local businesses the best opportunity to respond to the current challenges.

The introduction of stage 3 restrictions has included significant changes for travel, essential supplies, work from home, takeaway only, events, gyms, theatre, etc. together with the introduction of face masks has required business reassess their trading positions.

The announcement of the extension of JobKeeper and Jobseeker have provided essential support to those business and employees affected by the Covid-19 Pandemic. The announcement of Victorian Business support grant for those businesses forced to close, or change operations, as part of the August to September restriction is likely to be taken up strongly by the hospitality, a ccommodation and other industries and will be promoted widely.

Business support has focused on the following measures over the past four months:

- Direct contact with over 300 businesses
- Business Newsletter (8 editions)
- Social Media information
- Liaison with Business Horsham, Wimmera Development Association and Grampians Tourism
- Advocacy for projects

The newsletter has been the key method of getting accurate and up to date information directly to businesses and it is intended to continue this on a monthly basis as we respond and recover from the Covid-19 impacts.



Welcome to our seventh edition of the HRCC Business Support Newsletter.

Support

Its been great to see activity across the region as visitors return to visit family and friends and explore our open spaces. Hospitality and Accommodation business are negotiating the challenges of operating under COVID safe restriction but are sure they enjoyed seeing the smiling faces and economic activity returning.



Welcome to our third edition of the HRCC Business Support Newsletter.

Across the region and municipality, many of our local businesses and organisations have continued to be impacted by COVID-19. There has had to be some tough decision making and quick adaption of business to new ways of operating to keep the doors open, and we appreciate the extra stress that it adds to your workload.

The focus of the last month has been on the development of a support package for business and the community through a combination of grants, marketing and training targeted at those industries most impacted by Covid-19 restrictions and focused around the following categories:

- Rural and Regional Travel
- Digital and Online
- City Centre Revitalisation
- Events Support
- Liveability
- Arts, Recreation and Community.

Over the next 12 months these initiatives will be rolled out to revitalise and respond to the challenges of Covid-19 with the \$234,000 Grants Program launched on 4 August.



Direct business engagement

July	Number	YTD
General business	60	60
New or expanding business	8	8
Event organisers	6	6
Total	74	74

Networking and business event breakdown

	Number	YTD
Networking and business events	0	0

Networking attended	Attendees	Details
Grampians Tourism	20	Grampians Tourism Taskforce established with CEO attendance. Commitment to Visiting Family and Friends campaign has been given and will be developed for when restrictions are forecast to change.
Wimmera Development Association	34	Participation in board meeting and executive and regular Economic Development Managers Forum established.
Business Horsham	10	Established fortnightly meeting with Business Horsham and develop collaborative approach to communications.

Horsham Rural City Council**Council Meeting**

Regional Development	4	Monthly Economic Development liaison meeting established to progress current projects and review priority list.
Total	68	

Tourism and Events

With the allowance of Victorian domestic travel and visitors back in the region the Horsham and Grampians Visitor Information Centre reopened for two days per week over the school holidays, however the extension of stage 3 restrictions particularly on travel the Centre has closed for the six weeks or until restriction are lifted.

It is hoped the Grampians and Wimmera will be well placed to take advantage of the return of visitors and there will be strong focus on Visiting Family and Friends (VFF) and destination marketing will be developed over this period.

	Number	YTD
Notice of intention to hold an event applications	-	
Visitor Information Centre visits	311	311
Visithorsham.com web visits	2952	2952

Strategic Planning

Strategic Planning and Projects provides a long term view to managed growth and development of the municipality and it has been essential to progress these projects via online, mail and remote working.

Horsham South Structure Plan	<ul style="list-style-type: none"> Development scenarios, used to realise the vision and strategic directions are currently on community consultation which has been extended until September 2020 and with the recruitment of the Strategic Planning Co-ordinator Stephanie Harder a range of webinars and direct landholder contact is proposed to progress the project
City to River Strategy	<ul style="list-style-type: none"> City to River Masterplan has been developed together with an implementation and action plan that will be broken into precincts and projects to allow for delivery over the next 10-15 years.
Horsham City Urban Renewal	<ul style="list-style-type: none"> A project brief has been prepared to undertake further planning and feasibility to inform the future development of key Urban Development Sites and is awaiting funding opportunities with VPA to open for streamlining for growth.

Infrastructure Development

Horsham Regional Livestock Exchange roofing	<ul style="list-style-type: none"> The project is currently under construction and balancing the operational requirements of the Livestock Exchange as part of the process.
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Projects and Programs

Electrical Vehicle Charging Stations	<ul style="list-style-type: none"> HRCC is also a part of the Central Victorian Greenhouse Alliance project, charging the Regionals to guide investment and implementation across Victoria.
Wimmera Business Centre	<ul style="list-style-type: none"> A review of the Centre and its operations has being undertaken to look at the current offerings from the Business Centre, review practices in other centres and to identify start up trends.
Horsham and Grampians Visitor Information Centre	<ul style="list-style-type: none"> The VIC review has been completed association with Grampians Tourism as part of a Grampians wide Visitor Servicing review. The final report has been completed and an internal project group has been established to implement the move over the next 6-9 months
Resident Attraction	<ul style="list-style-type: none"> Grampians Tourism, Ararat Rural City, Horsham Rural City, Northern Grampians Shire and Southern Grampians Shire Council are partnering together to address a key economic and social challenge facing the region: the poor retention and lack of growth in new residents and workforce. The draft Strategy has been developed and initial marketing and new resident management system is being developed.

Business Development, Tourism and Events

Major Sporting Events	<ul style="list-style-type: none"> All major events are being cancelled until further notice.
Localised	<ul style="list-style-type: none"> Localised now has 91 profiles across the Wimmera.
Tourism	<ul style="list-style-type: none"> Visit Victoria tourism review is looking at revising the number of regional tourism boards across Victoria.

Financial Implications

Not applicable

Links to Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 2 – Sustaining the Economy

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The current Economic Impact of Covid-19 has been significant particularly on hospitality, accommodation and retail, whilst other areas of the local economy involving agricultural, construction and manufacturing are currently managing any disruptions. It is hoped that there will be an opportunity for rebuilding and recovery together over the next 12 months as part to the Business and Community Assistance Package adopted in the 2020/2021 Budget.

The Economic Development report for July 2020 is provided for the information of Councillors.

9.2 RURAL AND URBAN ROADS RECONSTRUCTION CONTRACTS

Author's Name:	Mazen Aldaghstani	Director:	John Martin
Author's Title:	Manager Engineering Services	Directorate:	Infrastructure
Department:	Engineering Services	File Number:	2020- 0728

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendices

Nil (refer to confidential report on this subject)

Purpose

- To award the contracts for the reconstruction of the following urban and rural roads:
 - part of Albert Street and Rodda Place, Horsham (in one contract)
 - part of West Wail Road, Pimpinio.

Summary

- The four urban roads reconstruction projects were bundled into two tenders aiming to get a better financial outcome compared to other recent tenders for similar projects.
- The two rural road construction projects were tendered out as two separate contracts so that the evaluation panel can determine each applicant's capacity/workload and score accordingly.
- Public tenders were sought through Council's normal procurement processes.
- A good response was received, and preferred tenderers have been identified to conduct the works through the normal evaluation process.
- Two of the contracts have been awarded as they were within the CEO's delegation.

Recommendation

That Council:

- Accept the tender submitted by Terfo PTY Ltd TA Mintern Civil for the lump sum of \$325,124.00 ex GST for the reconstruction of part of Albert Street (Hennessy Street to Jones Street) and Rodda Place.
- Accept the tender submitted by M.F. & J.L. Willmore Contractors of \$299,677 ex GST for the reconstruction of part of West Wail Road (1.21 kilometre).

Council Resolution

MOVED Cr David Grimble, Seconded Cr Josh Koenig

That Council:

1. Accept the tender submitted by Terfo PTY Ltd TA Mintern Civil for the lump sum of \$325,124.00 ex GST for the reconstruction of part of Albert Street (Hennessy Street to Jones Street) and Rodda Place.
2. Accept the tender submitted by M.F. & J.L. Willmore Contractors of \$299,677 ex GST for the reconstruction of part of West Wail Road (1.21 kilometre).

