



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale

Tuesday 21 December 2021, commencing at 6:00 PM

**or join Wellington on the Web:
www.wellington.vic.gov.au**

**ORDINARY MEETING OF COUNCIL
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COUNCIL MEETING INFORMATION

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Please could gallery visitors and Councillors ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present"

PRAYER

"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."

Amen

1. APOLOGIES

2. DECLARATION OF CONFLICT/S OF INTEREST

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 7 December 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 December 2021.

CONFLICT OF INTEREST

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

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

5. ACCEPTANCE OF LATE AND URGENT ITEMS

6. NOTICE/S OF MOTION

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

10. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

NOVEMBER 2021

18 November	Wellington Shire Residential Stocktake Facilitation Strategy, online	Cr Maher, Cr McKenzie, Cr Rossetti, Cr Wood, Cr Tatterson and Cr Crossley attended
19 November	One Gippsland Mayoral Meeting and November Board Meeting, via videoconference	Mayor and CEO attended
	Residential Opening - Mirridong Services	Cr Maher and Cr Stephens attended
	ABC's Emergency Broadcasting Campaign, Heyfield	Cr Ripper attended
	SEATS Quarterly meeting, online	Cr Tatterson attended
22 November	Visit with David Page, West Sale with other council representatives	Mayor attended
	Met with H2X CEO, Brendan Norman and Brett Singh, in person	Mayor and CEO attended
	Yarram LDS Key Connections meeting, online	Cr Stephens attended
23 November	Official Opening - Cameron Sporting Complex Stadium Redevelopment Project	Mayor, CEO, Cr McKenzie, Cr Stephens, Cr Ripper and Cr Tatterson attended.

	Wellington Shire Council & One Gippsland: Pre-Budget Submission	Mayor and CEO attended
24 November	Sale Tennis Centre Opening	Mayor, CEO, Cr Stephens and Cr Tatterson attended.
	Wellington Shire Council Audit and Risk Committee Meeting, online	Mayor, CEO, Cr McKenzie and Cr Stephens attended.
24 November	Final Archibald Project Steering Committee meeting	Cr Crossley attended.
25 November	One Gippsland - Delegation Meeting with Minister Martin Pakula, online	Mayor attended.
	Municipal Emergency Management Planning Committee Meeting	Cr Wood and Cr Crossley attended.
26 November	Civic Reception, Recognition of Gippsland Lioness Clubs, Sale	Mayor, CEO and Cr Ripper in attendance.
	Lions Club Convention – Opening Night	Mayor and Cr Stephens attended.
	Gippsland Local Government Waste Forum, online	Cr Maher attended.
	CAG meeting & end of year breakup, Bundalaguah	Cr McKenzie attended.
	Meeting to discuss funding for possible generator/tool library, Yarram	Cr Stephens attended.
	Yarram Debutant Ball	Cr Maher and Cr Stephens attended.
29 November	Meeting with Energy Australia, David Burt, to discuss Yallourn Closure and Morwell River Diversion, online	Mayor and CEO in attendance.
	Capital Planning Overview, online meeting	Mayor, Cr McKenzie and Cr Tatterson attended.

30 November

Councillor Community Conversation, Yarram

Mayor, CEO,
Cr Maher,
Cr McKenzie,
Cr Stephens,
Cr Ripper and
Cr Crossley
attended.

**COUNCILLOR IAN BYE
MAYOR**

11. YOUTH COUNCIL REPORT

11.1. YOUTH MAYOR'S REPORT

ACTION OFFICER: YOUTH DEPUTY MAYOR, RIVER MAYMAN

RECOMMENDATION

That Council receive the Youth Mayor's Quarterly Report.

This year the Youth Council has overcome many obstacles. Things like frequently being between online and face to face meetings, inability to hold events and the challenge of engaging young people within Wellington online.

Our social media presence is something that we have greatly improved on - made necessary as we have been unable to engage young people in a traditional manner. We have spent our time cultivating engaging social media posts and infographics about the things we have been up to while in lock down.

When I started writing this report, we had only held one event to date - a successful Queer Ball between lockdowns, but as I finish, we've been able to also hold one of our key events, Upswing - Youth Mental Wellbeing festival. We had a lot of support with Upswing this year and it was a fantastic team effort, which enabled us to quickly move the event from outdoors to an indoor location at the Sale Memorial Hall - nobody wanted another postponed event! All youth groups supported by the Shire participated - AXIOS (renamed OPAL group, supporting young LGBTIQ members of our community), HEDGE (a group of home-schooled young people), Propellor providing a live music stage, and of course us, 2021 Wellington Shire Youth Councillors. In every area, Upswing 2021 promoted the 5 Ways of Wellbeing, which is really important to us a team.

We decided to adopt the 5 Ways of Wellbeing as a framework for the 2020 Upswing festival believing that it would provide a consistent message for the festival over the years. Over the last year our relationship with the Royal Melbourne Hospital health promotions team, and the health prevention framework that is 5 Ways to Wellbeing, has really grown. Youth Council is now a partner with the Royal Melbourne Hospital and the 5 Ways program, and the shire has begun a project with VicHealth which is aimed at introducing Wellington 5 Ways to Wellbeing to all of our secondary students. This will begin next year. We are wanting everyone to have a common understanding of what they can do to stay mentally fit. 5 Ways is simple - there are five things we can all do that will help us stay mentally fit.

1. Connect with others
2. Continually learn
3. Be active
4. Be aware
5. Help others

Being fit does not mean we won't become unwell, but we will certainly be better placed to recover more quickly.

Over the last few weeks, I have been involved in interviewing applicants for the 2022 Wellington Shire Youth Council. I really enjoyed this experience and was blown away by the

enthusiasm and passion displayed. I believe it's going to be a really active year for Youth Council in 2022.

From all of the 2021 Wellington Shire Youth Council team, I'd like to thank Wellington Shire Council for their continued support of us and this program. It is amazing how much we have all learnt about ourselves and our community in this program.

**RIVER MAYMAN
DEPUTY YOUTH MAYOR**

12. DELEGATES REPORT

13. CHIEF EXECUTIVE OFFICER

13.1. CHIEF EXECUTIVE OFFICER'S REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

1 NOVEMBER 2021 – 30 NOVEMBER 2021

- | | |
|-------------|--|
| 4 November | Attended Breakfast with Federation University webinar, regarding 'Our Communities, Our Environment', an opportunity to learn about the significant work researchers across Victorian campuses are doing locally, nationally and internationally. |
| 8 November | Attended Rural Gippsland MAV Regional Meeting, online.

Online meeting with Michelle Young, Deputy Commissioner, Community Safety, Fire Rescue Victoria. |
| 9 November | Attended meeting with Brett Singh (H2X) and WSC representatives to discuss proposed plans of the Gippsland Circular Economy Precinct.

Attended meeting with Brett Singh (H2X) and WSC representatives to discuss proposed plans of the Gippsland Circular Economy Precinct. |
| 10 November | Attended DJPR, CEOs and MAV forum with other Council CEO's, online.

Attended online meeting with representatives from Homes Victoria.

Attended online meeting with Gippsland Water, to discuss the Gippsland Regional Organics expansion project. |
| 11 November | Attended Remembrance Day at Maffra cenotaph, for wreath laying service.

Attended One Gippsland Delegation Meeting with Hon Minister Jacinta Allan, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop. |
| 12 November | Attended Rural Councils Victoria Committee Meeting online, Research and Reports Review. |
| 15 November | Tele conference with Grant Radford, TAFE Gippsland. |
| 17 November | Attended ESSO Gippsland Virtual Stakeholder Liaison Meeting, online. |

- 18 November Attended Gippsland Women’s Health Annual General Meeting, online.
- 19 November Attended One Gippsland: Mayor Meeting & Induction and the One Gippsland November Board Meeting.
- Attended Information Session for Regional Stakeholders, online.
- COVID-19 Local Government CEO’s Briefing, via Microsoft Teams.
- 22 November Attended meeting with Brendan Norman (H2X CEO) and Brett Singh, discuss potential locations and projected outputs of the Gippsland Circular Economy Precinct.
- Teleconference with Gippsland Water to discuss briefing on Central and Gippsland Sustainable Water Strategy.
- 23 November Attended Official Opening – Cameron Sporting Complex Stadium Redevelopment Project.
- Teleconference with One Gippsland regarding Pre Budget Submission.
- 24 November Attendance Official Opening – Sale Tennis Centre.
- Attendance online meeting of the WSC Audit & Risk Committee.
- 26 November Attendance Destination Gippsland AGM and Board Meeting, online.
- Attended Civic Reception, Recognition of Gippsland Lioness Club.
- 29 November Meeting with Energy Australia, David Burt, to discuss Yallourn Closure and Morwell River Diversion, online.
- 30 November Attended Councillor Community Conversation, Yarram.

14. GENERAL MANAGER CORPORATE SERVICES

14.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 29 November 2021 to 12 December 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 29 November 2021 to 12 December 2021.

BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 29 November 2021 to 12 December 2021.

ATTACHMENTS

1. Assembly of Councillors - WLWDCC - 2 December 2021 [14.1.1 - 1 page]
2. Assembly of Councillors - Council Day - 7 December 2021 [14.1.2 - 2 pages]

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 29 November 2021 to 12 December 2021.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

ASSEMBLY OF COUNCILLORS – 2 DECEMBER 2021

ATTACHMENT 14.1.1

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
WELLINGTON LIVING WELL DURING COVID-19 COMMITTEE	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	No		D Morcom, CEO	No	
	Cr Carolyn Crossley	Yes		A Skipitaris, GMCS	No	
	Cr John Tatterson	No		K Mc Lennan, A/GMC&C	Yes	
	Cr Ripper	No		C Hastie, GMB&NE	No	
	Cr McKenzie	No		B McAlister, GMD	Yes	
	Cr Gayle Maher	No				
	Cr Jill Wood	No				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Sam Matthews A/MR&E			Received reports from Economic Subgroups re VCC EM outreach			
Julie Baker, admin			Update from DoE, VicPol, DJPR			
Michelle Hibbert, DET			Discussion on focus areas for this group in 2022			
Trevor Barton, VicPol						

ASSEMBLY OF COUNCILLORS – 7 DECEMBER 2021

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye	Yes	Cr Stephens	Yes	N/A
	Cr Crossley	Yes	Cr Tatterson	Yes	N/A
	Cr McKenzie	Yes	Cr Wood	Yes	N/A
	Cr Maher	Yes	David Morcom, CEO	Yes	N/A
	Cr Ripper	Yes	Viktoria Pope, EA CEO	Yes	N/A
	Cr Rossetti	Yes	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye	Yes	Cr Tatterson	Yes	N/A
	Cr Crossley	Yes	Cr Wood	Yes	N/A
	Cr McKenzie	Yes	David Morcom, CEO	Yes	N/A
	Cr Maher	Yes	Arthur Skipitaris, GM Corporate Services	Yes	N/A
	Cr Ripper	Yes	Karen McLennan, Actg. GM C & C	Yes	N/A
	Cr Rossetti	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Stephens	Yes	Brent McAlister, GM Development	Yes	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
Workshops (cont.)	BRIEF UPDATES IT SECURITY UPDATE	Phillip Phillipou, Manager Information Services <i>Conflict of Interest: Nil</i>
	1. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL SERVICES AND ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> • Brent McAlister, General Manager Development • Joshua Clydesdale, Manager Land Use Planning • Kate Foster, Manager Economic Development • Vanessa Ebsworth, Manager Municipal Services <i>Conflict of Interest: Nil</i>
	2. CAMERON STADIUM PROJECT EVALUATION	<ul style="list-style-type: none"> • Sam Matthews, Acting Manager Recovery and Emergencies <i>Conflict of Interest: Nil</i>
	3. BUSINESS CASE TO RESPONDING TO EARLY YEARS REFORM	<ul style="list-style-type: none"> • Catherine Vassiliou, Acting Manager Communities, Facilities and Emergencies <i>Conflict of Interest: Nil</i>
	4. AQUA ENERGY FUNDING AND REVISED DESIGN	<ul style="list-style-type: none"> • Ross McWhirter, Manager Leisure Services <i>Conflict of Interest: Nil</i>
	5. REVIEW FEEDBACK FROM IMPLEMENTATION PLAN AND COMMUNITY ENGAGEMENT FOR EARLY YEARS INFRASTRUCTURE PLAN, COMMUNITY INFRASTRUCTURE PLAN AND SPORTING INFRASTRUCTURE PLAN	<ul style="list-style-type: none"> • Mark Benfield, Coordinator Community Facilities Planning • Bodye Darvill, Coordinator Community Committees • Catherine Vassiliou, Acting Manager Communities, Facilities and Emergencies <i>Conflict of Interest: Nil</i>
	6. FULHAM SOLAR FARM – PLANNING APPLICATION / SUBMISSION	<ul style="list-style-type: none"> • Joshua Clydesdale, Manager Land Use Planning <i>Conflict of Interest: Nil</i>
	7. SALE SENIOR CITIZENS CENTRE UPDATE	<ul style="list-style-type: none"> • Karen McLennan, Acting General Manager Community and Culture <i>Conflict of Interest: Nil</i>

14.2. AUDIT & RISK COMMITTEE MINUTES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 24 November 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 24 November 2021 (Attachment 1) and the confidential attachment Audit & Risk Committee Minutes of 24 November 2021 (Attachment 3);***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 24 November 2021 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 2 December 2021 because it relates to the following grounds: e) legal privileged information; and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

BACKGROUND

Council maintains an Audit & Risk Committee in accordance with section 53 of the *Local Government Act 2020*. The Audit & Risk Committee is an independent advisory Committee to Council and its primary objective is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development. Minutes of the Audit & Risk Committee are reported direct to Council.

A copy of the minutes in brief from the Audit & Risk Committee meeting of 24 November 2021 can be found at Attachment 1 of this report and is provided for the information of Council and the public in general.