CARRIED

REPORT

Background

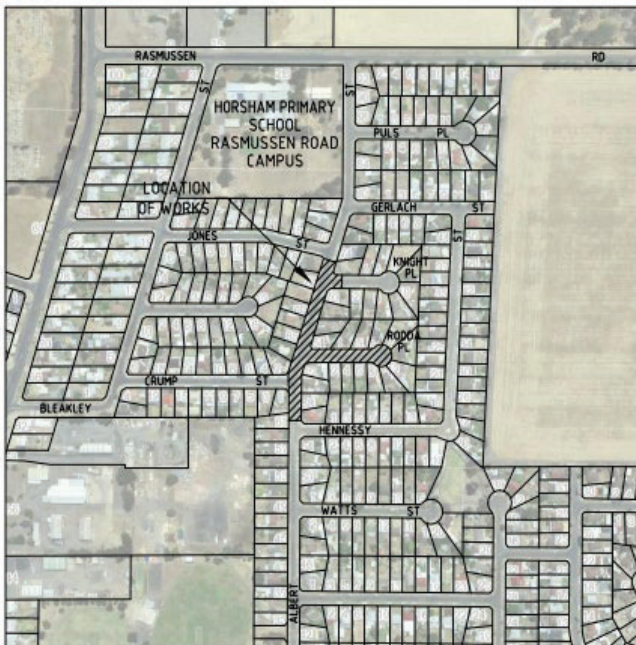
The reconstruction of the following urban and rural roads are all part of the 2020-2021 roads reconstruction program;

The roads are:

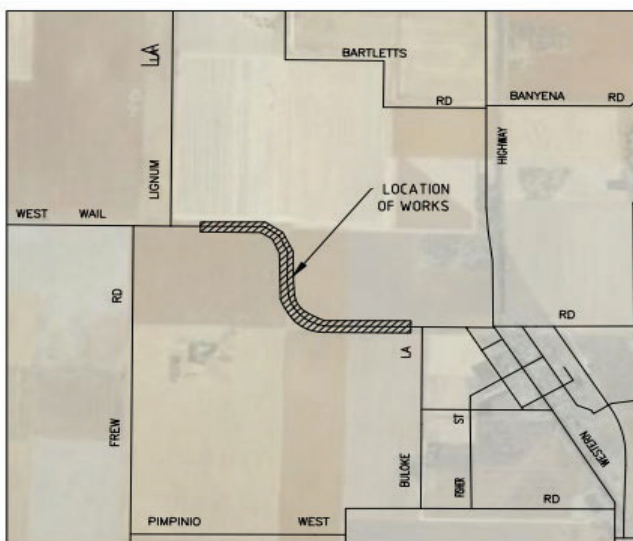
- part of Albert Street (from Hennessy Street to Jones Street), Rodda Place and
- a 1.2 kilometre section of West Wail Road, Pimpinio

The diagrams below show the sites of the works (hatched in each diagram).

Albert Street & Rodda Place



West Wail Road



Discussion

Detailed tender evaluation reports are provided in the appendix to the confidential report on this subject.

Key aspects include:

- Four tenders were received for the reconstruction of Albert Street and Rodda place, and eight tenders were received for the reconstruction of West Wail Road.
- The evaluation of tenders was based on the criteria as presented in the tender documents.

The availability of contractors has been a significant issue for the overall program in the past. The size and location of the projects were considered in bundling them into tenders. The road work tenders were advertised earlier this year into packages that are easy to quote on by the contractors with consideration of their current workload.

Financial Implications

The projects are part of Council's 2020-2021 urban and rural roads program. There are sufficient funds available to award the two contracts

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 3 – Asset management - 3.4 Deliver works to develop and maintain Council's physical assets for long term sustainability, amenity and safety

Consultation/Communication

The key communication aspect with these projects will be the interaction between the appointed contractors, Council's project supervisor and the adjacent landowners. Council has standard arrangements in place for this communication.

Risk Implications

Standard construction risks will apply. Supervision of works will be conducted by Council officers to manage these risks.

Council officers will be asking the successful contractors to provide their work methodology and progressively update their OH&S plan to address Covid-19 requirements and identify their risk control measures.

Environmental Implications

Standard construction management practices will minimise environmental risks. There are no native vegetation or waterway issues associated with these works.

Human Rights Implications

Nil

Conclusion

The preferred tenders provide the best value to Council.

9.3 REQUEST FOR INCLUSION ON COUNCIL'S STREET NAME LIST - TREACEY

Author's Name:	Kylie Fischer	Director:	Graeme Harrison
Author's Title:	Co-ordinator Rates and Valuations	Directorate:	Corporate Services
Department:	Finance	File Number:	F27/A15/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To endorse inclusion of the name Treacey to Council's Street Naming list.

Summary

- Margaret Treacey has requested that the name Treacey be added to Council's Street Naming list to honour the late Frank and Dorothy Treacey.
- Mr Treacey served the Wimmera as a radiator repair specialist, and a life member of the Horsham Rotary Club.
- Mrs Treacey was a life member of the Red Cross volunteering with Horsham Hospital Blood Bank, and she also volunteered at a local primary school as part of a reading program.

Recommendation

That Council endorse the inclusion of the name Treacey to Council's Street Naming list.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Alethea Gulvin

That Council endorse the inclusion of the name Treacey to Council's Street Naming list.

CARRIED

REPORT**Background**

Frank and Dorothy Treacey originally moved to Horsham in 1953 with their children when the company that Mr Treacey worked for, Motor Radiators, opened a radiator repair specialist factory in Alfred Street behind the current Subway/BP site. After the 1956 floods the factory (which is now known as Natrad) was moved to O'Callaghans Parade.

Mr Treacey built and repaired all types of radiators, and also supplied and fitted batteries. Much of his work came from mechanics in small country towns who sent radiators to him by rail and road, and he also serviced many of the local farmers travelling out to assist them when their machinery failed. He had a space set aside in the factory for providing medical cover which he managed himself, and he was also a life member of Horsham Rotary Club.

Mrs Treacey often volunteered her time to help with the organisation of Horsham Rotary Club activities. She was a life member of the Red Cross volunteering at the Horsham Hospital Blood Bank to assist with taking blood donations, and she also volunteered as part of a reading program at a local primary school.

Discussion

Council has over 60 names on the street naming list and it can be some time before a developer may choose to use a particular name from the list.

Financial Implications

This proposal has no financial implications.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Horsham Rural City Council Street Naming Policy

Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities 2016

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The name Treacey conforms to the principles in the Naming rules for places in Victoria – Statutory requirements for roads, features and localities 2016, and therefore may be added to Council’s street name list.

9.4 AUDIT & RISK CHARTER AND COMMITTEE

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F18/A13/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Audit & Risk Committee Charter (**Appendix “9.4A”**)
Annual Work Program (**Appendix “9.4B”**)

Purpose

To adopt a new Audit & Risk Committee Charter as required by the *Local Government Act 2020* and to appoint the existing members of the current Audit & Risk Committee to the new Committee.

Summary

- The Audit and Risk Committee Charter sets out the appropriate authority, composition, meeting requirements and responsibilities of the Audit and Risk Committee to ensure good practice and compliance with the requirements of the *Local Government Act 2020*.
- Council must approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee on or before 1 September 2020. (Division 8 (s53) (s54).

A stronger emphasis on the key role that internal control environment plays and how Committees can monitor this area of Council's performance more effectively. This change includes references to the impact of the new Governing Principles on Council's policies and procedures and is captured in the new Charter and Annual Work Program.

Recommendation

That Council:

1. Discontinue the current Audit & Risk Committee's Charter established under the Local Government Act 1989 and adopt a new Audit & Risk Committee Charter as per the Local Government Act 2020 attached as **Appendix “9.4A”**
2. Appoint the following independent members to the Audit & Risk Committee recognising their prior service noted in their Letters of Appointment:
 - Richard Trigg
 - Vito Giudice
 - Mark Knights

Council Resolution**MOVED Cr John Robinson, Seconded Cr David Grimble**

That Council:

1. Discontinue the current Audit & Risk Committee's Charter established under the Local Government Act 1989 and adopt a new Audit & Risk Committee Charter as per the Local Government Act 2020 attached as **Appendix "9.4A"**
2. Appoint the following independent members to the Audit & Risk Committee recognising their prior service noted in their Letters of Appointment:
 - Richard Trigg
 - Vito Giudice
 - Mark Knights
3. Include additional item to the Audit & Risk Committee Charter – 2.29A (page 5) Report any suspected fraud or corrupt behaviour to the Inspectorate or IBAC as appropriate.

CARRIED

REPORT

Background

The Local Government Act 2020 is a principles-based Act, removing the unnecessary regulatory and legislative prescription. Sections 53 and 54 of the Act has expanded the scope of the Audit Committee required by Section 139 of the Local Government Act 1989, introducing the requirement for a Risk and Audit Committee with a Charter needing to be in place by 1 September 2020.

These new arrangements cover both the structure and function of the Committee and effectively mandate the requirement for an Internal Audit Function.

The Audit & Risk Charter and Committee re-establishment is one of several key deliverables that requires adoption by Council on or before 1 September 2020 under the requirements of the Act.

Discussion

The Audit & Risk Committee (the Committee) is an independent advisory committee to Council established under section 53 of the *Local Government Act 2020* (the Act).

The Audit & Risk Committee Charter (the Charter) has been developed with regard to '*Audit Committees – A Guide to Good Practice for Local Government*', January 2011 issued by the Minister for Local Government and Victorian Auditor-General's report on *Audit Committee Governance* issued in August 2016 and under section 54 of the Act.

The Charter sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities and reporting, administrative and governance arrangements.

The Committee's objective is to provide appropriate independent advice and recommendations to Council on matters relevant to the Committee's Charter in order to facilitate decision-making by Council in relation to the discharge of Council's accountability requirements.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee will provide oversight and guidance on the following matters:

- Council financial performance reporting;
- Compliance of Council policies and procedures with the *Local Government Act 2020*, particularly the governance principles;
- The effectiveness of the management and reporting of Council's risk management and fraud and corruption prevention;
- The effectiveness of Council's system of internal controls;
- The effectiveness of the internal and external audit functions; and
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

The Committees has an established Annual Work Program (**Appendix “9.4B”**) to enable it to discharge its responsibilities effectively pursuant to the requirements of the Charter and reviews the Annual Work Program at least annually.

Financial Implications

Sitting fees are paid to independent members and internal audit functions are undertaken throughout the year. All costs are covered within the 2020-2021 operational budget allocation.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Four-Year Priorities, 4.2 Manage risk to the organisation and 4.4 Achieve high standards of organisational performance.

Consultation/Communication

The Audit & Risk Committee Charter has been developed with regard to ‘*Audit Committees – A Guide to Good Practice for Local Government*’, January 2011 issued by the Minister for Local Government and Victorian Auditor-General’s report on *Audit Committee Governance* issued in August 2016 and under section 54 of the Act.

The draft Charter was circulated to the Audit & Risk Committee members and endorsed at the Special Audit & Risk Committee meeting on 30 July 2020, and was considered at the Council Briefing Meeting on 10 August 2020. As the role of the committee is to provide advice to Council its relationship is directly with Council and as such there is no specific legislative requirement for broader community engagement on the development of Committee’s Charter.

Risk Implications

The Audit and Risk Committee is an important committee of council required under the *Local Government Act 2020*. To not have a properly functioning or constituted committee would be in breach of the requirements of the Act. The committee has an important role in monitoring Council’s financial governance and risks, to not have such a committee could increase Council’s to potential for fraud and corruption to occur.

Environmental Implications

Not applicable

Human Rights Implications

It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

Council to approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee of the new Local Government Act 2020, on or before 1 September 2020. (Division 8 (s53) (s54).

9.5 COUNCIL EXPENSES POLICY

Author's Name:	Sue Frankham, Diana McDonald	Director:	Graeme Harrison
Author's Title:	Governance Officer, Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Draft Council Expenses Policy (**Appendix “9.5A”**)

Purpose

To adopt the Council Expenses policy.

Summary

- Council is required to adopt a Council Expenses policy.
- The Council Expenses policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the new *Local Government Act 2020* (the Act).
- The Council Expenses policy will replace the existing Councillor Expense, Reimbursement and Support policy.
- The revised policy has been expanded to include members of delegated committees and reimbursement of carer and dependent-related expenses.
- Community feedback on the draft policy was sought over a 21-day period from 8 to 29 July 2020, with one submission received.

Recommendation

That Council adopt the Council Expenses policy attached as **Appendix “9.5A”**.

Council Resolution

MOVED Cr Josh Koenig, Seconded Cr Pam Clarke

That Council adopt the Council Expenses policy attached as **Appendix “9.5A”**.

CARRIED

Council Resolution

MOVED Cr Grimble, Seconded Cr Pam Clarke

That the new elected Council review the Council expenses policy within 6 months.

CARRIED

REPORT

Background

The Council Expenses policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the Act.

Under Section 40 of the Act, Councillors and members of delegated committees are entitled to reimbursement of expenses reasonably incurred in the performance of their duties.

Members of delegated committees exercise the powers, duties or functions delegated by Council and therefore many of the provisions of the Act that apply to Councillors, apply equally to delegated committee members.

The Council Expenses policy will replace the Councillor Expense, Reimbursement and Support policy.

Discussion

To meet the requirements of the new legislation, the updated policy has been expanded to include members of delegated committees, reimbursement of childcare costs and costs incurred by those who are carers as defined in Section 4 of the *Carers Recognition Act 2012*.

The updated policy provides advice and an operational framework for the reimbursement of out-of-pocket expenses for Councillors and delegated committee members where Council is satisfied that:

- The claim is for bona fide expenses
- The expenses have been reasonably incurred in the performance of their role
- The expenses are reasonably necessary for the Councillor or delegated committee member to perform that role.

In reviewing this policy, consideration was given to the *Gender Equity Act 2020*, which requires Councils to take positive and effective steps to improve gender equity outcomes both as a workplace and a deliverer of services. The updated policy ensures that people of all genders are supported to take up roles as Councillors and committee members and that no-one is disadvantaged.

The five primary principles that guide the Act (Community Engagement, Strategic Planning, Financial Management, Public Transparency and Service Performance) were also considered as part of the policy review. Details of how Council expenses will be reported to ensure that the principles of public transparency, achieving the best outcomes for the municipal community and ensuring the ongoing financial viability of Council are met, are included in the policy as follows:

4.12 Monitoring, Evaluation and Review

Quarterly reports of all Councillor and delegated committee member expenses will be provided as part of the Quarterly Performance Report to Council and the Audit and Risk Committee. Details will also be published in the Annual Report. These reports will include:

- *Expenses incurred by Councillors and delegated committee members during the quarter*
- *Reimbursement claims made by Councillor and delegated committee members during the quarter*
- *Reimbursements made by Councillors and delegated committee members during the quarter.*

Financial Implications

The Council budget includes provision for the reimbursement of expenses relating to Councillors and delegated committee members as defined in this policy.

Details of how Council expenses will be reported to ensure that that the principle of ongoing financial viability of Council is met is included in the policy.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Four-Year Priority 4.4.08 – Manage the implementation of the major revision to the *Local Government Act 1989*

Consultation/Communication

The Council Expenses policy has been reviewed in accordance with recommendations, guidelines and a draft template provided by the Victorian Local Governance Association.

The draft policy was circulated to the Leadership Team and other relevant Council Officers for feedback. It was endorsed by the Executive Management Team on 23 June 2020 and considered at the Council Briefing Meeting on 6 July 2020 and 10 August 2020.

The draft policy was placed on the Horsham Rural City Council website and promoted in Council's Public Notices pages in the Horsham Times and Weekly Advertiser newspapers on 10 and 15 July 2020. Community feedback was sought over a 21-day period from 8 to 29 July 2020. One submission was received stating that the policy should be more concise and less based on approval of the Chief Executive Officer. This feedback was taken into consideration, however, no changes were made to the policy as it is considered good governance to clearly set out the various Councillor and delegated committee member entitlements in accordance with Section 40 of the Act, along with the approval process that must be followed when claiming reimbursement. For efficiency, these operational decisions should be made by the Chief Executive Officer or relevant Director as delegated.

Quarterly reports of all Councillor and delegated committee member expenses will be provided as part of the Quarterly Performance Report to Council and the Audit and Risk Committee. Details will also be published in the Annual Report. This will ensure that the principles of public transparency, achieving the best outcomes for the municipal community and ensuring the ongoing financial viability of Council are met.

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*. "Your right to taking part in public life" is one of the 20 fundamental human rights contained in the Charter. The draft Council Expenses policy addresses that right.

Conclusion

The Council Expenses policy is presented to Council for endorsement.

9.6 NEW LOCAL GOVERNMENT ACT 2020 – DELEGATED COMMITTEES

Author's Name:	Mandy Kirsopp	Director:	Graeme Harrison
Author's Title:	Co-ordinator Rec & Open space	Directorate:	Corporate Services
Department:	Communities & Place	File Number:	F06/A01/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Proposed Instrument of Delegation from the CEO to the Community Halls Asset Committee
(Appendix “9.6A”)

Purpose

To note the changes to Council Committees arising from the new Local Government Act 2020, to create a Community Asset Committee for all Council Halls and appoint the initial members.

Summary

- The legislated program for the new Local Government Act 2020 (The Act) saw the previous Act's Section 86 “Special Committees” repealed, effective 1 May 2020
- Council currently has two Section 86 Committees: Kannamaroo Festival Committee of Management and Community Halls' Committee of Management
- Under The Act, Section 47 (8) all existing Delegations remain in force until 1 September 2020 whereupon they will cease so there is no need for these to be revoked at this point in time
- The Community Halls' Committee of Management will become a Community Asset Committee and a new Instrument of Delegation will be put in place from the CEO
- The Kannamaroo Committee is currently not an Incorporated Association and will need to become incorporated; this is being discussed with the committee
- An agreement will be developed with the Kannamaroo Committee to formalise council support of and input to the Kannamaroo Festival into the future.