ATTACHMENTS

1. Audit & Risk Committee - Minutes in Brief - 24 November 2021 [**14.2.1** - 17 pages]
2. Confidential Header Audit & Risk Committee 24 November 2021 [**14.2.2** - 1 page]
3. CONFIDENTIAL REDACTED - Audit & Risk Committee - Full Minutes - 24 November 2021 [**14.2.3** - 239 pages]

OPTIONS

Council has the following options available:

1. To receive and note the minutes from the Audit & Risk Committee meeting of 24 November 2021; or
2. To seek further information and consider the minutes at a future meeting.

PROPOSAL

To receive and note the minutes of the Audit & Risk Committee meeting held on 24 November 2021.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The *Local Government Act 2020*, section 53(1) requires Council to establish an audit committee. Council's Audit & Risk Committee is an Advisory Committee to Council and operates within the Terms of Reference and Charter adopted by Council.

The Audit & Risk Committee Terms of Reference require the minutes of the Audit & Risk Committee to be forwarded to an ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes. The Audit & Risk Committee is also required to report bi-annually to the Council summarising the activities of the Committee during the previous financial year.

This report complies with the legislative requirements and the Audit & Risk Committee Terms of Reference requirements.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Outcome 4.1: "A financially sustainable, high performing organisation."

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

The Audit & Risk Committee Charter identifies the management of risk as one of the primary objectives of the Audit & Risk Committee. The Audit & Risk Committee monitors the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.

WELLINGTON SHIRE COUNCIL AUDIT & RISK COMMITTEE MINUTES IN BRIEF – 24 NOVEMBER 2021

Present: Mr Chris Badger (Chair)
Ms Kiah Cashman
Ms Sarah Heath
Councillor Marcus McKenzie
Councillor Garry Stephens

In attendance: Mr David Morcom (Chief Executive Officer)
Mr Arthur Skipitaris (General Manager Corporate Services)
Mr Ian Carroll (Manager Corporate Finance)
Ms Cassandra Sandeman (Coordinator Procurement) (Item 11)
Mrs Sheryl Saynor (Executive Support Officer)

1. Welcome

The Chair welcomed Sarah Heath to her first meeting of the Committee as an Independent Member.

2. Apologies - Nil

3. Closure of Meeting to Public:-

***Councillor Stephens/Kiah Cashman
That the meeting be closed to the public under Section 66(5) of the Local Government Act 2020 to discuss legal privileged information and information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

CARRIED

4. Declaration of Conflict(s) of Interest:-
Nil

5. Adoption of Previous Minutes – 16 September 2021:-

***Kiah Cashman/Councillor Stephens
That the Committee adopt the minutes of the previous meeting held on 16 September 2021.***

CARRIED

6. In Camera Session (conducted at 1.30pm)

The Chair advised that the Committee discussed various items during the In Camera Session and agreed to take Items 13, 14, 15 and 20 – 22 as read.

7. Action Items from Previous Minutes

Arthur Skipitaris agreed to provide an update to the Committee on strategic risks at the February 2022 meeting.

It was agreed to provide the Committee with the update on the status of the findings in the Final Management Letter via email, rather than tabling it at the February 2022 meeting.

Councillor Stephens/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

8. Internal Audit Reports

Irene Hills-Jones and Kapil Kukreja from HLB Mann Judd attended the meeting.

Irene summarised the final report of the review of financial systems controls.

Councillor Stephens queried how does Council make sure that supplier ABNs are up to date and registered?

Ian Carroll advised that is something that could be included in the e-tendering framework. The ABN Lookup facility will also assist with that.

Sarah Heath queried the dates of the Purchase Orders provided in the table under Finding number 4 as they were all within a 12 day period.

Kapil Kukreja suggested it was probably a coincidence as the purchases were from different areas of the organisation but undertook to review their files and provide a response to the Committee.

Councillor McKenzie queried the authorisation of Purchase Order number 319412 by an officer who did not have the appropriate delegation.

Irene advised that this occurred prior to the introduction of the automated workflow and would have been a manual process. The new system will prevent that from happening in the future.

Irene summarised the final report of the review of Occupational Health and Safety and provided background as to why the review had been undertaken.

Arthur Skipitaris advised that in addition to the practices identified in the review, Council is also undertaking other reviews in this space which involve comparing ourselves against the new ISO standards and working through an action plan to address any gaps that have been identified.

Councillor Stephens queried whether the OH&S Committee has the power to make adverse findings against Management.

Arthur advised that both the Committee and individuals can report any concerns or issues which is escalated to senior management if not dealt with.

Sarah Heath left the meeting at 2.37pm.

Kiah Cashman queried whether the various documents listed under Positive Aspects of Control could be amended outside the review dates should there be changes to international standards or legislation.

Arthur confirmed they could.

Chris Badger queried whether Contractors are included in Council's OH&S policies and how the audit had considered mental health.

Arthur undertook to follow up and advise the Committee in relation to the inclusion of Contractors.

Sarah Heath returned to the meeting at 2.42pm.

Kipal Kukreja summarised the final report of the Follow Up review.

Chris Badger commented on the delay in finalising the review and update of the Arts and Culture Strategy.

Arthur advised this was a low risk and is a result of staff vacancies and covid implications.

Kapil advised that Wellington's results in the Follow Up review were good in comparison to other metro and regional councils that he oversees.

Kiah Cashman spoke of the importance of staying on top of the outstanding actions, despite outside impacts, such as covid, floods, staff vacancies etc.

Councillor McKenzie stressed the importance of the training calendar given the number of staff employed during covid.

Arthur stressed that it is important to recognise that the training is still being conducted as required with follow up reminders.

David Morcom spoke of the previous work undertaken on the Workforce Management Plan and advised that he has not placed additional pressure on HR to finalise this, to this point, as he believes there are other requirements in that space that have a higher priority. However, Arthur advised that the work is now due by 31 December 2021 and will be completed.

Chris advised that he feels the Workforce Management Plan is a fundamental requirement that allows an organisation to match demand versus supply of resources.

David responded to say that he is comfortable that the work Council has done in the last 4 to 5 years around workforce planning is reasonably tight.

Chris thanked the Auditors for their reports and their attendance.

Irene and Kapil left the meeting at 2.59pm.

Kiah Cashman/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

9. Status of Audit Recommendations

The Committee identified various outstanding actions that they had queries with. Arthur undertook to respond to the queries via email, rather than wait for the next agenda.

Sarah Heath/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

10. Status of Identified Improvements from various Agencies

Councillor McKenzie/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

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be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

11. Review of Council Policies

Cassandra Sandeman, Coordinator Procurement joined the meeting at 3.27pm.

Cassandra took the Committee through the Council presentation on the draft Procurement Policy and took questions from the Committee.

Chris Badger queried whether metro Councils have a higher tender threshold given the size of their budgets.

Cassandra advised that some actually have a lower threshold and, as a result, experience a back log of tenders requiring approval.

Sarah Heath queried the use of petty cash.

Cassandra advised that petty cash is being phased out and is only to be used as a last resort.

Councillor McKenzie queried whether we need to include a clause in the Policy about the need for suppliers to be covid compliant.

Cassandra advised that is already in place, via the Rapid system which requires all suppliers to provide evidence of their covid compliance.

At this point, the Committee members offered various suggestions for inclusions and amendments to the draft Policy. Management undertook to make those changes agreed to prior to the Policy going to Council for approval in December. The Committee endorsed the Policy subject to the changes agreed to.

The Chair thanked Cassandra for her attendance and great presentation and she left the meeting at 4.22pm.

Kiah Cashman/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

12. Review of Audit & Risk Committee Charter

Chris Badger suggested including a clause in relation to:

- endorsement of key documents and reports
- efficiency and effectiveness of internal audit function
- involvement of the Chair in the selection of independent members
- monitoring the performance of the Committee

and agreed to provide examples.

Chris Badger suggested including extra detail in relation to the half yearly report to Council, including the process of preparation of the report, review by Committee and presentation to Council by the Chair.

It was agreed to amend as such.

Sarah Heath pointed out that the detail under (a) in the "Meetings" section is not accurate in terms of what items are considered at each quarterly meeting. It was agreed to update this section.

It was agreed that the Committee would be provided with an amended Charter based on the feedback received prior to it going to Council for approval.

Kiah Cashman/Sarah Heath

That the Audit & Risk Committee recommend to Council that it approve the suggested amendments to the Committee Charter and Terms of Reference.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED



AUDIT & RISK COMMITTEE

CHARTER

Reviewed November 2020

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

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

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

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

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

AUDIT & RISK COMMITTEE

TERMS OF REFERENCE

1 General

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

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

2 Membership

- (a) The Audit & Risk Committee will comprise of two Councillors, and three external independent persons with suitable knowledge and experience, all appointed by Council for periods varying to a maximum term of 3 years. External members may be re-appointed for subsequent terms, to a maximum of 9 years, following a public advertising process in accordance with 2 (b). A quorum shall be 3 (with a minimum of 2 independent members). The Chairperson shall be an external independent person elected on an annual basis at the first meeting of the Committee in the calendar year. The Chairman's term will overlap the term of appointed Councillors to ensure continuity. The Chief Executive Officer should be required and entitled to attend all Audit & Risk Committee meetings.

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

- (b) Appointments of external persons shall be made by Council by way of a public advertisement and be for a maximum term of three years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.
- (c) If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.

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

3 Meetings

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

4 Planning

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

5 Reporting

- (a) The Audit & Risk Committee shall after every meeting forward the minutes of that meeting to the next practical ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- (b) The Committee shall report to the Council on a half yearly basis, or as required by Council, via a Council Workshop, describing the activities of the Committee and including its findings and recommendations (as per Section 54(5) of the *Local Government Act 2020*). The report shall be prepared by Management and the

| Committee Chair, endorsed by the Committee and presented to Council by the Chair.
| A copy of this report is to also be tabled at a Council meeting.

- (c) The Chairperson may require any report prepared by the Audit & Risk Committee to be listed on the agenda for the next practical ordinary meeting of the Council.

AUDIT & RISK COMMITTEE

LIST OF DUTIES AND RESPONSIBILITIES

(a) The following are the duties and responsibilities of the Audit & Risk Committee in pursuing its Charter:

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

- compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- (10) Annually, make a recommendation to Council on the fairness of the annual financial statements. Review any significant changes that may arise subsequent to any such recommendation but before the financial statements are signed.
- (11) Discuss with the external auditor the scope of the audit and the planning of the audit.
- (12) Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- (13) Review the annual performance statement and make a relevant recommendation to Council.
- (14) Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- (15) Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate with reports on any such matters to be reviewed by the Audit & Risk Committee including any incidents of fraud/corrupt conduct or suspected fraud/corrupt conduct.
- (16) Monitor the effectiveness of fraud and corruption prevention practices.
- (17) Monitor the progress of any major legal issues facing the Council.
- (18) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- (19) Monitor compliance with other "non-financial" legislated policies (e.g. EEO, OH&S etc).
- (20) Receive a report detailing all reimbursements made to Councillors and members of a delegated committee, as per section 40 of the *Local Government Act 2020*.
- (21) The Audit & Risk Committee Chair in conjunction with Council and the Chief Executive Officer should develop ~~the Committee's~~ performance indicators (as discussed with the Committee) and monitor the performance of the Committee against these. These should consider the effectiveness and efficiency of the Committee.
- (22) The Audit & Risk Committee will complete an annual evaluation of the Committee's performance at the May meeting.
- (23) Should there be a conflict of interest for outsourced internal audit providers who perform other consultancy work for the Council, the issue will be brought before the Audit & Risk Committee for deliberation.
- (24) Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies, risk framework and other documents that assist in maintaining a strong internal control environment.

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(b) The Audit & Risk Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

13. Summary of Gifts Register

Councillor Stephens/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

14. IBAC Research Report – Corruption risks associated with government funded human services delivered by community service organisations

Kiah Cashman/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

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(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

15. Local Government Inspectorate Report: Personal interest returns: Encouraging disclosure and increasing transparency

Sarah Heath/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

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(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

16. Information Services & Cyber Security Update

It was agreed to consider the frequency of penetration testing at the February 2022 meeting.

Councillor McKenzie/Kiah Cashman

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

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be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

17. Financials and Council Plan Highlights

Sarah Heath queried why the depreciation was considerably higher than budget in October.

Ian Carroll advised that was a result of staff in Assets recalculating and processing journals in the first 4 months of the financial year. He also offered to take Sarah through an induction of the financial system if she was interested.

The Chair agreed it would be beneficial to take Sarah through a formal induction and he was happy to participate if required. Arthur undertook to arrange with Sarah.

Councillor Stephens/Councillor McKenzie

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

18. Fraud Report

Councillor Stephens/Kiah Cashman

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

19. Excessive Staff Leave

Chris Badger suggested that, as part of this item at the next meeting, the Committee receive feedback from Management on what is being done to minimise the risk that excessive staff leave poses to the organisation.

Councillor McKenzie/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the Report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

(1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

20. Current Key Risk Matters

Kiah Cashman/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

21. Insurance Report

Councillor Stephens/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

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be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

22. Register of Commissioned Reports

Sarah Heath/Councillor Stephens

That the Audit & Risk Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 17 November 2021 because it relates to the following grounds:

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

23. General Business

Nil

24. Rotating Assessment of and Feedback on Meeting

Kiah Cashman thanked everyone for contributing and made the following observations about the meeting:

- The agenda items were appropriate and circulated within time
- The presentations were very positive and complimentary to the report and commended Cassandra on her efforts
- Good authentic discussions
- Chair kept us on track even though we went over time
- Feedback from Management was well received and provided context for areas of concern

- Actions resulting from the meeting are relevant.

David Morcom suggested that if Committee members have specific questions they should feel comfortable to approach Arthur, Ian or himself prior to the meeting so that we can focus on the key priorities in the agenda.

The Committee agreed to put into practice.

Kiah also suggested that when reviewing policies, it is helpful to receive a marked up version. Arthur agreed to ensure that happens in future.

THERE BEING NO FUTHER BUSINESS THE MEETING CLOSED AT 4.45PM.



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 21 DECEMBER 2021

On this 2 December 2021, in accordance with Section 3(1) Confidential Information of the *Local Government Act 2020*; I, Arthur Skipitaris (Delegate) declare that the information contained in the attached document **WELLINGTON SHIRE COUNCIL AUDIT & RISK COMMITTEE - MINUTES** is confidential because it relates to the following grounds:

- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; and
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.