Recommendation

That Council:

From the date of this resolution, establish as a Community Asset Committee, the Community Halls Asset Committee (Committee) and endorse that:

- a. The purpose of the Committee is to manage the day to day operations of council's community halls, including, Dadswell's Bridge Hall, Hamilton Lamb Memorial Hall, Jung Hall, Laharum Hall, Mitre Hall, Natimuk Community Centre (NC2), Natimuk and District Soldiers' Memorial Hall, Sailors' Home Hall, Taylor's Lake Hall, and Telangatuk East Hall.
- b. The members of the Committee to be appointed are:
 - Dadswell's Bridge – Daryl Deutscher
 - Hamilton Lamb Memorial Hall – Susan Hogan
 - Jung Hall – David Arnott
 - Laharum Hall – Judy Berendsen
 - Mitre Hall – Clare Dunn
 - Natimuk Soldiers' Memorial hall – Glenys Fort
 - Natimuk Community Centre (NC2) – Kieran Loughran
 - Sailors' Home Hall – Robert Byrne
 - Taylor's Lake Hall – Susan Flanagan
 - Telangatuk East Hall – Luke Rees
- c. A quorum of the Committee is six, a whole number that is an absolute majority, which is greater than half the total number of members of the Committee.
- d. All members of the Committee have voting rights on the Committee.

Council Resolution**MOVED Cr Mark Radford, Seconded Cr Pam Clarke**

That Council:

From the date of this resolution, establish as a Community Asset Committee, the Community Halls Asset Committee (Committee) and endorse that:

- a. The purpose of the Committee is to manage the day to day operations of council's community halls, including, Dadswell's Bridge Hall, Hamilton Lamb Memorial Hall, Jung Hall, Laharum Hall, Mitre Hall, Natimuk Community Centre (NC2), Natimuk and District Soldiers' Memorial Hall, Sailors' Home Hall, Taylor's Lake Hall, and Telangatuk East Hall.
- b. The members of the Committee to be appointed are:
 - Dadswell's Bridge – Daryl Deutscher
 - Hamilton Lamb Memorial Hall – Susan Hogan
 - Jung Hall – David Arnott
 - Laharum Hall – Judy Berendsen
 - Mitre Hall – Clare Dunn
 - Natimuk Soldiers' Memorial Hall – Glenys Fort
 - Natimuk Community Centre (NC2) – Kieran Loughran
 - Sailors' Home Hall – Robert Byrne
 - Taylor's Lake Hall – Susan Flanagan
 - Telangatuk East Hall – Luke Rees
- c. A quorum of the Committee is six, a whole number that is an absolute majority, which is greater than half the total number of members of the Committee.
- d. All members of the Committee have voting rights on the Committee.

CARRIED

REPORT

Background

The Act (2020) simplifies the approach to committees. The Act specifies only three types of committees, and the powers and administrative arrangements related to those committees. It is silent, however, on any other type of committee a council may wish to establish, e.g. Advisory Committees.

1. DELEGATED COMMITTEE

Is a committee formed by a council to which the council delegates “any power, duty or function of a Council under this Act or any other Act...” Section 11(1). A delegated committee exercises the powers, duties or functions of council. Therefore, these committees are subject to the same governance rules as council (Section 60). A resolution of a delegated committee holds the same weight as a resolution of council, provided it falls within the committee’s delegated powers. Section 63 of the Act requires Delegated Committees to be chaired by a Councillor or the Mayor.

Delegated committees have specific roles and powers (Delegations) and therefore the new Act is concerned with ensuring public transparency in their operations and in recognising that members of delegated committees must declare interests. Delegated committees operate under delegation of the council (albeit for limited purposes), therefore the members are subject to many of the same disclosure requirements as councillors, such as conflicts of interest, personal interest returns and standards of conduct. (Sections: 132-133). These processes can be administratively time consuming.

The Act also mentions joint delegated committees, (Section 64). A joint delegated committee is formed by resolution of two or more councils and consists of a delegated committee from each council, including at least one councillor from each council present at the meetings. This is not, in effect, a different committee as it is established by the joining of existing delegated committees.

2. COMMUNITY ASSET COMMITTEE

A community asset committee is a committee with powers of the council, established and with members appointed by council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district, Section 65(2). Community Asset Committees do not have a requirement to include councillors or to be chaired by a Councillor or Mayor and members do not need to lodge personal interest returns under Sections 132-133.

The governance arrangements for these committees are specified by the Chief Executive Officer, Section 47(4). The terms and conditions must include the limits and purpose of any financial Delegation that can be exercised by the committee, governance arrangements and monitoring and reporting requirements.

3. AUDIT AND RISK COMMITTEE

All councils must establish an audit and risk committee and, crucially, this committee is not a delegated committee and cannot exercise statutory functions and powers of the council under Delegation. Under the Act (2020), the roles and functions of audit and risk committees are set out in Sections 53-54.

This committee will be established through a separate implementation process.

OTHER COMMITTEES

Although the Act is silent on any other type of committee, councils can establish any other committee that meets their needs, provided it has no delegated powers of council and does not manage a community asset on behalf of council.

Examples may include:

- Advisory committees – provide advice to council, but where a final decision for action or expenditure is taken by council in a council meeting. Examples of committees where councils may use a non-legislated committee may include: portfolio advisory committees that provide advice to a specific area of policy or service, (disability, transport, reconciliation action plan, environmental management, economic development, sport and recreation, public art) or project advisory committees that may be time-limited or program or grant advisory committees that advise council on the awarding of grants or program funding but are not responsible for the final decision.
- Reference committees or groups – provide input into a decision before council, or a council officer with Delegation, where members are representative of the community that will be affected by decisions or actions. Examples include: older persons, youth, and disability inclusion committees.
- Steering committees – may provide advice to inform a council decision or a council officer with Delegation, on a project or the management of an asset, without the delegated powers of a community asset committee. Examples include: activity/community centre steering committee, or committees advising on special events or sites, providing advice on reserves or parks (not directly managing them).

Discussion

The sections of the Act relating to delegated committees and community asset committees came into effect 1 May 2020. Delegations made under the Local Government Act 1989 remain in force until 1 September 2020. After this date, committees operating under existing Delegations will not have the power to exercise these Delegations until new committees are established and new Instruments of Delegation are adopted.

A Delegation can only be made to a legal entity, therefore Instruments of Delegation are made to “the members of” a committee, not to the committee itself. It is not necessary to name the members or remake the Instrument of Delegation every time membership changes.

1. COMMUNITY HALLS COMMITTEE

The revised Instrument of Delegation will be issued by the CEO utilising the same purpose, scope and intent of the previous Instrument of Delegation issued by council. **Appendix “9.6A”**.

A single Community Halls Committee of Management was established under the previous Act to manage the issue of having a large number of Section 86 Committees, (ten committees were represented within the Community Halls Committee of Management). The structure of a single halls committee has been effective in bringing the halls together, providing a means for sharing of information and increasing collaboration between hall committees.

Although individual Asset Committees could be established for each of the Halls, the current arrangement supports the effective operation of the halls and so a single Community Halls Committee involving representatives from each of the hall committees is recommended.

1. KANNAMAROO COMMITTEE

As the Kannamaroo Committee does not manage a community asset it cannot become a Community Asset Committee. The Kannamaroo committee manages an event in a way that is similar to the Art is Festival, Wimmera Machinery Field Days or Country Music Festival. However the Committee has been operating as a Section 86 Committee under the Local Government Act 1989. This has been an anomaly to the Act as the Committee has not been exercising any delegated powers from Council.

The current Instrument of Delegation will cease from 1 September. The Delegation did not establish any specific commitments from council to the committee. Support arrangements and co-commitments have been managed outside any formal arrangements. This has been long-standing and is based on historical practices. It is proposed that council officers work with the Kannamaroo Committee to become an Incorporated Association and that an agreement be developed defining shared responsibilities including council's support of and commitment to the community festival.

The details of the agreement are still being established.

Financial Implications

The costs of these changes relate to the officers' time in implementing the new arrangements.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

Discussions have been held between the Co-ordinator of Recreation and Open Space, the Kannamaroo Committee and members of the Community Halls' Committee of Management.

Risk Implications

The Act requires that council must indemnify members of community asset committees and delegated committees (including in the conduct of a role as a member of joint delegated committee). Members are to be indemnified against actions and claims arising in "respect of anything necessarily done or omitted to be done in good faith..." (Section 43) in the performance of their role.

Environmental Implications

Nil

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

Section 86 Committees will cease to exist 1 September 2020 and new governance arrangements will need to be established for the Community Halls Committee of Management and the Kannamaroo Committee to enable them to continue to operate.

9.7 DELEGATIONS UPDATE

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A12/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: *If no type Nil*

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Council to Staff Delegation (**Appendix “9.7A”**)

Purpose

To approve updates to Council's delegations to staff with changes arising from the Maddocks Lawyers delegation service and for any new and changed position titles or responsibilities that have occurred.

Summary

- Council updates its delegations every 6 months following receipt of information provided by Maddocks Lawyers.
- This update includes the Maddocks Lawyers update from July 2020.
- There are only two Acts with changes in the delegations from Council to Staff, Local Government Act 2020 and the Residential Tenancies Act 1997.
- There are a number of changes in delegation from CEO to staff & from Municipal Building Surveyor to staff, which do not require a resolution of council. Summary information is provided of these.
- The provisions of the Local Government Act 1989 re delegation remain in place until 1 September 2020, however some provisions of the 1989 Act are not to be revoked until a number of years in the future so Council will need to maintain delegations under both Acts.