.....

General Manager Corporate Services (Delegate)

14.3. ADOPTION OF THE PROCUREMENT POLICY

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to approve and adopt Council's revised Procurement Policy following reforms arising from the *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council approve and adopt Council's revised Procurement Policy, as attached.

BACKGROUND

Under section 108 of the Act, Council must, by 31 December 2021, prepare and adopt a Procurement Policy which specifies the principles, processes and procedures that apply in respect of the purchase of goods and services by Council, including the carrying out of works.

Council's existing Procurement Policy has been reviewed against section 108 of the Act and the revised Policy was considered by Council at a workshop on 19 October 2021. The draft policy was also reviewed by the Audit & Risk Committee at a meeting held on 24 November 2021, with their suggested amendments incorporated into the policy before the Committee endorsed the Procurement Policy as attached.

ATTACHMENTS

1. Procurement Policy 2021 [**14.3.1** - 25 pages]

OPTIONS

Council has the following options available:

1. Adopt the revised Procurement Policy, as attached; or
2. Request further review and amendment of the revised Procurement Policy, for consideration at a future Council meeting; or
3. Not adopt the revised Procurement Policy, as attached.

PROPOSAL

That Council adopt the revised Procurement Policy, as attached.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Section 108 of the *Local Government Act 2020* stipulates that Council must, by 31 December 2021, prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by Council, including the carrying out of works.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Outcome 4.1: *"A financially sustainable, high performing organisation."*

Strategic Outcome 4.2: *"Services deliver operating efficiencies and best value."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

PROCUREMENT POLICY

Policy Number:	2.2.4
Approved by	Council
Date Approved/Effective:	21 December 2021
Date of Next Review:	21 December 2025
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Risk Management Policy Fraud Control Policy Best Value and Competitive Neutrality Climate Change and Sustainability Policy Conflict of Interest Policy Fleet Guidelines
Related Documents:	Nil
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government Act 2020</i>

OVERVIEW

To provide guidance to the Council to allow consistency and control over procurement activities.

THE POLICY

1. Principles

1.1 Policy Objective

The objective of this Policy is to:

- facilitate compliance with relevant legislative requirements;
- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in local government purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.2 Associated Policies, Guidelines and Procedures

This Policy forms part of Council's overall procurement policies and guidelines and should be read in conjunction with the following:

- Wellington Shire Council (WSC) Tenders, Expressions of Interest and Contracts System (TECS)
- Best Practice Guide for Tendering and Contract Management (Victorian Civil Construction Industry)
- Victorian Local Government Best Practice Procurement Guidelines (Department of Planning

& Community Development)

- Social Procurement: A Guide for Victorian Local Government
- *Trade Practices Act 1974*
- *Security of Payments Act 1999*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government (Planning and Reporting) Regulations 2020*
- Wellington Shire Council Risk Management Policy
- OH&S Management System, section 4
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Environment Protection Act 2017*
- *Modern Slavery Act 2018*
- *Australian Consumer Law and Fair Trading Act 2012*
- Wellington Shire Council Best Value and Competitive Neutrality Policy
- Wellington Shire Council Fraud Control Policy
- Wellington Shire Council S7 Instrument of Sub-Delegation by CEO to staff
- Wellington Shire Council Environmental Sustainability Policy
- Wellington Shire Council Employee Code of Conduct
- Wellington Shire Council Councillor Code of Conduct
- Wellington Shire Council Conflict of Interest Policy
- Wellington Shire Council Cashiers Manual
- Wellington Shire Council Corporate Credit Card Guidelines
- Wellington Shire Council Fleet Guidelines

1.3 Background

Wellington Shire Council recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of council objectives such as sustainable and socially responsible procurement; cost savings, supporting local economies; achieving innovation; and better services for communities.

The elements of best practice applicable to local government Procurement incorporate:

- broad principles covering ethics, value for money, open and fair competition, risk management, probity and transparency, responsibilities and accountabilities;
- guidelines giving effect to those principles;
- a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the Procurement process);
- procurement processes, with appropriate procedures covering simple Procurement to high value complex Procurement.

Council's contracting, purchasing and contract management activities endeavour to:

- support the Council's corporate strategies, aims and objectives including, but not limited to

those related to sustainability, protection of the environment, and corporate social responsibility;

- span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
- achieve value for money and quality in the acquisition of goods, services and works by the Council;
- demonstrate that public money has been well spent;
- provide a robust and transparent audit trail which ensures that procurement objectives are delivered on time, within cost constraints and that the needs of end users are fully met;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost; and
- generate and support business in the local community.

1.4 Scope

This Procurement Policy is made under Section 108 of the *Local Government Act 2020* (the Act). The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council: and
- Review it's procurement policy at least once during each 4 year term of the Council.

This Policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council Officers and temporary employees, contractors and consultants while engaged by the Council.

The Act and this Procurement Policy are the primary reference points for how all procurement will be undertaken.

1.5 Purchase Order Exemptions

Purchases not requiring a purchase order are listed in Appendix A. This is owing to the nature of the purchases.

1.6 Treatment of GST

All monetary values stated in this policy include GST except where specifically stated otherwise.

1.7 Definitions and Abbreviations

Term	Definition
The Act	<i>Local Government Act 2020</i>
Category Management	A 'Category' is an area of spend determined by known market boundaries separating different products, services or industries. Category management recognises that suppliers within a certain market are likely to have similarities which enable a tailored approach to procurement.
Collaborative Procurement Arrangement	A contract established by the Council, government or a nominated agent, such as Procurement Australia,

	Municipal Association of Victoria (MAV), Group of Councils or a local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full time and part-time council officers, and temporary employees, contractors and consultants while engaged by the Council.
Local suppliers	Located within Wellington Shire, then preference for Gippsland, Victoria or Australia (as opposed to inter-state or international suppliers).
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Local Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed throughout the procurement process. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system to acquire and pay for supplies, services and works.
Quotation	An offer to sell goods at a stated price and under specified conditions.
Tender Process	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Expression of Interest (EOI)	An invitation to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity

2.1.1 Requirement

The Council's procurement activities shall be performed with unquestionable integrity and in a manner able to withstand the closest possible scrutiny.

All tender processes shall be conducted in accordance with the requirements of this Procurement Policy and any associated procedures, relevant legislation, relevant Australian Standards, Commercial Law and *the Act*.

2.1.2 Conduct of Councillors and Council Staff

2.1.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- comply with Council's policies, guidelines, procedures and applicable legislation;
- comply with Council's Codes of Conduct (Staff and Councillors), in particular relating to Conflict of Interest provisions;
- not participate in any aspect of the procurement process unless acting in the capacity of Council at a formally constituted Council meeting to consider the awarding of a contract;
- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of matters deemed to be Commercial in Confidence; such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them;
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities, and
- report matters if they are concerned that improper conduct is being undertaken, this includes:
 - Corrupt conduct
 - A substantial mismanagement of public resources
 - A substantial risk to public health or safety; and
 - A substantial risk to the environment.

Council Staff responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

2.1.3 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications and tender evaluation panels, must:

- **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates.
- **Declare** that there is no conflict of interest. Where future conflicts, or relevant private interests arise Council Staff must complete an Employee Declaration and Management of Conflict of Interest Form, make their manager, or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.
- **Observe** prevailing Council and Local Government Victoria guidelines (in particular the Staff Code of Conduct and the Conflict of Interest Policy) on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

Refer to *1.2 Associated Policies, Guidelines and Procedures* for more information.

2.1.4 Fair and Honest Dealing

All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to participate in a procurement activity.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

2.1.5 Modern Slavery

Council is committed to operating lawfully and ethically. We expect our suppliers to operate in accordance with all applicable modern slavery laws including those prohibiting human slavery and slavery like practices, human trafficking, and child labor. We value and observe all laws regarding corporate social responsibility, environmental and workplace safety protection and staff inclusion and diversity.

2.1.6 Probity, Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's Procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- all Council Staff must be able to account for all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide

feedback on them; and

- all procurement activities are to leave an audit trail for monitoring and reporting purposes.

2.1.7 Gifts, Benefits and Hospitality

Staff are obliged to notify their Manager of any gift, reward or benefit that they have received or have been offered. All gifts and acts of hospitality, regardless of their value, must be declared using the Gifts, Benefits and Hospitality Declaration Form and included in Council's Gifts, Benefits and Hospitality Declaration Register.

Staff should not accept any gift where there is, or where there may be, the perception of a conflict of interest with past, present or future duties, or where the object of the gift is to maintain or return a favour.

Offers of bribes, commissions or other irregular approaches from organisations or individuals must be promptly brought to the attention of their Manager.

Councillors and Council Staff, particularly contract supervisors:

- Must not knowingly visit a current supplier's premises without invitation when acting in their official capacity; and
- Must not knowingly engage a Council supplier for private benefit, unless that engagement is on proper commercial terms.

2.1.8 Reward and Loyalty Program Participation

Councillors and Council Staff cannot accumulate reward or loyalty program credits on purchases made on behalf of Council or accept any discounts through the use of Council corporate credit or fuel cards.

Participation in a reward or loyalty program must not influence procurement decisions.

2.1.9 Disclosure of Information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect confidentiality, by refusing to release or discuss the following:

- Information disclosed by organisations in Tenders, Quotations or during Tender negotiations;
- All information that is Commercial in Confidence; and
- Pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-tender negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the Contract approval process being finalised other than through authorised pre-contract negotiations.

2.2 Governance

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- ensure that the Council's Procurement structure:
 - obtains value for money
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - ensures that prospective contractors are afforded an equal opportunity to register as an approved preferred contractor;
 - encourages competition.

2.2.2 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any Procurement action for the supply of goods, services or works.

Council Staff must not authorise the expenditure of funds in excess of their financial delegations. (Refer to 2.4.1 and 3.4.1)

Council staff must not disclose allocated procurement activity budgets to suppliers.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.2.3 Fraud Prevention

Council is committed to fraud prevention and as part of the requirements under this Policy Council will support a fraud-resistance culture by;

- Reporting breaches of the Procurement Process to the General Manager Corporate Services and the Chief Executive Officer;
- Reporting material breaches of the Procurement process to the Audit & Risk Committee;
- Investigate potential breaches of the Procurement Policy;
- Run regular reports to identify potential fraudulent transactions;
- Require all Tender Evaluation panel members to sign conflict of interest and confidentiality declarations prior to evaluating any tenders and for the life of the contract.

2.2.4 Reporting Fraud and Complaints

Council regards all allegations of improper conduct and complaints about the procurement process as serious and is committed to handling such disclosures in a sensitive and confidential manner.

Feedback or general complaints about procurement processes and procedures should be directed to the Procurement Coordinator and/or Manager Corporate Finance.

Members of the public, suppliers and Council staff are encouraged to report allegations of improper or corrupt conduct by a public officer involved in any Council procurement process. A disclosure relating to alleged improper or corrupt conduct of a public officer of Council can be made in person, via phone, in writing (letter or email) or anonymously. Disclosures can be made to:

- General Manager Corporate Services; or
- The Independent Broad-Based Anti-Corruption Commission (IBAC), GPO Box 24234, Melbourne Victoria 3000, Internet www.ibac.vic.gov.au.

2.3 Procurement Thresholds and Competition

The Purchase of goods, services and works to the value of \$250,000 or more, including GST, for the whole term of the contract will be undertaken by an open public tender process, unless one of the nominated and/or legislated exemptions apply including the declaration of an "emergency event" by the Chief Executive Officer.

When an emergency event is declared it will be managed in accordance with the Chief Executive Officer's delegation for contracts specifically relating to repair and remediation requirements directly attributable to that emergency event.

Tenders will be advertised on Council's website as well as advertised in selected local newspapers.

2.3.1 Requirement

The Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by the Council based on the size and complexity of the proposed procurement activities.

Where a Purchase Order is used, it must be raised prior to the purchase being made following the required quotation process (according to the level of expenditure as reflected in Table 1).

Suppliers will be informed that they must receive a Council purchase order prior to the supply of goods and services and quote the purchase order reference number on their invoice that must be emailed to Accounts Payable after the supply of their goods and services.

2.3.2 Approved Methods

The Council's standard methods for purchasing goods, services and works shall be by:

- corporate credit card;
- purchase order which must be raised prior to the purchase being made, following a quotation process;
- under contract following a tender process; or quotation processes; or
- Group Purchasing Schemes - where the Council is satisfied that Value for Money requirements have been satisfied, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by MAV Procurement or Procurement Australia; or

- Using Collaborative Procurement Arrangements; or
- unless arrangements otherwise authorised by the Council or the CEO on a needs basis are required by abnormal circumstances such as emergencies; or
- Miscellaneous petty cash purchases are being phased out.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically, a multi-stage tender process will commence with an expression of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- the Council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

2.3.3 In the Event of Emergency

Circumstances under which procurement may be undertaken under this clause are as follows:

- An emergency exists as defined by the *Emergency Management Act 2013*; and
- The Chief Executive Officer has declared in writing that an emergency exists; and is satisfied that procurement needs to be undertaken immediately.

Situations where this might occur include:

- During the period where a natural disaster has been declared such as flooding, bushfire or epidemic that may require the immediate procurement of goods, services or works to provide relief;
- The occurrence of an event such as flooding or fire at a Council property which may require the immediate procurement of goods, services or works to ensure business continuity;
- The unforeseen cessation of trading of a core service provider to Council resulting in a need to appoint a replacement service provider on the grounds of public safety;
- An unforeseen event which impacts heavily and unsustainably on Council's level of service to the community and represents an immediate risk to health or safety; or
- Any other situation which may constitute a risk to health, life or property.

Procurement made under the Emergency provisions must be in accordance with Council's Financial Delegations and be limited in scope to what is necessary to deal with the immediate emergency.

The Emergency provision must not be used for new or extended works and services after the need for an emergency response has passed. Immediately after the Chief Executive Officer declares that an Emergency no longer exists, the use of this power ceases.

2.3.4 Appointment of an Agent for Procurement

In consideration of the appropriate Procurement process to follow, Council may join with other Councils as a defined group, based on similar requirements for products, goods or services. In doing so, Council may nominate to appoint another council to act as Council’s Agent or for Council to act as Agent for other Councils.

Council is able to access contracts from State Government, Municipal Association of Victoria Procurement (MAVP) and Procurement Australia (PA). This means that Council can utilise the rates and suppliers established under any existing State Government, MAVP or PA contract without the requirement to complete the formal agency appointment process. This does not negate the requirement for financial approval dependent on delegation limits.

Where Council requires an agent to act on Council’s behalf for the tendering process, governance arrangements will be required including;

- Formal appointment of the agent;
- Review of the Specification to meet Council’s requirements; and
- Advice to the agent of Council’s Procurement Policy requirements including evaluation criteria, Tender panel and weightings to the criteria.

2.3.5 Minimum Spend Competition Thresholds

Purchase of all goods, services and works for which the estimated expenditure exceeds \$250,000 (inclusive of GST), must be undertaken by public tender.

However, this does not preclude the tendering for contract works of lesser amounts should this be in the best interests of a value for money outcome.

In addition, where there is a possibility that the service being provided may exceed the threshold, then it should also be tendered.

The level of expenditure in accordance with Table 1 determines the appropriate procurement methodologies. Staff should consider the total value of the procurement for an ongoing commitment. Tenders should be called for all high-risk procurement (eg. reputational, multiple suppliers within Shire) no matter what the expenditure level.

2.3.6 Exemptions from tendering

The Chief Executive Officer (CEO) or Council, depending on Financial Delegation limits, can approve an exemption from publicly advertising a tender.

The following circumstances, when approved, can be exempt from the general publicly advertised tender, quotations and expression of interest requirements:

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
A contract made because of genuine	Where the Council, CEO or Appropriate Delegate needs to enter into	Approved by the CEO up to approved Financial

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
emergency or hardship	arrangements in response of an emergency (e.g. to provide immediate response to a natural disaster, declared emergency)	Delegation Approval by Council when above the CEO Financial Delegation
A contract made with, or a purchase from a contract made by, another government owned entity or other approved third party	This general exemption allows engagements: <ul style="list-style-type: none"> ○ With another government entity or government owned entity. ○ In reliance on contracts and arrangements established by another government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members, Procurement Australia (PA) 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Extension of contracts while Council is at market	<ul style="list-style-type: none"> ○ Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. ○ This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Professional services unsuitable for tendering	<ul style="list-style-type: none"> ○ For the procurement of Legal Services ○ Where Council must take out specific insurance requirements specified by law or another instrument. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Novation of Contracts	Where the initial contract was entered into in compliance with <i>the Act</i> and	Approved by the CEO up to approved Financial Delegation

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
	due diligence has been undertaken in respect to the new party.	Approval by Council when above the CEO Financial Delegation
Information technology resellers and software developers	Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> ○ Motor vehicle compulsory third party ○ WorkCover 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Operating Leases	Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Other specific Council Exemptions	<ul style="list-style-type: none"> ○ The CEO may approve ad-hoc exemptions in exceptional circumstances within the financial Delegation where it can be demonstrated that it is in the best interests of the community to do so. If exceeding the financial delegation exemption must be referred to Council for approval. ○ The public tender threshold and related exemptions also apply to collaborative procurements. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation

2.3.7 Sole source procurement exemptions

Council may at times make purchases at values above the single quoted threshold, normally requiring a competitive process (multiple quotes or formal tender) but may find there is no competitive market for that particular product or service. One example is software licences

which are only available from the vendor/manufacturer of that software and therefore a requirement to seek multiple quotes or tender responses is unenforceable.

Only the Chief Executive Officer, within financial delegations, can provide an exemption when seeking a sole source procurement exemption from public tendering and this must be obtained prior to the supplier quoting. If exemption is given, this is to be included in the recommendation report to the relevant approver as part of the purchase justification.

2.3.8 Collaboration

In accordance with the Act, section 108(3)(c), Council will seek to collaborate with other Councils and Public Bodies through the various networks. Other networks in which Council staff are engaged may also provide collaboration opportunities depending on the procurement opportunity being considered.

Collaboration will be sought where it can be demonstrated that the Value For Money proposition will be improved by the scaling up of the opportunity with the inclusion of other Councils and Public Bodies. Value for Money, in regard to collaboration, will consider the relative cost reductions achieved by the scaling up of the opportunity in comparison to any additional costs incurred such as delays to accommodate timing differences between Councils, the multi-party contract management regime imposed, and the contractual complexities incurred such as handling of securities and early contract withdrawal by one or more parties. Collaboration will be sought by email request to the Procurement representative of each Gippsland RPEN member inviting their interest in collaborative participation. Relevant opportunities will also be communicated with other networks and government bodies on a per opportunity basis.

In accordance with the Act, section 109(2), each report to Council recommending entering into a procurement agreement, will include information relating to the opportunities for collaboration.

2.3.9 Value for Money

Value for Money is the guiding principle of Council procurement decisions and is in accordance with the Act, Section 108(3)(b). Value For Money (VFM) seeks to make sound judgement procurement decisions based on much more than least cost. For each goods, services or works opportunity, VFM considers aspects relevant to financial and non-financial elements such as (but not limited to):

- Quality
- Longevity
- Fitness for purpose
- Operational costs
- Experience and performance history
- Flexibility, innovation and adaptation
- Whole of life costs including acquisition, decommissioning and disposal costs
- Environmental impact including recyclability or reuse considerations
- Backup and Support systems
- Licensing, registering and training costs
- Legal costs
- Risk, security and safety considerations.

The relevant aspects of each procurement are to be considered by each officer in making each procurement decision.

In a multi-quote and tendered opportunity, the relevant VFM elements form the assessment criteria and are weighted and scored as a quantitative means to determine the offer representing best value for money to Council. These criteria and their weighting are to be established and fixed prior to quotes and tenders being sought, are to be included in the quote/tender documentation, and then responses evaluated once all responses have been provided. The response evaluation is to be included with the recommendation to the final tender/contract approver.

2.3.10 Further guidance

Should a matter arise that is not covered by this Policy or the relevant Legislation, Standards, Guidelines, other Council Policies, the matter must be referred to the Coordinator Procurement/Manager Corporate Finance to determine the appropriate action.

TABLE 1

		EXPENDITURE LEVEL (INC. GST)				
		<\$100	\$100 to \$5,000	\$5,000 to \$25,000	\$25,000 to \$250,000 Goods/Services and Works	> \$250,000 Goods/Services and Works
	Verbal Quote	1	1	2		
	Supply contract purchasing scheme		Yes	Yes	Yes	Yes
	Written Quote		Optional	Optional	3	
	Public Tender			Optional	Tender optional. If not, contractors must be registered as preferred contractors	Yes Mandatory
APPROVED METHODOLOGY	Petty Cash	✓				
	Corporate Credit Card	✓	✓			
	Purchase Order		✓	✓	✓	✓
	Contract			✓	✓	✓

For the purposes of the table above the expenditure levels (inclusive of GST) are calculated as follows:

- for single one-off purchases shall be the value of, or estimated value of the purchase;
- for multiple purchases shall be the gross value of, or estimated gross value of all items to be purchased, i.e. buying 30 computers at \$2,000 each is not to be considered 30 separate one-off purchases, but is to be viewed as a spend of \$60,000, therefore

requiring 3 written quotes, a public tender, or use of a group purchasing scheme;

- for ongoing purchases over a period of time shall be the annual gross value of, or estimated annual gross value of purchases, i.e. hire of water carts over a 6-month period for different work sites around the Shire should be considered as one purchase of the same nature;
- for contracts spanning a number of years, the value of the expenditure is the total estimated spend for all years specified for the service, including any optional extension periods.

It is unacceptable to divide a particular procurement or procurement phase into separable parts or use a particular method for calculating the estimated total value of procurement for the purpose of circumventing an approach to the open market.

Verbal quotations

Quotations must be sought as per Table 1, and details recorded in Council's corporate system, Authority, when raising the purchase order. Where only one quote is required, the receipt of purchase is sufficient for recording purposes.

Written quotations

When written quotations are sought, details must be stored in Council's corporate record system, Authority, when raising the purchase order.

Council will endeavor to obtain at least one quote from a local supplier wherever possible. (refer to 4.1)

Insufficient quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few local suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded in the corporate system and an appropriate comment recorded when raising the purchase order.

Random audits will be conducted on purchase orders of this nature.

Cumulative Spend

Council will monitor cumulative spend with suppliers at least annually. If expenditure with a supplier or a number of suppliers providing similar goods, services and works is ongoing in nature and the cumulative spend is likely to exceed the legislated threshold over a two year period, then Council will review the opportunity to pursue a contract for such goods, services and works through a competitive process.

Approved Contractors

Council shall maintain a register of approved contractors, who have met Council's requirements in terms of OH&S systems and processes and, where applicable, quality and environmental factors. All works must be undertaken by approved contractors.

2.4 Delegation of Authority

2.4.1 Requirement

Delegations define the limitations within which Council staff are permitted to work.

Delegation of procurement authority allows specified Council staff to approve certain purchases, quotations, tenders and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

The S7 Instrument of Sub-Delegation by CEO identifies Council Staff authorised to make procurement commitments in respect of goods, services and works on behalf of the Council.

2.4.2 Delegations Reserved for the Council

Council must approve the award of all contracts exceeding a limit as determined by the S5 Instrument of Delegation – Council to the Chief Executive Officer (\$400,000 as at 7 July 2021).

2.5 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end (from purchase to payment);
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

2.6 Commercial Information

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

2.7 Risk Management

2.7.1 General

Risk Management is to be appropriately applied at all stages of Procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

2.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- where appropriate requiring security deposits, performance bonds and retention bonds;
- referring specifications to relevant experts;

- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

2.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions, including dispute resolution and contract management requirements. Where this is not possible, approval must be sought from the Manager Corporate Finance. Upon approval, relevant procurement and legal advice should be sought where necessary.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this exposes the Council to risk and thus must be authorised by the Manager Corporate Finance.

2.9 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable, its clients, receive the goods, services or works provided to the required standards of quality, costs and quantity as intended by the contract by:

- establishing a system of monitoring and achieving the responsibilities and obligations of both parties under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions;
- adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor compliance procedures; and
- ensuring goods, services and works have been completed to Council satisfaction prior to payment occurring.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

2.10 Tender evaluation and evaluation criteria

A Tender Evaluation Panel will be established to evaluate each Tender submission against the specified evaluation criteria. Tender Evaluation Panels can include both internal and external personnel in order to ensure the best outcome for a procurement activity and must comprise of at least 3 persons which includes the chairperson.

External personnel can also be included in the procurement process in an advisory role and not sit on the Tender Evaluation Panel or may sit on the Tender Evaluation Panel where technical or professional experience is required for the appropriate evaluation of submissions. Engagement of external advisors must be approved by the relevant General Manager.

A detailed Tender Procurement and Evaluation Plan shall be developed, approved and strictly adhered to by the Tender Evaluation Panel. This involves the establishment of detailed evaluation criteria and the application of a pre-approved and robust weighted scoring system.

The Tender Procurement and Evaluation Plan is to be completed and signed off prior to the Tender being issued to market.

All tender evaluation panel members must complete necessary declarations of no conflict of interest prior to receiving or evaluating any tenders.

2.11 Evaluation Criteria

Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money and complies with Council's key principles and objectives (in addition to other relevant criteria for the particular procurement):

- tendered price;
- mandatory compliance criteria (e.g. ABN registration, OH&S, Fair Work Act);
- capacity of the tenderer to provide the Goods, Services or Works;
- capability of the tenderer to provide the Goods Services or Works;
- demonstration of sustainability;
- social procurement;
- environment;
- local content; and
- other specialised criteria may also be used, depending on the goods, service or works being sought.

3 Demonstrate Sustained Value

3.1 Integration with Council Strategy

The Council procurement policy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- feeling safe;
- living in a clean and pleasant environment; and
- receiving good quality, well managed Council services that are Value for Money.

3.2 Achieving Value for Money

3.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of best value.

3.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the organisation;
- effective use of competition;
- using aggregated contracts and standing offer arrangements (SOA) where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing a more cost efficient tender process including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and

- working with suppliers to create relationships that are professional and productive and are appropriate to the value and importance of the goods, services and works being acquired.

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives by being written in a manner that:

- clearly defines the Council's requirements;
- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements; and
- determines the quality of the outcome.

3.3 Sustainability

Sustainable procurement is the acquisition of necessary goods and services that have the least impact on the environment and human health, within the purchaser's capacity to do so. The Council is committed to achieving sustainable Procurement within the context of purchasing on a Value for Money basis, by ensuring that it monitors and reports on Council activities that have an impact on or contribute to the environment, including:

- waste management
- recycling
- energy management
- emission management
- water conservation
- climate change considerations
- gender equity considerations
- green building design; and
- procurement.

Value for Money purchasing decisions made by the Council are made on the basis of cost and non-cost factors including contribution to the Council's sustainability objectives.

Wellington Shire Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods and services and works and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner;
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products;
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy.

3.4 Performance Measures

Council will establish and put in place appropriate performance measures. Reporting systems will be used to monitor performance against metrics and compliance with procurement policies, procedures and controls.

Council will use the performance measurements developed to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4.1 Breaches of the Policy

Any possible breaches of the requirements of the Policy will be investigated and the contract will be listed in Council's Annual Report as required by the *Local Government (Planning and Reporting) Regulations 2020*.

Breaches of the spend thresholds for purchases below the requirements will be dealt with in the context of performance management discussions with the relevant staff.

4 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers and that it seeks to operate with 'informed choice' on what supply strategy it adopts – whether to 'do it yourself', participate in regional or sector aggregated projects or to access State Government panel agreements. Council will consider supply arrangements that deliver best value outcomes for council in terms of time, cost and value.

4.1 Support of Local Business

Council is committed to:

- Ensuring that procurement practices are strategically aligned with Council's wider objectives;
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade;
- Enhancing partnerships with community stakeholders, suppliers and other Councils; and
- Providing opportunities to businesses who support aboriginal people, people with disabilities and disadvantaged people.