Recommendation

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Horsham Rural City Council (Council) RESOLVES THAT –

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, (**Appendix “9.7A”**) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Council Resolution**MOVED Cr David Grimble, Seconded Cr Les Power**

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Horsham Rural City Council (Council) RESOLVES THAT –

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, (**Appendix “9.7A”**) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. Remove Item (s. 11(8)) on page 79 of the Instrument of Delegation to members of Council staff (**Appendix “9.7A”**) - *power to name a road or change the name of a road by publishing notice in Government Gazette*.

CARRIED

REPORT

Background

A council is a statutory entity. It is able to do only those things which it is authorised by statute to do.

The sources of council authority can be summarised as:

- power to do things which a “natural person” can do - in particular, the power to enter into contracts;
- powers conferred by provisions of Acts and regulations, such as the *Local Government Act 2020* and the *Planning and Environment Act 1987*;
- powers conferred by other forms of statutory instrument.

The powers of a “natural person”- A council is given by s 14 of the *Local Government Act 2020* the power to deal with property and, more generally, the capacity to do anything which bodies corporate may by law do “which are necessary or expedient” for performing its functions and exercising its powers.

The power of a Council to act by resolution is set out in s 59 (1) of the *Local Government Act 2020* – “Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.”

However, Council cannot operate by means of passing a resolution every time that it wishes to act. So, for day-to-day operations, Council needs others to make decisions and act on its behalf. Where this is to occur, it is recommended that the appointment be formalised through written "instruments of delegation" wherever practicable.

Under the *Local Government Act 2020*, there are two sources of powers of delegation:

- s 11: delegation of Council powers to the CEO or members of a delegated committee; and
- s 47: delegation of Council powers by the CEO to Council staff or members of a Community Asset Committee, as well as delegation of CEO powers to Council staff.

The delegation powers under the *Local Government Act 2020* apply to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues. There is a problem of interpretation when those Acts confer the delegation power more restrictively than the *Local Government Act 2020*. For example, a delegation under s 188 of the *Planning and Environment Act* cannot authorise a delegate to acquire land on behalf of the Council in its capacity as responsible authority. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation.

Because it is a common feature of legislation, not all details about delegations are set out in the empowering Act - some general features of delegation are set out in the *Interpretation of Legislation Act 1984*. In particular -

- the decision, once made, is for all legal purposes a decision of the Council itself (s 42A of the *Interpretation of Legislation Act*);
- the "delegate" is in much the same position as the Council itself in terms of making the decision - for example, where the decision requires that opinion be formed, the delegate's opinion can be the basis for the decision (s 42 of the *Interpretation of Legislation Act*);

- the fact that a delegation has been made does not affect the Council's powers in relation to the issue concerned (s 42A of the *Interpretation of Legislation Act*). This is subject, of course, to the rule that the delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it would not itself have made.

For this reason, it is important that the Council have in place appropriate policies and guidelines under which delegation should be exercised.

Some Acts contain specific powers of delegation to persons other than the Chief Executive Officer. In these cases, there is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so, hence, Council must delegate these items direct to individual staff members.

Under the *Building Act 1993*, Municipal Building Surveyors (MBS) may also delegate their powers to other officers. This is therefore not a delegation by Council but by the MBS to staff and is signed-off by the MBS.

Council may also delegate powers to Delegated Committees established under Section 63 of the Local Government Act 2020 or Section 188 of the *Planning and Environment Act 1987*. Each committee must have an Instrument of Delegation that clearly articulates the nature of the delegation, and any conditions or limitations under which the delegation is to be exercised.

In summary, there are six delegation types:

A. Delegations of Council:

1. Council to Chief Executive Officer
2. Council to Staff
3. Council to Delegated Committees

B. Delegations by others:

4. Chief Executive Officer to Staff*
5. Chief Executive officer to Community Asset Committees
6. Municipal Building Surveyor to Staff

*The Chief Executive Officer to Staff delegation also includes a section on Miscellaneous and Administrative powers which are best described as operational in nature and do not arise out of specific legislation.

Council has put in place detailed guidelines that help staff understand their obligations and responsibilities when it comes to exercising a delegated power. Each staff member receives a copy of their individual delegations and they are reminded to read and understand the guidelines for exercising these delegated powers.

Discussion

Council manages its delegations by subscribing to a service from Maddocks Lawyers which provides Council with amendments to existing legislation and updates on new legislation. These updates are received approximately every six months and as such, an update was received in July 2020, which takes account of legislative changes since January 2020. Changes Made in This Update:

1. From Council to Members of Council Staff

- 1.1 The Local Government Act 2020
- 1.2 The Residential Tenancies Act 1997 (Vic).

2. From Council's CEO to Staff

The following Acts have had some changes as a result of new or amended legislation:

- 2.1. ss 216D(2), 216D(5)(a) and 216(5)(b) of the *Building Act 1993* (Vic) (Building Act) have been amended by the *Building and Environment Protection Legislation Amendment Act 2020* (Vic). These amendments will commence on 1 December 2020, unless proclaimed earlier;
- 2.2. s 86B of the *Electricity Safety Act 1998* (Vic) has been substituted by the *Emergency Management Legislation Amendment Act 2018* (Vic) (EM Amendment Act) and will no longer be relevant to councils. This amendment will commence on 1 December 2020, unless proclaimed earlier;
- 2.3. the EM Amendment Act has introduced a number of new provisions into the *Emergency Management Act 2013* (Vic) (2013 EM Act) which will commence on 1 December 2020, unless proclaimed earlier;
- 2.4. the *Gender Equality Act 2020* (Vic) was assented to on 25 February 2020. A number of powers, duties and functions have been included our S7 Instrument which will commence on 31 March 2021, unless proclaimed earlier;
- 2.5. ss 7A(2), 21(10)(a), 21(10)(b) and 21(10)(c) of the *Subdivision Act 1988* (Vic) have been introduced by the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act* (Vic) (MSA (EML) Act);
- 2.6. the new *Electric Safety (Electric Line Clearance) Regulations 2020* replace the previous *Electric Safety (Electric Line Clearance) Regulations 2015*;
- 2.7. the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020* have been inserted and are in force; and
- 2.8. relevant provisions from both the *Local Government Act 2020* and *Local Government Act 1989*.

3. From the Municipal Building Surveyor

A number of changes have been picked up due to amendments in the Building Act, by the MSA (EML Act).

Financial Implications

The financial impact of the review of delegations is limited to staff time and the cost of the Maddocks Lawyers delegation service which has been included in the 2020-2021 budget.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

Whatever reporting requirements are imposed on each delegate, it is important that decisions and actions taken under delegations are properly documented. If the delegations were not in place, the exercise of functions, powers and duties of Council would be recorded in the minute book of the Council.

It is possible that decisions taken under delegation will be reviewed in other spheres (i.e. internal or management review, Council review, Ombudsman, Victorian Civil and Administrative Tribunal, Magistrates' (or higher) Court). Therefore a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. The detail and method of recording will depend on the nature of the power duty or function. Proper and appropriate documentation is uppermost in the minds of all delegates. A register of delegations is required to be kept under ss 11(8) and 47(7) of the *Local Government Act 2020* and is made available for public inspection.

The attached delegations have been updated using the Maddocks Lawyers delegation service, with consultation with relevant Council Officers and from feedback from Councillors.

Risk Implications

The risk to Council of having inadequate instruments of delegation is that actions are carried out without appropriate authority and therefore are subject to be challenged in a court of law.

Also, the fact that a delegation has been made, does not affect the Council's powers in relation to the issue concerned. A delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it may not itself have made. This risk is mitigated by having in place appropriate policies and guidelines under which delegation should be exercised. Guideline G04/004 (Delegations and Authorisations to Members of Council Staff) has been put in place to address this issue and was reviewed in 2017 by the Executive Management Team.

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

This update takes into account legislative changes which were assented to, or made, after January 2020, which affects Council's powers, duties and functions.

9.8 GOVERNANCE RULES

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Draft Governance Rules (**Appendix “9.8A”**)

Submissions Received (**Appendix “9.8B”**)

Summary of Feedback Received (**Appendix “9.8C”**)

Purpose

To adopt Horsham Rural City Council Governance Rules as prescribed under Section 60 of the *Local Government Act 2020* (Act).

Summary

- Section 60 of the Local Government Act 2020 requires each council to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions by 1 September 2020.
- The Governance Rules are designed to ensure good governance by Council through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.
- The Governance Rules are based on a template obtained from Maddocks Lawyers, to comply with the overarching principles and specific sections of the Act.
- Community feedback on the draft Governance Rules was sought over a 21-day period from 8 to 29 July 2020, with three submissions received.

Recommendation

That Council adopt the Governance Rules attached as **Appendix “9.8A”**.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Alethea Gulvin

That Council adopt the Governance Rules attached as **Appendix “9.8A”**.

SUSPEND STANDING ORDERS

MOVED Cr Josh Koenig, Seconded Cr Les Power

That the Council meeting be suspended.