In the first instance quotes must be obtained from a Local Supplier, and only where the local business cannot supply it, are deemed not capable, or cannot provide value for money, can suppliers outside of the local area be invited to quote.

4.2 Social Procurement

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.

For Local Government social procurement builds on initiatives already undertaken by the sector

in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities.

Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

4.3 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered;
- Developing approved supplier lists; and
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

4.4 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the Council;
- Criticality of goods / services, to the delivery of the Council's services;
- Availability of substitutes; and
- Market share and strategic share of suppliers.

4.5 Communication

External

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the Council. The external website provides:

- Information about Council and how to become an approved contractor;
- A list of existing contract opportunities;
- Guidelines for doing business with Council; and
- Links to other relevant sites.

Internal

Council is committed to providing ongoing training to all staff with procurement responsibilities, which will include:

- Initial training prior to undertaking any procurement activities (new staff); and
- Ongoing annual refresher training for all staff engaged in procurement.

4.6 Continuous Improvement

The Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

In particular, Council will continue to explore the potential cost implications for 'greening' the

supply chain, and minimising waste through use of eco-friendly, recycled or recyclable products.

APPENDIX A

EXEMPTION LIST – No Purchase Orders Required (Corporate Credit Cards are alternative to purchase orders)

- Accommodation/travel (via credit card)
- Advertising placement fees
- Agency Staff (including labour hire contractors and umpires)
- Audit & Risk Committee
- Community Hall Hire
- Conferences
- Contractual Agreements (i.e. software maintenance/licences, debt collection, leases, secure pay)
- Contributions (i.e. grants, sponsorships, Committee of Management (COM) operating subsidy)
- Councillor Allowances & reimbursements
- Daily food purchases for Aqua Energy café/kiosk (i.e. fruit, vegetables, bread)
- E-tags
- Emergency after- hours repairs/maintenance, up to 3 days after emergency first occurred
- Fuel Accounts
- Government/statutory charges (i.e. EPA levy, licenses, police checks)
- Insurances (including work cover)
- Legal Fees
- Medical Expenses
- Memberships/subscriptions
- Milk
- Postage
- Rental (property)
- Photocopier volume charges
- Reactionary maintenance – fire hydrants
- Reimbursements/refunds (employees and others)
- Royalties – (The Wedge shows etc)
- Security Services i.e. call out fees (not contract charges)
- Training courses
- Utilities – electricity, phone, water, gas, street lighting etc
- Vehicle Registration
- Vet accounts (i.e. euthanasia of animals)

HUMAN RIGHTS

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

14.4. ADOPTION OF THE 2022 COUNCIL POLICY MANUAL

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the updated 2022 Council Policy Manual as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council revoke the existing Council Policy Manual and replace it with the updated 2022 Council Policy Manual as attached.

BACKGROUND

Council maintains a policy manual containing policies formally adopted by Council. These policies are also available individually on the Council Policies page of the website.

Periodically, policies are reviewed and modified as required due to legislative, strategic, planning and procedural amendments and the policy manual is updated to reflect these changes. As new policies are developed, they are also included in the policy manual and obsolete policies removed.

The complete policy manual is reviewed annually and presented to Council for consideration.

ATTACHMENTS

1. Council Policy Manual 2022_Final [14.4.1 - 251 pages]
2. Council Policy Manual 2022_summary of amendments [14.4.2 - 10 pages]

OPTIONS

The following options are available to Council:

1. Adopt the revised 2022 Council Policy Manual as attached; or
2. Adopt the revised 2022 Council Policy Manual with additional amendments; or
3. Request further review of the current Council Policy Manual for consideration at a future meeting of Council.

PROPOSAL

That Council revoke the existing Council Policy Manual and replace it with the updated 2022 Council Policy Manual as attached.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The introduction of the *Local Government Act 2020* has required the introduction and/or review of a number of Council policies including:

- Acceptance and Declaration of Gifts, Benefits and Hospitality Policy
- Conflict of Interest Policy
- Council Expense and Administration Policy
- Community Engagement Policy
- Complaints Handling Policy
- Procurement Policy
- Public Transparency Policy.

The Human Rights Charter Checklist has been completed as a result of updating the policies contained in the Council Policy Manual. Reference to human rights considerations and/or implications has been incorporated into each policy as follows:

“Wellington Shire Council is committed to upholding the Human Rights Principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council’s Human Rights Policy. The Human Rights Checklist has been completed and the proposed policy is in accordance with Council’s policy commitment to uphold Human Rights Principles.”

The review and consideration of Council’s Policy Manual meets all legislative requirements.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

Throughout this review process, divisions have revised and updated their assigned policies as necessary.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

COUNCIL POLICY MANUAL 2022

Adopted 21 December 2021

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1. CEO UNIT COUNCIL EXPENSE AND ADMINISTRATION POLICY

Policy Number:	1.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Councillors (CEO Unit)
Responsible Officer:	General Manager Corporate Services
Related Policies:	Provision of Motor Vehicles for Councillors Policy
Related Documents:	Councillor Expense Claim Form Councillor Travel Expense Claim Form Governance Rules Remote Area Allowance Claim Form Remote Area Allowance Guideline
Statutory Reference:	<i>Carers Recognition Act 2012</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i>

OVERVIEW

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

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

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

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

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

Legislative Framework

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

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

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

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

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

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

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

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

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

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

Definition of "Council Duties"

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

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

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

- Meetings of the Council or its Committees;
- Meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or the Council;
- Meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative or is authorised by Council;
- A meeting, function or other official role as a representative of the Mayor or the Council;

- Other meetings, inspections or events attended by a Councillor in an official capacity;
- Conferences, seminars, events and professional development being undertaken by a Councillor.

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

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

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

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

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

ALLOWANCES

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

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

Councillor Allowance

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

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

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

Statement of Allowances

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

Remote Area Allowance

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

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

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

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

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

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

REIMBURSEMENTS

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

Expenses Reimbursed

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

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

Submission of a claim for reimbursement

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

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

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

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

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

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

Excluded Reimbursements

The following expenses cannot be funded or reimbursed by Council:

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

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

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

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

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

Attendance at Functions

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

TRAVEL

Mayoral Vehicle

The Mayor will be provided with a motor vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The motor vehicle is fully maintained to the standard

specified in Council's Motor Vehicle Policy which outlines safety and environmental requirements. A fuel card is provided as part of the Mayoral vehicle package.

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

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

Use of Private Vehicles by Councillors

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

Access to a Council Pool Vehicle

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

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

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

Tolls

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

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

Car Parking

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

Infringement Notices

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

Myki Card

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

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

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

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

Reimbursement will be:

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

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

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

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

Interstate and International Travelling

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

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

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

Professional Development

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

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

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

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

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

Dependent Care Expenses

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

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

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

Meals

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

Councillors with Disabilities

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

Other Expenses

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

Insurance

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

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

RESOURCES, FACILITIES AND SUPPORT

Protective Clothing

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

- Hard hats;
- Reflective vests.

Equipment

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

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

Telecommunications

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

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

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

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

Stationery

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

Security Access

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

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

Other Expenses

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

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

Other Resources

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

Councillor's Welfare

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

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

REVIEW AND REPORTING

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

HUMAN RIGHTS

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

PROVISION OF MOTOR VEHICLES FOR COUNCILLORS POLICY

Policy Number:	1.2
Approved by:	Council
Approved Date:	December 2021
Date of Next Review:	October 2022
Applicable to Unit(s):	Councillors (CEO Unit)
Responsible Officer:	General Manager Corporate Services
Related Policies:	Council Expenses and Administration Policy
Related Documents:	Councillor Expense Claim Form Fleet Guidelines
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

To establish policy for the provision of motor vehicles for Councillors.

THE POLICY

This document details Wellington Shire Council's policy for the provision of motor vehicles for Councillors during their term of office as a Councillor. Usage of any provided Council motor vehicle will be in accordance with Council's Fleet Guidelines.

Where the annual cost for the provision of a motor vehicle is determined to be less than the expense for reimbursement of approved individual motor vehicle usage for a Councillor when undertaking Council business, then Council will provide a motor vehicle to that Councillor for his/her term of office if so requested by the Councillor. The Council will provide a dedicated motor vehicle to the Mayor for use during the conduct of Council business and for private use within Victoria.

The vehicle provided will be determined by the General Manager Corporate Services in consultation with the individual Councillor. The vehicle will meet Council's fleet environmental requirements, as set out in the Fleet Guidelines. Safety and new technologies will be considered when determining the type of vehicles that best suit the needs of the individual Councillor. Consideration will also be given to achieving a reduction in fuel consumption and emissions.

The type of vehicle provided will be approved by the Chief Executive Officer and will generally be a 4-cylinder sedan or SUV at a modest cost base. Preference will be given to Australian manufactured vehicles where possible.

If a Councillor's personal circumstances change during the term of office such that the original assessment of Council business related travel may change, then a review of the expected travel costs will be undertaken to determine the appropriateness of the provision of a motor vehicle in accordance with this policy.

HUMAN RIGHTS

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

MEDIA AND COMMUNICATIONS POLICY

Policy Number:	1.3
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Coordinator Communications and Media
Related Policies:	Social Media Policy
Related Documents:	Council Plan 2021 – 2025 Wellington 2031 Community Vision
Statutory Reference:	Nil

OVERVIEW

To manage the flow of information within the organisation and to the wider Wellington community.

THE POLICY

The Council will maintain a regular two-way flow of information between itself and staff and the community through effective use of the media, adopting an open policy for Council meetings and implementing other effective internal and external communication activities.

Wellington Shire Council will promote and communicate the strengths and positive features of Wellington Shire Council's services, facilities and lifestyle. In all communications Wellington Shire Council will reaffirm its commitment to the community vision and their aspirations as detailed in Wellington 2031 through its Council Plan.

In their personal and professional conduct, all members of staff have an opportunity to play an important role in the Council's communication and community presentation. Staff members are not permitted to make official comments on behalf of Council with representatives from the media or online.

The Council's spokesperson on policy matters is the Mayor and on executive matters, the Chief Executive Officer by delegation. No interviews, photographs, discussion or liaison with the press, radio or television should be undertaken by any other officer without prior approval of the Chief Executive Officer or delegate.

HUMAN RIGHTS

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

SOCIAL MEDIA POLICY

Policy Number:	1.4
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Coordinator Communications and Media
Related Policies:	Media and Communications Policy
Related Documents:	Customer Service Charter Wellington Shire Council Social Media Guide – Staff Induction Wellington Shire Council Written Style Guide and Web Style Guide Wellington Shire Council Corporate Style Guide
Statutory Reference:	Nil

OVERVIEW

The objective of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by Councillors, Council staff, Council volunteers and contractors for the purpose of conducting Council business.

THE POLICY

This policy applies to all Council employees, contractors, agents and volunteers of Wellington Shire Council who use social media on behalf of Wellington Shire Council. This policy also applies to agencies and individuals who provide services to Wellington Shire Council.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:

- Inform appropriate use of social media tools for Wellington Shire Council
- Promote effective and productive community engagement through social media
- Minimise miscommunication or mischievous or damaging communications
- Ensure that only accurate information is shared on social media platforms

The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including blogs; bulletin boards; citizen journalism and news sites; forums and discussion boards; instant messaging facilities; microblogging sites (e.g. Twitter, Tumblr); online encyclopedias and wikis (e.g. Wikipedia); podcasts and video podcasts; social networking sites (e.g. Facebook, LinkedIn, Twitter, Instagram, TikTok, Messenger, WhatsApp, Snapchat, YouTube, Vimeo); video and photo sharing sites (e.g. Flickr, Pinterest, Periscope); e-marketing software (Mailchimp or other), third-party event builders (Eventbrite or other) and any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment. The absence of a reference to a particular site or type of social media activity does not limit the application of this policy. Access to current social media channels can be discussed with the Communications and Media team.

This policy is not intended to cover personal use of social media where:

- The author publishes information in their personal capacity and not on behalf of Wellington Shire Council; and
- No reference is made to Wellington Shire Council, its Councillors, staff, policies and services, suppliers or other stakeholders or council related issues.

Where a staff member makes reference to Council activities, issues, policy or Council decisions in their personal use of social media, Wellington Shire Council will consider whether the staff member in doing so has breached Wellington Shire Council's Staff Code of Conduct. This policy should be read in conjunction with other relevant policies and procedures of Wellington Shire Council.

When using social media in relation to Council business Councillors, staff, volunteers and contractors are expected to:

- Seek prior authorisation from the Communications and Media Unit.
- Adhere to Wellington Shire Council codes of conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the integrity, reputation and values of Wellington Shire Council.
- Forward any important social media activity to the Communications and Media unit for follow up.
- Direct stakeholders to official communication channels to make a request or complaint.
- Consider if comments on a post may be harmful to the reputation of Council and if warranted, remove comments or moderate as necessary
- Act responsibly when communicating as Council or a Council representative in community Facebook groups.

The following content is not permitted under any circumstances:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that blog, board, forum or site
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or Trade Mark protected materials
- Content that uses Council brands, logos or identifiers without permission from the Communications and Media unit.
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, gender or sexual orientation
- Illegal material or materials designed to encourage illegal activity
- Materials that could compromise Council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Wellington Shire Council into disrepute

- Personal details or references to Councillors, Council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages
- Statements which may be considered to be bullying or harassment.
- Council staff using their personal online profiles to comment or provide negative or trolling feedback on social media content about Council's community consultation, projects, works or Council issues.
- Fake Council or employee profiles used to distribute or comment on Council content.
- Personal social media accounts linked to staff email addresses or similar.
- Posts to social media groups on behalf of Council. If an employee wishes to post to a local community group, they should seek approval from the Communications and Media unit.

In addition:

- Social media channels are monitored and updated by the Communications and Media Unit, or other staff as deemed necessary during normal business hours or as reasonably required.
- Council staff can make a request for online or social media promotion directly to the Communications and Media team.
- Content posted to social media must have permissions and legible, high quality imagery suitable for online purposes. Logos or other authorized imagery requires permission from the Communications and Media Unit before being posted on social media.
- Where a staff member or Councillor would like to update or create a new social media page, request must be received from the Communications and Media team.
- Council staff must not comment or provide feedback on social media content concerning community consultation of projects or works. Issues should be passed on to the Communications and Media Unit to be addressed.
- Council staff using their own personal online profiles are permitted to share social media items on their preferred platforms

When using social media in their private time via private accounts, employees, contractors and Councillors should not:

- Publish any information on behalf of Wellington Shire Council
- Make any reference to Wellington Shire Council, its Councillors, employees, policies and services, suppliers, other stakeholders or Council related issues.
- Upload photographs of themselves or their colleagues where they are easily identifiable as a Council employee (for example wearing a Council uniform, driving a Council vehicle), acting in an unprofessional or illegal manner.
- Use social media to bully, intimidate or harass current employees, contractors or stakeholders of Council.
- Rely on privacy settings, thinking your comments and/or photos are private.

If you have any doubt about applying the provisions of this policy, check with the Communications and Media Unit before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

ENFORCEMENT

All content published or communicated on behalf of Wellington Shire Council using social media must be recorded (including the author's name, date, time and media site location) and kept on record.

Wellington Shire Council actively monitors social media for relevant contributions that impact on the municipality, its operations and reputation. Wellington Shire Council will be able to find – and act upon – contributions made by Councillors and staff if deemed necessary.

This policy will be published and promoted to Councillors, staff, volunteers and contractors of Wellington Shire Council. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association.

HUMAN RIGHTS

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

2. CORPORATE SERVICES

2.1 PEOPLE AND CAPABILITY

EQUAL OPPORTUNITY, ANTI-DISCRIMINATION AND HARASSMENT POLICY

Policy Number:	2.1.1
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager People and Excellence
Related Policies:	Human Rights Policy Occupational Health & Safety Policy
Related Documents:	Equal Opportunity, Anti-Discrimination and Bullying & Harassment Procedure Discipline and Performance Management process Workplace Grievance process (EBA No. 10) Enterprise Agreement No. 10 Equal Employment Opportunity, Part 4.6 Enterprise Agreement No. 10 Prevention and Settlement of Disputes, Part 4.7
Statutory Reference:	<i>Disability Discrimination Act 1992</i> <i>Equal Opportunity Act 2010</i> <i>Local Government Act 1989</i> <i>Occupational Health and Safety Act 2004</i> <i>Accident Compensation Act 1985</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Fair Work (Commonwealth Powers) Act 2009</i> <i>Public Interest Disclosure Act 2012</i> <i>Sex Discrimination Act 1984</i>

OVERVIEW

The purpose of this policy is to ensure that Wellington Shire Council effectively maintains an organisation that is committed to the ethos of equal opportunity and to the prevention of unlawful discrimination and harassment.

THE POLICY

Wellington Shire Council is committed to the principles of equal opportunity which are central to the core values of the organisation that celebrates the diversity and inclusion of its people. As such, Council advocates equal opportunity for all council stakeholders including employees, Councillors, contractors, visitors, volunteers, work experience/vocational students and customers.

This Policy applies at all times when an individual is representing Council, engaging in work on behalf of Council, and pertains to, but is not limited to, Council premises or off-site work locations. Off-site work locations include business trips, seminars or conferences and working at customer sites. It applies to meetings, events, interactions and functions that are organised by Council, or which are attended on behalf of Council with during or after hours.

Equal Opportunity Act 2010

The *Equal Opportunity Act 2010* contains a number of features which are applicable to Council:

- it makes discrimination and treatment of an individual on the basis of a personal characteristic unlawful;
- it prohibits discrimination in a range of settings;
- an obligation on organisations;
- a duty to provide reasonable adjustments for people with disabilities;
- an obligation for employers to accommodate the responsibilities of a parent or carer;
- protection of employees, volunteers and unpaid workers;
- to further promote and protect the right to equality as set out in the *Charter of Human Rights and Responsibilities Act 2006*;
- to eliminate discrimination, sexual harassment and victimisation to the greatest possible extent.

Discrimination

Discrimination is regarded as unfavorable treatment of a person in public life due their one of their personal characteristics or on the basis of a 'Protected Attribute' as per the *Equal Opportunity Act 2010*, the *Local Government Act 1989 – Schedule 6, Section 96*; and *Occupational Health and Safety Act 2004*.

Protected Attributes are defined as:

- age;
- breastfeeding;
- disability or impairment;
- employment activity;
- gender identity (transsexual or transgender);
- industrial activity or union membership;
- lawful sexual activity;
- marital status;
- parental status or status as a carer;
- physical features;
- political belief/activity;
- pregnancy;
- race (including colour, nationality, ethnicity and ethnic origin);
- religious belief or activity;
- sex (male, female or intersex);
- sexual orientation (gay, lesbian, bisexual, queer, heterosexual, etc);
- an expunged homosexual conviction;
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

Direct discrimination occurs if a person treats or proposes to treat a person with an attribute unfavorably because of that attribute.

Some examples of direct discrimination include:

- not offering training to an older employee because of their age;
- not inviting a coworker to a social event because they have children;
- excluding a work colleague from a work-related event because they are pregnant.

Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice.

- That has, or is likely to have, the effect of disadvantaging persons with an attribute; and
- That is not unlawful when the rule of policy is reasonable, having regard to the circumstances of the case.

Some examples of indirect discrimination are:

- Scheduling team meetings before the start of working hours as parents who have childcare responsibilities may not be able to attend;
- Holding a team building event at a sporting venue that does not permit access or participation by an employee with a disability.

Unlawful discrimination can occur even if you do not intend to discriminate.

Equal Employment Opportunity

Wellington Shire Council advocates for equal employment opportunity to enhance workplace diversity and embed a culture that maximises the contribution for all employees.

Council takes all reasonably practicable steps to provide a safe workplace environment that is free from unlawful discrimination, victimisation and harassment including:

- Annual staff training in equal opportunity, human rights and the prevention of discrimination and/or harassment;
- Promoting the benefits of diversity and maintaining an inclusive workplace;
- Maintain equal opportunity for promotion, recruitment and selection of employees;
- Maintain an Equal Employment Opportunity (EEO) Committee and provide EEO Contact Officers;
- Regular reviews of internal and external complaint handling and grievance processes.

Equal Opportunity for Promotion, Recruitment and Selection

Wellington Shire Council makes decisions about the promotion, recruitment and selection of staff on the basis of merit in fair and open competition according to the skills, qualifications, knowledge, attitude and behaviors relative to the position involved.

Further to this, Council is committed to attracting and retaining the best people for the job regardless of age, gender, ethnicity, race, religion, sexual orientation or identity.

All applicants for positions at Council are made aware of our commitment to equal employment opportunity at pre-employment selection, staff induction and through ongoing annual training for all employees.

Equal Employment Opportunity (EEO) Committee

The role of the EEO committee is to provide a forum for the promotion and discussion of EEO and human rights at Wellington Shire Council including:

- undertaking the duties of EEO contact officers including the provision of information to staff in relation to discrimination and/or bullying and harassment;
- promoting a workplace free of discrimination, victimisation and harassment, where each person has the opportunity to progress to the full extent of their ability;
- reviewing EEO employment policies and relevant practices;
- providing input into staff EEO training and development;
- generating awareness of the Victorian Charter of Human Rights and Responsibilities and its implications for Wellington Shire Council including related access and inclusion matters;
- ensure that any relevant access and inclusion matters are considered and addressed such as reasonable adjustments for people with disabilities (as per *Disability Discrimination Act 1992*).

Definitions of Harassment

Council takes a zero-tolerance approach to harassment, sexual harassment, victimisation and racial or religious vilification.

These terms are explained in more detail below.

Harassment

Harassment is considered to be repeated unreasonable behavior directed towards a person or a group of people that poses a risk to their mental wellbeing or physical health and safety.

Unreasonable behavior is defined as behavior that a reasonable person, having regard to all the circumstances, would victimise, humiliate, undermine or threaten an individual.

Some examples of sexual harassment are:

- verbal abuse, insults or name-calling;
- continually making jokes about a person, or singling out one person for remarks more often than others in a group;
- personal attacks, threats, intimidation and misuse of power;
- unjustified criticism or excessive scrutiny of work.

Sexual Harassment

Sexual harassment is another type of harassment and is any unwanted or unwelcome sexual behavior, which offends, humiliates or intimidates an individual regardless of gender. Sexual harassment can take many different forms; it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.

Sexual harassment may include:

- staring or leering;
- unnecessary familiarity, such as deliberately brushing up against the person or unwelcome touching;
- suggestive comments or jokes;

- insults or taunts of a sexual nature;
- intrusive questions or statements about your private life;
- displaying posters, magazines or screen savers of a sexual nature;
- sending sexually explicit emails or text messages;
- making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites;
- requests for sex or repeated unwanted requests to go out on dates;
- behavior that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Racial or Religious Vilification

Racial or religious vilification is defined as conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, a person or group of persons on the basis of their race or religious belief. Serious racial or religious vilification involves a threat to harm another person or their property and is a criminal offence.

Some examples of racial or religious vilification are:

- sending an email to your workmates which ridicules indigenous Australians;
- making threats to harm a work colleague because he/she is of another faith (serious religious vilification).

Victimisation

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or are proposing to lodge, a complaint of discrimination or harassment;
- provided information or documents to an internal investigation or an external agency;
- attended a conciliation conference;
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws;
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

Some examples of victimisation are:

- dismissing an employee because she has made a complaint about unlawful discrimination in the workplace;
- excluding or isolating a workmate because he has made a complaint of sexual harassment against one of your friends at work.

Responsibilities for Managers and Supervisors

Council expects Managers and Supervisors to lead by example and exhibit positive attitudes and behavior in line with Council values to:

- ensure employees in their business unit or team understand their obligations under this policy;

- provide leadership to the organisation by demonstrating appropriate attitudes and behavior at all times and ensure others in the workplace model these behaviours;
- take appropriate action to investigate observations or reports of unlawful discrimination, victimisation or harassment, even if there is no formal complaint;
- encourage employees in your business unit or team to treat each other with dignity, courtesy and respect;
- treat all complaints seriously and confidentially.

What happens if this policy is breached?

Council will consider disciplinary action against any individual or group in breach of this policy. Depending on the outcome of an internal or external investigation and the severity of the breach, disciplinary action may range from provision of training or counselling through to verbal or written warning or termination of employment/engagement with Council.

An individual who commits a serious breach of this policy may also be in breach of the *Equal Opportunity Act 2010*, *Occupational Health and Safety Act 2004* and the *Crimes Act 1958 (Vic)*. This may result in individual prosecution of the person and a possible fine, intervention order or jail sentence. Where there is an alleged breach of this policy, all information must be treated confidentially, to the extent possible, by all parties involved.

Where a complaint is serious and disciplinary action needs to be taken, information will be disclosed only to those people who need to know about the complaint. The obligation of confidentiality does not prevent Council from using or disclosing any information necessary to initiate or defend any legal proceedings, or to make any submissions in relation to any inquiry or complaint, or to refer a matter to the Victoria Police.

It is unlawful to victimise a person for making a legitimate complaint of workplace bullying. Furthermore, an individual reporting a legitimate complaint will not be disadvantaged or subject to negative treatment by Council.

HUMAN RIGHTS

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

OCCUPATIONAL HEALTH AND SAFETY POLICY

Policy Number:	2.1.2
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Child Safe EEO, Anti-discrimination and Harassment Health and Wellbeing in the Workplace Human Rights Risk Management
Related Documents:	Internal Occupational Health and Safety Management System Human Rights Charter Child Safe Standards Occupational Health & Safety Strategic Action Plan Wellington Shire Council Plan
Statutory Reference:	<i>Occupational Health and Safety Act 2004,</i> <i>Occupational Health and Safety Regulations 2017</i> <i>ISO 45001:2018 Occupational Health and Safety Management Systems</i>

OVERVIEW

“Wellington Shire Council is committed to providing and maintaining a safe work environment, and protecting the health, safety and welfare of staff, labour hire personnel, volunteers, contractors, customers, associated authorities and visitors and all other persons whose health or safety could be at risk through our work”

We will do this by ensuring:

- Compliance with relevant legislation, including supporting regulations; and
- The implementation of the health and safety management system, and the plans, policies, procedures, and programs necessary to support and implement this policy.

THE POLICY

Wellington Shire Council will implement and maintain this policy, and a health and safety management system and will ensure that:

- We establish measurable safety performance objectives and targets and that we review these to continuously improve OH&S performance. This shall include regular workplace inspections and the prompt control of identified hazards.
- Commit to ensuring continuous improvement of safety systems, and reducing work related injuries, risks, and hazards.
- Provide and maintain safe vehicles, plant, and systems of work.
- Employees are trained on all health and safety matters relevant to their work.

- All managers, supervisors, employees, contractors, and other persons are inducted into the requirements of the OH&S Management System and are held accountable for enacting their roles and responsibilities as defined in the OH&S Management System.
- Effective employee and contractor consultation on health and safety matters include the two-way communication of relevant information, toolbox meetings, reporting and feedback mechanisms.
- Adequate resources are provided to enable full implementation of this OH&S Policy and OH&S Management System.
- Where Council does not have the necessary in-house knowledge or expertise to enable it to meet its health and safety objectives, it will ensure that advice and guidance are obtained from competent health and safety professionals.
- This OH&S Policy will be reviewed every year period to ensure it is relevant and appropriate to the organisation operations.
- The OH&S Management System will be systematically reviewed internally over a five-year period or when required to ensure sections are reviewed and appropriate to the organisation operations.
- After each five-year period an external consultant will be engaged to provide gap analysis to ensure continuous improvement, operational relevance, current industry standard and legislative compliance.
- Provide information, instruction, training, and supervision to ensure staff, labour hire personnel, volunteers and contractors can perform their work safely and without risk to health.
- Develop and implement work Occupational Health and Safety guidelines and procedures.
- Management and staff are expected to work co-operatively to effectively implement this policy.
- All employees and contractors engaged by Council will always comply with relevant sections of the OH&S Management System.