CARRIED

The Council meeting was suspended at 6.47pm.

RESUME STANDING ORDERS

MOVED Cr John Robinson, Seconded Cr Pam Clarke

That the Council meeting resume.

CARRIED

The Council meeting resumed at 6.49pm.

Amendment

MOVED Cr David Grimble, Seconded Cr John Robinson

1. That part of the sentence be deleted from dot point 3 of Item 4.1.1, Chapter 7 – Election Period Policy - *“Decisions to enter into entrepreneurial ventures.*
2. Provide an opportunity for the newly elected Council to review the Governance Rules.
3. Retain the current rescission motion rules – to only be signed and dated by at least 1 Councillor.

AMENDMENT LOST

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Alethea Gulvin

That Council adopt the Governance Rules attached as **Appendix “9.8A”**.

CARRIED

REPORT**Background**

The Local Government Act 2020 is a principles-based Act, removing the unnecessary regulatory and legislative prescription. The Governance Rules follow the form of a template devised by Maddocks Lawyers, to comply with the overarching principles and specific sections of the Act.

As the new Act is a principles-based Act, much of the content of the Governance Rules is not prescribed by the legislation but is instead left to individual Councils to determine. Most of the provisions of Local Law No. 1 - Governance will be made redundant when the Governance Rules are adopted which is required by 1 September 2020.

Local Government Victoria (LGV) also provided a draft template which was reviewed, but was not considered to be as easy to read and to follow as the Maddocks document. The Maddocks document also provided better alignment with our current meeting procedure.

Of councils across the state 43 are using the Maddocks document (54%) several have developed their own documents or used the LGV template.

Discussion

The Governance Rules are designed to ensure good governance by Council through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.

Governance Rules Template

The Governance Rules Template comprises of seven chapters which each have their own rules:

Chapter 1: Governance Framework	Addresses the new legislative requirements of the Local Government Act 2020.
Chapter 2: Meeting Procedure for Council Meetings	Essentially Replacing Local Law No 1. Governance - Meeting Procedure. This chapter contains the Rules relating to meeting procedure for Council Meetings.
Chapter 3: Meeting Procedure for Delegated Committees	General Meeting Procedures if Council establishes a Delegated Committee.
Chapter 4: Meeting Procedure for Community Asset Committees	General Meeting Procedures for Community Assets Committees.
Chapter 5: Disclosure of Conflicts of Interest	Addresses disclosure of Conflicts of Interest in accordance with the new Act and apply only upon Division 1A of Part 4 of the <i>Local Government Act 1989</i> being repealed.
Chapter 6: Miscellaneous	Addresses Council Briefings and Confidential Information in accordance with the new Act.
Chapter 7: Election Period Policy	Election Period Policy – which was previously adopted by Council in November 2019.

In accordance with Section 60 (3) of the *Local Government Act 2020*, A Council may amend its Governance Rules. This may occur at any time that the Council so resolves, although stability in these rules help to facilitate good governance.

Financial Implications

The cost of the Maddocks Governance Template was \$2,128.50

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

The Governance Rules have been reviewed in accordance with recommendations, guidelines and are based on a template provided by Maddocks legal firm.

The draft Governance Rules were circulated to the Leadership Team, and other relevant Council Officers for feedback.

The Governance Rules were also considered at the following meetings:

- 6 July 2020 - Council Briefing Meeting
- 8 July to 29 July 2020 - Provided to the public and Councillors for feedback
- 3 August 2020 - Council Briefing Meeting to consider submissions received
- 10 August 2020 - Council Briefing Meeting

The Governance Rules were placed on Councils website and community feedback was sought over a 21-day period from 8 July to 29 July 2020. Feedback on the Election Period Policy was sought from 30 July to 6 August.

This was promoted through the website and Facebook as well as Council's Public Notices pages in the Horsham Times and Weekly Advertiser newspapers on 10 and 15 July 2020. Three separate submissions were received from two people (**Appendix "9.8B"**) and the feedback and Council responses have been provided in **Appendix "9.8C"**.

Following consideration of the submissions the subsequent changes were made:

Part B – Election of Mayor, Deputy Mayor and Chairs of Delegated Committees

Deputy Mayor and Chairs of Delegated Committees has been added into the heading

Section Nine Ceremonial Mayoral Speech

New section has been added in

Part C – Meeting Procedures

Section 12.1 Notice of Meeting

Amended to 96 hours in line with section 12.3

Section 17.1 Cancellation or Postponement of a Meeting

Included "Following consultation with the Mayor if possible"

Section 22.2 Notice Of Motion

Included "Following consultation with the Mayor if possible"

Section 35 Priority of Address

Included "After a motion is seconded and the mover has addressed the meeting, the seconder may address the meeting or reserve their address until later in the debate. The Chairperson may then call upon any Councillor who wishes to speak against the motion, then any other Councillors for and against the motion then debate in turn.

Except for the purposes of proposing an amendment or for the purposes of raising a point of order no Councillor may speak more than once on any motion."

Section 53 Public Question Time

S53.10 New section added in "A submitter to a question that has been disallowed will be notified in writing the reason/s for not allowing the question".

Section 62 Confirmation of Minutes

Amended to 96 hours in line with section 12.

Risk Implications

The Governance Rules are required to be adopted on or before 1 September 2020, under the legislative requirements of section (60) of the *Local Government Act 2020*.

Environmental Implications

Not applicable

Human Rights Implications

It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The Governance Rules satisfying s 60(1) of the Local Government Act 2020, primarily relating to the conduct of meetings and related procedures are presented to Council for endorsement.

9.9 REQUEST FOR RESERVE TO BE NAMED AFTER THE LATE JACK SCHIER

Author's Name:	Kylie Fischer	Director:	Graeme Harrison
Author's Title:	Co-ordinator Rates and Valuations	Directorate:	Corporate Services
Department:	Finance	File Number:	F27/A15/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To declare its intention to name a reserve on Mardon Drive, Horsham as 'Jack Schier Reserve'.

Summary

- Local residents who live on Mardon Drive, Graham and Julet Schultz, have requested that a section of the reserve off Mardon Drive be named to honour the late Jack Schier.
- Jack Schier contributed generously towards the health and welfare of the local community.
- The exact boundaries of the reserve will still need to be determined

Recommendation

That Council:

- Declare its intention to name a portion of the reserve alongside Burnt Creek, on Mardon Drive, Horsham after the late Jack Schier as 'Jack Schier Reserve'.
- Seek community comment on the proposed naming of the reserve.

Council Resolution

MOVED Cr Josh Koenig, Seconded Cr Mark Radford

That Council:

- Declare its intention to name a portion of the reserve alongside Burnt Creek, on Mardon Drive, Horsham after the late Jack Schier as 'Jack Schier Reserve'.
- Seek community comment on the proposed naming of the reserve.

CARRIED

REPORT

Background

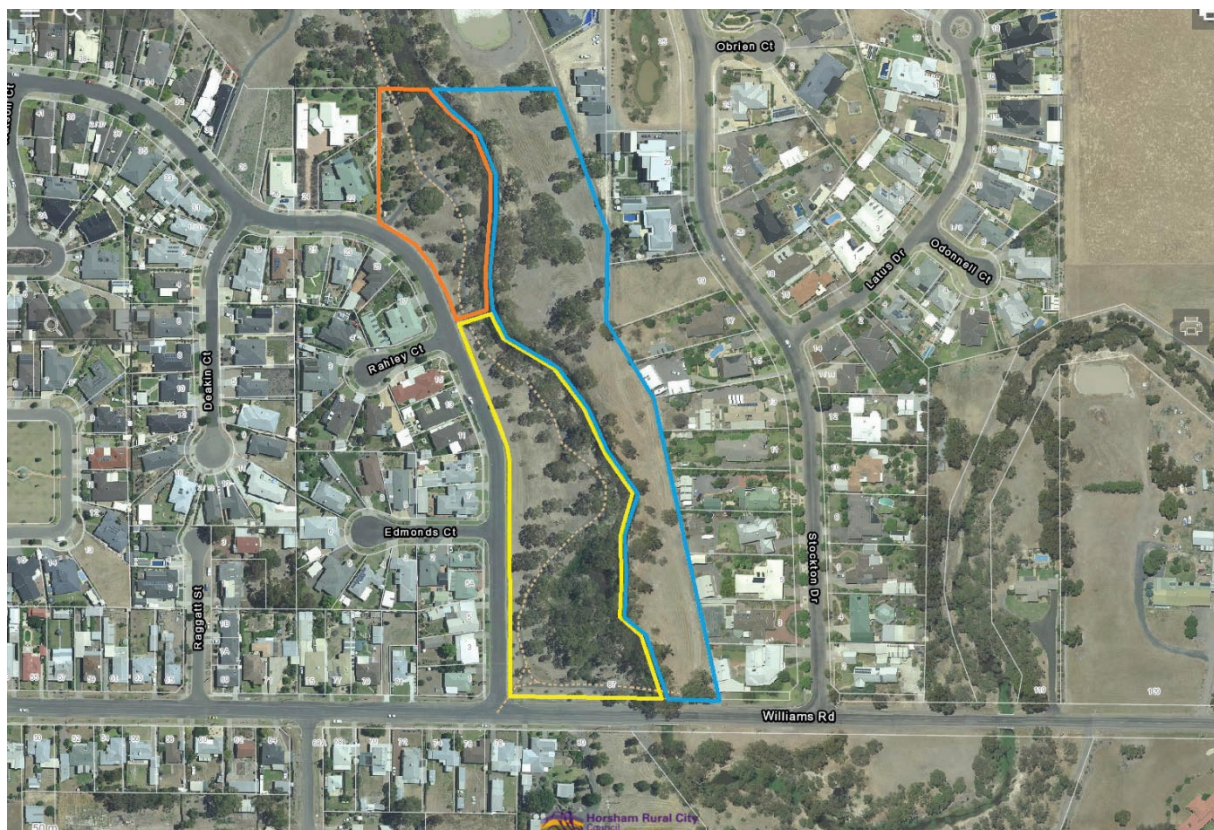
Jack Schier originally moved to Horsham in 1974 with his wife and adopted son, purchasing land at Haven. Jack's son had been diagnosed as disadvantaged and upon seeing the lack of facilities to cater for his son's needs, Jack donated 40 acres of his land to develop the Karkana Day Centre. He continued to have a strong interest in the development of this facility for many years until passing away in 2014.