Management is responsible within their area of responsibility for:

- Senior managers and supervisors being responsible for the implementation and dissemination of all matters dealing with the health and safety of employees and contractors under their control.
- Development, promotion and implementation of Occupational Health and Safety policies and procedures.
- Ensuring the provision and maintenance of a healthy and safe workplace, including identifying, assessing, and mitigating hazards.
- Providing adequate and competent supervision for their staff.
- Providing resources to ensure Occupational Health and Safety requirements are maintained.
- Providing relevant information, instruction, training to maintain a healthy and safe workplace.
- Ensure the safe use, handling, storage, and transport of substances.
- Provide support, assistance and consult with staff on Occupational Health and Safety issues.
- Ensure contractors are fully aware of the hazards associated with their work and implement appropriate hazard control measures.

Staff/Labour Hire Personnel and Contractors are to:

- Comply with all Occupational Health and Safety policies and procedures.
- Accept responsibility and take reasonable care of their own safety and not adversely affect the safety of others at the workplace.
- Co-operate with management regarding OH&S actions taken by the employer to maintain health and safety.
- Immediately report all incidents, near misses, and hazards to their supervisor.
- Not willfully interfere with or misuse items provided in the interests of occupational health and safety.

Consultation and Application:

This policy has been developed and implemented through the workplace by management and Health and Safety Representatives (HSR's) in consultation with staff. In accordance with the duty of employers to consult with employees (section 35 of the *Occupational Health and Safety Act 2004*), management will be responsible to consult or communicate with HSR's (with or without other affected stakeholders) regarding any workplace change that impacts occupational health and safety.

This policy is applicable to Wellington Shire Council in all its operations and functions including those situations where staff /labour hire personnel and contractors are required to work at various Council locations.

HUMAN RIGHTS

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

HUMAN RIGHTS POLICY

Policy Number:	2.1.3
Approved by	Council
Date Approved/Effective	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager People and Excellence
Related Policies	Equal Opportunity, Anti-Discrimination and Harassment Policy Privacy and Data Protection Policy Public Interest Disclosure Policy
Related Documents:	Nil
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i>

OVERVIEW

Victorian legislation requires Council to adhere to the fundamental human rights of all people, including employees, Councillors, contractors, customers and volunteers when making decisions, creating local laws, setting policies and providing services.

THE POLICY

Wellington Shire Council recognises that human rights are accompanied by responsibilities and are committed to upholding the human rights principles as outline in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* by:

- recognising and protecting the **freedom** of all persons;
- promoting and encouraging **respect** for all persons;
- promoting **equality** amongst all persons; and
- recognising and protecting the **dignity** of all persons.

The Charter requires that all public authorities, including Councils, comply with the 20 specific rights protected under it. These broadly relate to four basic principles;

Freedom

- Your right to freedom from forced work (*section 11*)
- Your right to freedom to movement (*section 12*)
- Your right to freedom of thought, conscience, religion and belief (*section 14*)
- Your right to freedom of expression (*section 15*)
- Your right to peaceful assembly and freedom of association (*section 16*)
- Property rights (*section 20*)
- Your right to liberty and security of person (*section 21*)
- Your right to a fair hearing (*section 24*)
- Rights in criminal proceedings (*section 25*)
- Right not to be tried or punished more than once (*section 26*)
- Protection from retrospective criminal laws (*section 27*)

Respect

- Your right to life (*section 9*)
- Your right to protection of families and children (*section 17*)
- Cultural rights, including recognition that human rights have a special importance for Indigenous peoples (*section 19*)

Equality

- Your right to recognition and equality before the law (*section 8*)
- Your right to taking part in public life (*section 18*)

Dignity

- Your right to protection from torture and cruel, inhuman or degrading treatment (*section 10*)
- Your right to privacy and reputation (*section 13*)
- Your right to humane treatment when deprived of liberty (*section 22*)
- Rights of children in the criminal process (*section 23*)

Breaches of Human Rights Policy

Where an issue or concern arises in regard to a breach of human rights, all allegations are treated confidentially, seriously and empathetically. Each case will be dealt with individually and all complaints should be referred in the first instance to the Manager People and Capability.

All steps will be undertaken to ensure the complainant, including staff members specifically, will not be penalised or disadvantaged because of raising genuine concerns or complaints relating to a breach of the human rights charter.

External complaints can be referred to the Australian Human Rights Commission or the Victorian Equal Opportunity and Human Rights Commission. These bodies can investigate and help resolve complaints of discrimination, sexual harassment and racial vilification. The Victorian Equal Opportunity and Human Rights Commission can also help people resolve complaints about religious vilification.

2.2 FINANCE BANK GUARANTEES POLICY

Policy Number:	2.2.1
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Finance
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

To establish policy on the management of bank guarantees for loans for community organisations, whilst limiting Council's exposure to potential loss. Council's ability to borrow for its own purposes such as to fund the capital works program may be limited by any outstanding Bank Guarantees.

THE POLICY

- a) Council will only support incorporated community organisations associated with Council's facilities or operations via Bank Guarantees for loans.
- b) Council's total exposure to contingent liability via Bank Guarantees will be limited to a maximum of 0.5% of the total annual rate revenue budget of the municipality.
- c) Council will not act as guarantor on loans under \$10,000.
- d) Any Bank Guarantee should not exceed \$50,000 for any one organisation.
- e) The term of any loan must not be in excess of ten years.
- f) Council may require conditions to be met by the applicant.
- g) Any previous or existing support provided by Council to the organisation will be taken into consideration.
- h) A Council resolution will be required in each particular case but, in any case, any such decision to provide a bank guarantee will be entirely at Council's discretion.
- i) Council may require the community organisation to reimburse to Council the annual cost of maintaining the Bank Guarantee, should Council's banking service provider levy such a fee.

Asset Construction

- a) Any Bank Guarantee will be for a maximum of 75% of the value of the asset proposed to be created by the funds being generated, and
- b) Council reserves the right to consider each application on its merits taking into account such issues as (but not limited to):
 - i) Any contributions made by the organisation
 - ii) Past record in terms of payment of debts, rental fees and performance under any agreements with Council.
 - iii) Any other factors considered relevant by Council such as business plans, membership

- iv) Priorities in strategic recreation and asset planning.
- c) Council may arrange, if necessary, an independent assessment of the organisation's financial position and such costs will be at the expense of the organisation.

Extraordinary Circumstances:

- a) Where a Bank Guarantee is sought for purposes other than asset construction or creation, Council will only consider such where extraordinary circumstances exist.
- b) Council reserves the right to consider each application on its merits taking into account such issues as (but not limited to):
 - i) Purpose of loan
 - ii) Circumstances resulting in the request for a Bank Guarantee
 - iii) Council's Public Policy objectives
 - iv) Potential impact on community, Council and its ratepayers
 - v) Past record in terms of payment of debts, rental fees and performance under any agreements with Council
 - vi) Any other factors considered relevant by Council such as business plans, membership numbers and structure, growth projections and management
- c) Council may arrange, if necessary, an independent assessment of the organisation's financial position and such costs may be at the expense of the organisation.
- d) Council, at its absolute discretion, may resolve to exceed the maximum stated in clause 2d, subject to the limits of clause 2b.

HUMAN RIGHTS

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

INVESTMENT POLICY

Policy Number:	2.2.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Finance
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Investment Guidelines
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

To establish a policy for the investment of Council's surplus funds.

THE POLICY

Due to the public nature of the Council's activities, prudent management of its monetary assets is essential to mitigate against unnecessary risks. For this reason, Council needs to establish conservative and risk averse guidelines for its investments.

1. The interest earned on investments should be maximised while minimising Council's exposure to financial risk.
2. All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy Council staff should always maintain a professional balance of risk and return and act as a steward of Council funds.
3. Investments are to be denominated in Australian Dollars.
4. Investment of surplus funds shall only be through investment types as permitted by Section 103 of the *Local Government Act 2020* and will comply with all relevant regulations and Ministerial guidelines.
5. Short Term Investments (less than or equal to 12 months) will only be made with financial institutions with a minimum Short-Term Standard & Poor's rating of A-2.
6. Long Term Investments (more than 12 months) will only be made with financial institutions with a minimum Long-Term Standard & Poor's rating of AA-.
7. Any amendment to this policy will be reviewed by Council's Audit & Risk Committee prior to being presented to Council for consideration.

HUMAN RIGHTS

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

DEBT COLLECTION AND INTEREST CHARGING – RATES, CHARGES AND FIRE SERVICES PROPERTY LEVY POLICY

Policy Number:	2.2.3
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Finance Rates
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Revenue and Rating Plan 2021-2024 Wellington Coast Strategy Wellington Coast Subdivision Strategy Voluntary Assistance Scheme Wellington Planning Scheme Ninety Mile Beach Policy
Statutory Reference:	<i>Local Government Act 1989</i> <i>Penalty Interest Rates Act 1983</i> <i>Fire Services Property Levy Act 2012</i>

OVERVIEW

The *Local Government Act 1989* (the Act) provides a legislative framework for the raising and collection of annual rates and charges and continues beside the *Local Government Act 2020*, for the sections detailed herein.

It also sets out the circumstances under which a property may be determined to be non rateable, which are very restrictive. Hence Council has no discretion as to whether to rate a property or not but must rate all properties that do not meet the criteria for non-rateable status.

Annual rates and charges are determined during the budget process each year and must be formally adopted by Council before they can be officially levied (raised) against ratepayer accounts.

THE POLICY

1. Rates Notices

Council will distribute annual and quarterly rates notices at least 14 days prior to each payment due date, allowing ratepayers sufficient time to effect payment (s158 (4)(d) of the Act).

2. Payments

2.1 Due Dates

Rates are due four times annually by the dates as published in the Government Gazette. Council **does not** offer the option to pay annually in February.

2.2 Postal Payments

Payments postmarked prior to the due date but received after the due date will be accepted without interest penalty. Payments posted on the due date with no chance of same day delivery will attract an interest penalty.

2.3 Other Payment methods

Payments made using electronic methods (i.e. BPay, Council's website) will be deemed to have been made by the due date where the date of transaction is on or before the due date.

Payments made at Australia Post outlets or at Council's service centres must be made on or before the due date.

When a property is sold the rates are due and payable at settlement where arrears exist section 175 of the Act states that a person becoming the owner of rateable land must pay any rate or charge which is current and any arrears of rates and charges including any interest. Where there are no overdue rates or charges, a new owner may elect to pay by instalments.

3. Interest Charges

Section 172(1) of the Act states that a Council may require a person to pay interest on any amounts of rates and charges which have not been paid by the due date, and which that person is liable to pay.

3.1 Application Date

Interest charges on unpaid rates will commence on the day immediately following the due date of each instalment.

3.2 Interest Rate

The rate charged will be the rate fixed under section 2 of the *Penalty Interest Rates Act 1983* that applied on the 1st of July immediately before the due date for payment (s172(2) of the Act).

3.3 Weekends/Public Holidays

If the due date of an instalment falls on a public holiday or weekend, interest will begin accruing from the day after the next working day i.e. due date is Sunday, interest will commence from the following Tuesday.

3.4 Payment Arrangements

Further legal action will be deferred if a payment arrangement acceptable to Council is entered into with the ratepayer; however, interest will continue to accrue on unpaid amounts until the debt is cleared, unless otherwise agreed.

4. Financial Hardship

Where ratepayers can demonstrate significant financial hardship, Council may, on application, vary payment arrangements and waive penalty interest charges (s171A of the Act).

5. Unpaid Rates

Council has extensive powers for the recovery of unpaid rates, as set down in the Act.

Section 180 of the Act gives Council the power to take legal action to recover any rate or charge that remains unpaid after it is due and payable including any instalment or any part of a rate and charge.

Section 181 of the Act gives Council the power to sell land for unpaid rates and charges.

5.1 Final Notice

A Final Notice, including advice of the actions which may be taken, will be sent out, and Council will exhaust other options such as negotiating payment arrangements with the ratepayer, prior to instigating formal debt collection procedures.

5.2 Legal Action

Actions which may be taken include, but are not limited to the following:

- Field call
- Default Summons/Complaint
- Judgement in Magistrates Court
- Entry in ratepayer credit rating
- Summons for oral examination
- Earnings order
- Seizure of property by Sheriff

Any legal cost incurred by Council as a result of legal action will be recovered from the ratepayer.

5.3 Referral to Council

If a debt is considered unrecoverable under normal circumstances, then the matter will be referred to Council for one of the following actions:

- hold as debt against property;
- allow to accrue with/without interest; or
- sell property after three years of unpaid rates (as per section 181 of the Act).

6. Inappropriate Subdivisions – Ninety Mile Beach

Council adopted the Wellington Coast Subdivision Strategy in September 2005, which outlined the way forward to resolving the issues of the inappropriate subdivisions, including a rating review. This was conducted, and recommendations implemented included the removal of the Municipal Charge, and a review of the policy on charging penalty interest on unpaid rates, commencing with the 2006/07 rating year.

Council adopted the Wellington Coast Subdivisions Implementation Package in April 2009, followed by the adoption and commencement of the Ninety Mile Beach Plan Voluntary Assistance Scheme in June 2011 for the 'between settlements' rural conservation areas.

Council ceased levying rates and the Waste Infrastructure Charge on undeveloped Ninety Mile Beach subdivided lots from 1 July 2019 in response to consideration of recommendations from the Ombudsman.

The following table provides a framework for the various precincts and Council's policy with regard to debt collection procedures.

The precincts are consistent with the terms used in the Wellington Planning Scheme zones and overlays and the Ninety Mile Beach Policy at Clause 22.08.