Over the course of his life Jack Schier was known as a man who demonstrated a deep concern for the health and welfare of his community, and as a truly humble, charitable and generous benefactor to a number of community projects. He was actively involved in the Pleasant Creek Training Centre and Stawell Special Development School for a number of years, he financially assisted the Sunnyside Lutheran Rest Home, and was also a major contributor to the public appeal to build the Matron Arthur House Nursing Home which was opened at the Wimmera Base Hospital in 1987.

Schier Drive in Haven was named after Jack's brother, Donald Schier.

Discussion

The proposed naming for the reserve meets all official requirements. The only matter outstanding is the land that this reserve will actually cover. Three options have been identified (see below) and will be provided for consideration and comment by the community.



Financial Implications

This proposal has no direct financial implications for Council.

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan - Goal 4 – Governance and Business Excellence

Horsham Rural City Council Street Naming Policy

Geographical Place Names Act 1998 - Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities 2016

Consultation/Communication

No community consultation or engagement has yet taken place.

Consultation will be undertaken in accordance with the guidelines under Section 7.1 of the 'Naming Rules for Places in Victoria – Statutory requirements for roads, features and localities 2016'. This requires that Council promote the proposal to the immediate and extended community through various forms of media. This will be undertaken over a 28 day period.

Every effort will also be made to gain consent from the late Jack Schier's family members.

Risk Implications

No identified risks.

Environmental Implications

Not applicable.

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The name Jack Schier conforms to the principles in the Naming Rules for Places in Victoria – Statutory requirements for roads, features and localities 2016, and therefore may be used to name the reserve, subject to community feedback.

9.10 PUBLIC TRANSPARENCY POLICY

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Draft Public Transparency Policy (**Appendix “9.10A”**)

Purpose

To adopt the Public Transparency policy.

Summary

- The Public Transparency Policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the new *Local Government Act 2020* (the Act).
- Under the new legislation the Public Transparency Policy must describe the ways in which Council information is to be made publicly available. This Policy is relevant to s57 Public Transparency Policy and s58 The Public Transparency Principles and is essentially new legislation which strengthens transparency and the provision of information available to the public.
- The Public Transparency Policy is a new Policy and is based on a template obtained from Maddocks legal firm and has been prepared with consideration given to the Local Government Victoria (LGV) versions.
- Community feedback on the draft policy was sought over a 21-day period from 8 to 29 July 2020, with one submission received.

Recommendation

That Council adopt the Public Transparency policy attached as **Appendix “9.10A”**.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Josh Koenig

That Council adopt the Public Transparency policy attached as **Appendix "9.10A"**.

Amendment

MOVED Cr John Robinson, seconded Cr _____

That item 4.6.2.1, 4.6.2.2 and 4.6.2.3 be removed from the Public Transparency policy (**Appendix "9.10A"**).

Motion lapsed for want of a seconder.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Josh Koenig

That Council adopt the Public Transparency policy attached as **Appendix "9.10A"**.

CARRIED

REPORT

Background

The Local Government Act 2020 is a principles-based Act, removing the unnecessary regulatory and legislative prescription. One of the overarching principles of the new Local Government Act 2020 (the Act) is the “the transparency of Council decisions, actions and information is to be ensured” (s. 9(2)(i)).

Various sections of the previous Act and regulations specified transparency and consultation requirements including the timing and location of Council meeting notices, council websites and information to be published on them, and documents a Council must make available for public inspection, amongst other things. This is no longer the case, Councils must develop their own policies, in line with these underpinning principles. The Public Transparency policy is one of several policies that require adoption by Council on or before 1 September 2020 under the requirements of the Act.

Discussion

The Act says that a Council must adopt and maintain a Public Transparency Policy. The policy must, amongst other things give effect to the Public Transparency Principles listed at section 58 of the Act. The following are the Public Transparency Principles:

- (a) 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;
- (b) Council information must be publicly available unless –
 - (i) the information is confidential by virtue of this Act or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to members of the municipal community;
- (d) Public awareness of the availability of Council’s information must be facilitated.

This Public Transparency Policy supports Council in its ongoing commitment to good governance and the importance of open and accountable conduct, and how Council information is to be made publicly available. It also explains when Council information may be confidential, or when making it available may be contrary to the public interest.

Financial Implications

Not applicable

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

The Public Transparency policy has been reviewed in accordance with recommendations, guidelines and is based on a template provided by Maddocks legal firm.

The draft policy was circulated to the Leadership Team and other relevant Council Officers for feedback. It was endorsed by the Executive Management Team on 7 July 2020 and considered at the Council Briefing Meeting on 13 July 2020 and 10 August 2020.

The draft policy was placed on the Horsham Rural City Council website and promoted in Council's Public Notices pages in the Horsham Times and Weekly Advertiser newspapers on 10 and 15 July 2020. Community feedback was sought over a 21-day period from 8 to 29 July 2020.

One submission was received stating that *"From the community perspective the 'public interest test' needs to be more clearly defined to be more easily understood by the Community. It is clear from recent years that this is a very big issue locally, so maybe we need some more consultation/discussion to ensure that what is being prepared by staff for this policy, reflects the expectations of ratepayers for transparency."*

This feedback was taken into consideration, and as a result a definition of Public Interest Test has been included in the policy.

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

Conclusion

The Public Transparency policy is presented to Council for endorsement.

9.11 ADDITIONAL COUNCIL MEETING PRIOR TO ELECTION PERIOD

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F19/A10/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To schedule an additional Council Meeting prior to the commencement of the Election Period.

Summary

Scheduling an additional Council Meeting on 21 September 2020 will allow Council to consider urgent tenders and other matters which will be impacted by the election period which commences at 12 mid-day on 22 September 2020.

Recommendation

That Council schedule an additional Council Meeting on 21 September 2020.

SUSPEND STANDING ORDERS**MOVED Cr Alethea Gulvin, Seconded Cr Pam Clarke**

That the Council meeting be suspended.

CARRIED

The Council meeting was suspended at 7.41pm.

RESUME STANDING ORDERS**MOVED Cr Les Power, Seconded Cr Josh Koenig**

That the Council meeting resume.

CARRIED

The Council meeting resumed at 7.43pm.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Les Power

That Council schedule an additional Council Meeting on 21 September 2020.

CARRIED

Cr Mark Radford called for a division of Council

For the Motion:

Cr Mark Radford
Cr Alethea Gulvin
Cr Pam Clarke
Cr Les Power
Cr Josh Koenig

Against the Motion:

Cr John Robinson
Cr David Grimble

REPORT

Background

In accordance with the requirements under the *Local Government Act 2020, Local Government Act 1989*, and the Horsham Rural City Council (HRCC) Council Election Period Policy, Council should not make major policy decisions during the election caretaker period.

Decisions to enter into contracts that are valued at more than \$266,850 (for purchase of goods or services) or \$200,000 (for carrying out of works).

The amount of \$266,850 refers to 1% of Council's revenue from rates levied for 2018/19.

Discussion

Councils must comply with special arrangements in the lead up to elections, known as the Election Period (or Caretaker Period).

The Election Period has special arrangements in place for the 32 days prior to a council election. For 2020 October elections, the Election Period commences at 12 mid-day on Tuesday, 22 September 2020 and concludes on 6pm Saturday, 24 October 2020.

It is proposed to schedule an additional Council Meeting for 21 September to consider urgent tenders, including the Landfill Cell Construction and other matters which will be impacted by the election period.

Council's scheduled meeting date for Monday, 28 September 2020 will remain in place and will be conducted in accordance with HRCC's Council Election Period Policy and relevant legislative requirements.

Sustainability Implications

Not applicable

Financial Implications

Additional resources required will be Council Officers time.

Council Plans, Strategies and Policies

2020-2024 Council Plan
Goal 4 – Governance and Business Excellence

Risk Implications

If the tenders and other matters are not endorsed prior to the Caretaker Period it will impact on the delivery of some key Council functions.

Conclusion

An additional Council Meeting in September will allow the continuation of Council business prior to the election period.

9.12 CHIEF EXECUTIVE OFFICER'S OPERATIONAL REPORT

Author's Name:	Sunil Bhalla	Director:	Not applicable
Author's Title:	Chief Executive Officer	Directorate:	Not applicable
Department:	Chief Executive Office	File Number:	F06/A01/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To receive and note the Chief Executive Officer's Operational Report for August 2020.

Summary

The Chief Executive Officer's Operational Report highlights issues and outcomes affecting the organisation's performance and matters which may not be subject of Council reports or briefings.

Recommendation

That Council receive and note the Chief Executive Officer's Operational Report for August 2020.

Council Resolution

MOVED Cr Mark Radford, Seconded Cr Josh Koenig

That Council receive and note the Chief Executive Officer's Operational Report for August 2020.

CARRIED

REPORT

Background

At the 24 June 2019 Ordinary Meeting of Council, it was resolved that the Chief Executive Officer provide an operational report to Council.

Discussion

Key items of interest for the report period are summarised below.

A. Advocacy/Funding Announcements

Regional Cities Victoria: The Mayor and Chief Executive Officer attended a Regional Cities Victoria meeting on 30 July 2020 via zoom. The Hon Shaun Leane, Minister for Local Government was guest speaker and discussed the upcoming local government elections, affordable housing, Working for Victoria program and local government financing.

The Chief Executive Officer attended a Regional Cities Victoria meeting on Tuesday 11 August 2020 with The Hon Jacinta Allan, Minister for Transport Infrastructure, Minister for Coordination of Transport: Covid-19, Minister for the Suburban Rail Loop. The Minister provided an update on the planning for the Airport Rail link and rail upgrades to regional rail.

The Chief Executive Officer attended a Regional Cities Victoria meeting on 13 August 2020 and received an update on the Sustainable Subdivision Framework project. Over an 18 month period, and working alongside other regional and metro Councils, Council will be participating in a trial of the framework on new subdivisions.

Rural Council's Corporate Collaboration (RCCC) Board Meetings: The RCCC Board which includes the Chief Executive Officers of Hindmarsh, West Wimmera, Buloke, Yarriambiack, Loddon and Horsham had a meeting on 13 August 2020 and discussed their Terms of Reference, the draft project plan analysis, communications strategy, financial report and budget.

Wimmera Regional CEO Meeting: The Chief Executive Officer met via zoom with the Chief Executive Officers of Buloke, West Wimmera, Hindmarsh, Yarriambiack and Northern Grampians on 13 August 2020. An update from the WDA Executive Director and status of recruitment for the Regional Emergency Management project were the key items for discussion.

B. Community Engagement

Wimmera Riverfront Draft Concept Plan: Council is currently seeking feedback on the draft concept plans for the Wimmera Riverfront Activation Project (Stage one of the City to River Masterplan).

C. Projects and Events

Langlands Walking Track: Sealing and construction of the Langlands Walking Track on the south side of the Wimmera River is now complete, creating a sealed path on both sides of the river from the Wimmera River Bridge to the Weir for pedestrians and cyclists. This was a joint venture funded by the Horsham Rural City Council and Wimmera Catchment Management Authority.

Horsham Aquatic Centre Concourse: Works are underway at the Horsham Aquatic Centre. All of the old rubber concourse has been removed and the concrete surface is now being prepared before the new concourse is installed. These preparation works are set to be completed by the end of this week after which the new concourse will be installed. The project is expected to be completed by 11 September 2020, just before the proposed lifting of stage 3 restrictions.

D. Staff Matters

Reconciliation Australia Survey: Council is working with Reconciliation Australia to undertake a survey of employees. The research is being conducted by Polity Research and Consulting, an independent social research company, and all responses to this survey are strictly confidential. Input is vital to enable Council and Reconciliation Australia to understand how workplace diversity can best be improved.

Financial Implications

Not applicable

Links To Council Plans, Strategies, Policies

2020-2024 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

That Council receive and note the Chief Executive Officer's Operational Report for August 2020.

10. COUNCILLOR REPORTS AND ACKNOWLEDGEMENTS

Cr Mark Radford, Mayor

27 July 2020 – Ordinary Council Meeting (Virtual)
 28 July 2020 – ABC Radio Interview
 29 July 2020 – COVID-19 Agencies Meeting (Virtual)
 30 July 2020 – Regional Cities Victoria with Minister Hon Shaun Leane (Virtual)
 30 July 2020 – Audit & Risk Committee (Virtual)
 30 July 2020 – MAV Mayoral Forum (Virtual)
 30 July 2020 – Wimmera River Precinct #1. Webinar (Virtual)
 31 July 2020 – ‘Be Kind’ WSM Media/Councils (Virtual)
 31 July 2020 – Mrs Dorothy Conn, Arch’s 100th Birthday
 3 August 2020 – Aboriginal Advisory Committee (Virtual)
 3 August 2020 – Ordinary Council Meeting (Virtual)
 3 August 2020 – Briefing Meeting Virtual)
 5 August 2020 – ABC Radio Interview
 5 August 2020 – Business Visits...Dadswells Bridge
 5 August 2020 – COVID-19 Agencies Meeting (Virtual)
 5 August 2020 – VLGA Candidate Information Session (Virtual)
 7 August 2020 – WSM Media /Councils (Virtual)
 7 August 2020 – ‘Be Kind’ WSM Media/Councils (Virtual)
 10 August 2020 – Dr Anne Webster (MP) Tele-conference
 10 August 2020 – Briefing Meeting (Virtual)
 11 August 2020 – Regional Cities Victoria with Minister Hon. Jacinta Allan (Virtual)
 11 August 2020 – RCV Mayors Meeting (Virtual)
 12 August. 2020 – Business Visits
 12 August 2020 – COVID-19 Agencies Meeting (Virtual)
 14 August 2020 – Business Visit
 17 August 2020 – ABC Radio Interview (Damaged Trees)
 17 August 2020 – CEO Meeting
 19 August 2020 – COVID-19 Agencies Meeting (Virtual)
 21 August 2020 – Local Government Victoria Meeting (Virtual)
 21 August 2020 – ‘Be Kind’ WSM Media/Councils (Virtual)
 22 August 2020 – VLGA Candidate Information Session (Virtual)

SUSPEND STANDING ORDERS

MOVED Cr Josh Koenig, Seconded Cr Les Power

That Standing Orders be suspended for Verbal Councillor Reports and Acknowledged.

CARRIED

The time being 7.45pm, the Council meeting was suspended.

RESUME STANDING ORDERS

MOVED Cr Pam Clarke, Seconded Cr Les Power

That Standing Orders resume.

CARRIED

The time being 7.51pm, the Council meeting resumed.

Council Resolution

MOVED Cr Alethea Gulvin, Seconded Cr Josh Koenig

That the Councillor Reports and Acknowledgements be received.

CARRIED

11. URGENT BUSINESS

Nil

12. PETITIONS AND JOINT LETTERS

Nil

13. PROCEDURAL BUSINESS**13.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS**

Council Briefing Meeting held on Monday 3 August 2020 at 6.52pm via Zoom (Video Conferencing)

Council Briefing Meeting held on Monday 10 August 2020 at 5.04pm via Zoom (Video Conferencing)

Refer to **Appendix “13.1A”**

13.2 SEALING OF DOCUMENTS

Nil

13.3 INWARD CORRESPONDENCE

Nil

13.4 COUNCIL COMMITTEE MINUTES

Horsham Tidy Towns Committee Meeting held on Tuesday 21 July 2020 at 2.00pm

Western Highway Action Committee meeting held on Friday 7 August 2020 at 10.00am

Refer to **Appendix “13.4A”**

Recommendation

That Council receive and note agenda items:

- 13.1 Assembly of Councillors – Record of Meetings
- 13.2 Sealing of Documents
- 13.3 Inward Correspondence
- 13.4 Council Committee Minutes.

Council Resolution**MOVED Cr Mark Radford, Seconded Cr Pam Clarke**

That Council receive and note agenda items:

- 13.1 Assembly of Councillors – Record of Meetings
- 13.2 Sealing of Documents
- 13.3 Inward Correspondence
- 13.4 Council Committee Minutes.

CARRIED

14. NOTICE OF MOTION

Nil

15. CONFIDENTIAL MATTERS

Council Resolution

MOVED Cr Josh Koenig, Seconded Cr Les Power

That the meeting close to the public to consider Confidential Matters.

CARRIED

The time being 7.58pm, the meeting closed to the public.

CLOSE

After dealing with Confidential Matters, the meeting closed at 8.07pm



The Mayor, Cr Mark Radford
Chairperson