Description of land/precinct	Charge rates	Charge interest	Debt collection action
1. Urban Nodes - within the settlement boundaries of Golden Beach, Paradise Beach and The Honeysuckles	Yes	Yes	Yes
2. Rural Conservation (Between settlements) - vacant land in the between settlements area in Restructure Plan Stages R7-R18 between Firefly Road, Golden Beach and Acrux Way, Glomar Beach	Yes	No	No
3. Subject to Inundation (Vacant Land only)	Yes	No	No
4. Rural Conservation (Glomar Beach) - vacant completed restructure lots in Restructure Plan Stages R19-R22 between Acrux Way and Vegas Way - vacant single lots in Restructure Plan Stages R19-R22 between Acrux Way and Vegas Way	Yes Yes	Yes No	Yes No
All other restructure areas i.e. Rural Conservation, Coastal Dunes (former Beach Dune Buy Back)	Yes	No	No
All lots with existing dwellings	Yes	Yes	Yes

7. Seacombe And Hollands Landing

In addition, Council has the following policy on properties in Hollands Landing and Seacombe:

Description of land/precinct	Charge rates	Charge interest	Debt collection action
Seacombe/Hollands Landing – Vacant Land	Yes	No	No
All lots with existing dwellings	Yes	Yes	Yes

8. Fire Services Property Levy (FSPL) Charges and Interest

This policy applies equally to all Fire Services Property Levy charges and associated interest raised according to the provisions of the *Fire Services Property Levy Act 2012*.

HUMAN RIGHTS

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PROCUREMENT POLICY

Policy Number:	2.2.4
Approved by	Council
Date Approved/Effective:	21 December 2021
Date of Next Review:	21 December 2025
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Risk Management Policy Fraud Control Policy Best Value and Competitive Neutrality Climate Change and Sustainability Policy Conflict of Interest Policy Fleet Guidelines
Related Documents:	Nil
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government Act 2020</i>

OVERVIEW

To provide guidance to the Council to allow consistency and control over procurement activities.

THE POLICY

1. Principles

1.1 Policy Objective

The objective of this Policy is to:

- facilitate compliance with relevant legislative requirements;
- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in local government purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.2 Associated Policies, Guidelines and Procedures

This Policy forms part of Council's overall procurement policies and guidelines and should be read in conjunction with the following:

- Wellington Shire Council (WSC) Tenders, Expressions of Interest and Contracts System (TECS)
- Best Practice Guide for Tendering and Contract Management (Victorian Civil Construction Industry)
- Victorian Local Government Best Practice Procurement Guidelines (Department of Planning

& Community Development)

- Social Procurement: A Guide for Victorian Local Government
- *Trade Practices Act 1974*
- *Security of Payments Act 1999*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government (Planning and Reporting) Regulations 2020*
- Wellington Shire Council Risk Management Policy
- OH&S Management System, section 4
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Environment Protection Act 2017*
- *Modern Slavery Act 2018*
- *Australian Consumer Law and Fair Trading Act 2012*
- Wellington Shire Council Best Value and Competitive Neutrality Policy
- Wellington Shire Council Fraud Control Policy
- Wellington Shire Council S7 Instrument of Sub-Delegation by CEO to staff
- Wellington Shire Council Environmental Sustainability Policy
- Wellington Shire Council Employee Code of Conduct
- Wellington Shire Council Councillor Code of Conduct
- Wellington Shire Council Conflict of Interest Policy
- Wellington Shire Council Cashiers Manual
- Wellington Shire Council Corporate Credit Card Guidelines
- Wellington Shire Council Fleet Guidelines

1.3 Background

Wellington Shire Council recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of council objectives such as sustainable and socially responsible procurement; cost savings, supporting local economies; achieving innovation; and better services for communities.

The elements of best practice applicable to local government Procurement incorporate:

- broad principles covering ethics, value for money, open and fair competition, risk management, probity and transparency, responsibilities and accountabilities;
- guidelines giving effect to those principles;
- a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the Procurement process);
- procurement processes, with appropriate procedures covering simple Procurement to high value complex Procurement.

Council's contracting, purchasing and contract management activities endeavour to:

- support the Council's corporate strategies, aims and objectives including, but not limited to

those related to sustainability, protection of the environment, and corporate social responsibility;

- span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
- achieve value for money and quality in the acquisition of goods, services and works by the Council;
- demonstrate that public money has been well spent;
- provide a robust and transparent audit trail which ensures that procurement objectives are delivered on time, within cost constraints and that the needs of end users are fully met;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost; and
- generate and support business in the local community.

1.4 Scope

This Procurement Policy is made under Section 108 of the *Local Government Act 2020* (the Act). The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council: and
- Review it's procurement policy at least once during each 4 year term of the Council.

This Policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council Officers and temporary employees, contractors and consultants while engaged by the Council.

The Act and this Procurement Policy are the primary reference points for how all procurement will be undertaken.

1.5 Purchase Order Exemptions

Purchases not requiring a purchase order are listed in Appendix A. This is owing to the nature of the purchases.

1.6 Treatment of GST

All monetary values stated in this policy include GST except where specifically stated otherwise.

1.7 Definitions and Abbreviations

Term	Definition
The Act	<i>Local Government Act 2020</i>
Category Management	A 'Category' is an area of spend determined by known market boundaries separating different products, services or industries. Category management recognises that suppliers within a certain market are likely to have similarities which enable a tailored approach to procurement.
Collaborative Procurement	A contract established by the Council, government or a

Arrangement	nominated agent, such as Procurement Australia, Municipal Association of Victoria (MAV), Group of Councils or a local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full time and part-time council officers, and temporary employees, contractors and consultants while engaged by the Council.
Local suppliers	Located within Wellington Shire, then preference for Gippsland, Victoria or Australia (as opposed to inter-state or international suppliers).
Probity	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Local Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed throughout the procurement process. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system to acquire and pay for supplies, services and works.
Quotation	An offer to sell goods at a stated price and under specified conditions.
Tender Process	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Expression of Interest (EOI)	An invitation to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity

2.1.1 Requirement

The Council's procurement activities shall be performed with unquestionable integrity and in a manner able to withstand the closest possible scrutiny.

All tender processes shall be conducted in accordance with the requirements of this Procurement Policy and any associated procedures, relevant legislation, relevant Australian Standards, Commercial Law and *the Act*.

2.1.2 Conduct of Councillors and Council Staff

2.1.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- comply with Council's policies, guidelines, procedures and applicable legislation;
- comply with Council's Codes of Conduct (Staff and Councillors), in particular relating to Conflict of Interest provisions;
- not participate in any aspect of the procurement process unless acting in the capacity of Council at a formally constituted Council meeting to consider the awarding of a contract;
- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of matters deemed to be Commercial in Confidence; such as contract prices and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them;
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities, and
- report matters if they are concerned that improper conduct is being undertaken, this includes:
 - Corrupt conduct
 - A substantial mismanagement of public resources
 - A substantial risk to public health or safety; and
 - A substantial risk to the environment.

Council Staff responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

2.1.3 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications and tender evaluation panels, must:

- **Avoid** conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates.
- **Declare** that there is no conflict of interest. Where future conflicts, or relevant private interests arise Council Staff must complete an Employee Declaration and Management of Conflict of Interest Form, make their manager, or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.
- **Observe** prevailing Council and Local Government Victoria guidelines (in particular the Staff Code of Conduct and the Conflict of Interest Policy) on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

Refer to *1.2 Associated Policies, Guidelines and Procedures* for more information.

2.1.4 Fair and Honest Dealing

All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to participate in a procurement activity.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

2.1.5 Modern Slavery

Council is committed to operating lawfully and ethically. We expect our suppliers to operate in accordance with all applicable modern slavery laws including those prohibiting human slavery and slavery like practices, human trafficking, and child labor. We value and observe all laws regarding corporate social responsibility, environmental and workplace safety protection and staff inclusion and diversity.

2.1.6 Probity, Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's Procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- all Council Staff must be able to account for all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide

feedback on them; and

- all procurement activities are to leave an audit trail for monitoring and reporting purposes.

2.1.7 Gifts, Benefits and Hospitality

Staff are obliged to notify their Manager of any gift, reward or benefit that they have received or have been offered. All gifts and acts of hospitality, regardless of their value, must be declared using the Gifts, Benefits and Hospitality Declaration Form and included in Council's Gifts, Benefits and Hospitality Declaration Register.

Staff should not accept any gift where there is, or where there may be, the perception of a conflict of interest with past, present or future duties, or where the object of the gift is to maintain or return a favour.

Offers of bribes, commissions or other irregular approaches from organisations or individuals must be promptly brought to the attention of their Manager.

Councillors and Council Staff, particularly contract supervisors:

- Must not knowingly visit a current supplier's premises without invitation when acting in their official capacity; and
- Must not knowingly engage a Council supplier for private benefit, unless that engagement is on proper commercial terms.

2.1.8 Reward and Loyalty Program Participation

Councillors and Council Staff cannot accumulate reward or loyalty program credits on purchases made on behalf of Council or accept any discounts through the use of Council corporate credit or fuel cards.

Participation in a reward or loyalty program must not influence procurement decisions.

2.1.9 Disclosure of Information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect confidentiality, by refusing to release or discuss the following:

- Information disclosed by organisations in Tenders, Quotations or during Tender negotiations;
- All information that is Commercial in Confidence; and
- Pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-tender negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the Contract approval process being finalised other than through authorised pre-contract negotiations.

2.2 Governance

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- ensure that the Council's Procurement structure:
 - obtains value for money
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - ensures that prospective contractors are afforded an equal opportunity to register as an approved preferred contractor;
 - encourages competition.

2.2.2 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any Procurement action for the supply of goods, services or works.

Council Staff must not authorise the expenditure of funds in excess of their financial delegations. (Refer to 2.4.1 and 3.4.1)

Council staff must not disclose allocated procurement activity budgets to suppliers.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.2.3 Fraud Prevention

Council is committed to fraud prevention and as part of the requirements under this Policy Council will support a fraud-resistance culture by;

- Reporting breaches of the Procurement Process to the General Manager Corporate Services and the Chief Executive Officer;
- Reporting material breaches of the Procurement process to the Audit & Risk Committee;
- Investigate potential breaches of the Procurement Policy;
- Run regular reports to identify potential fraudulent transactions;
- Require all Tender Evaluation panel members to sign conflict of interest and confidentiality declarations prior to evaluating any tenders and for the life of the contract.

2.2.4 Reporting Fraud and Complaints

Council regards all allegations of improper conduct and complaints about the procurement process as serious and is committed to handling such disclosures in a sensitive and confidential manner.

Feedback or general complaints about procurement processes and procedures should be directed to the Procurement Coordinator and/or Manager Corporate Finance.

Members of the public, suppliers and Council staff are encouraged to report allegations of improper or corrupt conduct by a public officer involved in any Council procurement process. A disclosure relating to alleged improper or corrupt conduct of a public officer of Council can be made in person, via phone, in writing (letter or email) or anonymously. Disclosures can be made to:

- General Manager Corporate Services; or
- The Independent Broad-Based Anti-Corruption Commission (IBAC), GPO Box 24234, Melbourne Victoria 3000, Internet www.ibac.vic.gov.au.

2.3 Procurement Thresholds and Competition

The Purchase of goods, services and works to the value of \$250,000 or more, including GST, for the whole term of the contract will be undertaken by an open public tender process, unless one of the nominated and/or legislated exemptions apply including the declaration of an “emergency event” by the Chief Executive Officer.

When an emergency event is declared it will be managed in accordance with the Chief Executive Officer’s delegation for contracts specifically relating to repair and remediation requirements directly attributable to that emergency event.

Tenders will be advertised on Council’s website as well as advertised in selected local newspapers.

2.3.1 Requirement

The Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by the Council based on the size and complexity of the proposed procurement activities.

Where a Purchase Order is used, it must be raised prior to the purchase being made following the required quotation process (according to the level of expenditure as reflected in Table 1).

Suppliers will be informed that they must receive a Council purchase order prior to the supply of goods and services and quote the purchase order reference number on their invoice that must be emailed to Accounts Payable after the supply of their goods and services.

2.3.2 Approved Methods

The Council’s standard methods for purchasing goods, services and works shall be by:

- corporate credit card;
- purchase order which must be raised prior to the purchase being made, following a quotation process;
- under contract following a tender process; or quotation processes; or
- Group Purchasing Schemes - where the Council is satisfied that Value for Money requirements have been satisfied, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by MAV Procurement or Procurement Australia; or

- Using Collaborative Procurement Arrangements; or
- unless arrangements otherwise authorised by the Council or the CEO on a needs basis are required by abnormal circumstances such as emergencies; or
- Miscellaneous petty cash purchases are being phased out.

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically, a multi-stage tender process will commence with an expression of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- the Council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

2.3.3 In the Event of Emergency

Circumstances under which procurement may be undertaken under this clause are as follows:

- An emergency exists as defined by the *Emergency Management Act 2013*; and
- The Chief Executive Officer has declared in writing that an emergency exists; and is satisfied that procurement needs to be undertaken immediately.

Situations where this might occur include:

- During the period where a natural disaster has been declared such as flooding, bushfire or epidemic that may require the immediate procurement of goods, services or works to provide relief;
- The occurrence of an event such as flooding or fire at a Council property which may require the immediate procurement of goods, services or works to ensure business continuity;
- The unforeseen cessation of trading of a core service provider to Council resulting in a need to appoint a replacement service provider on the grounds of public safety;
- An unforeseen event which impacts heavily and unsustainably on Council's level of service to the community and represents an immediate risk to health or safety; or
- Any other situation which may constitute a risk to health, life or property.

Procurement made under the Emergency provisions must be in accordance with Council's Financial Delegations and be limited in scope to what is necessary to deal with the immediate emergency.

The Emergency provision must not be used for new or extended works and services after the need for an emergency response has passed. Immediately after the Chief Executive Officer declares that an Emergency no longer exists, the use of this power ceases.

2.3.4 Appointment of an Agent for Procurement

In consideration of the appropriate Procurement process to follow, Council may join with other Councils as a defined group, based on similar requirements for products, goods or services. In doing so, Council may nominate to appoint another council to act as Council's Agent or for Council to act as Agent for other Councils.

Council is able to access contracts from State Government, Municipal Association of Victoria Procurement (MAVP) and Procurement Australia (PA). This means that Council can utilise the rates and suppliers established under any existing State Government, MAVP or PA contract without the requirement to complete the formal agency appointment process. This does not negate the requirement for financial approval dependent on delegation limits.

Where Council requires an agent to act on Council's behalf for the tendering process, governance arrangements will be required including;

- Formal appointment of the agent;
- Review of the Specification to meet Council's requirements; and
- Advice to the agent of Council's Procurement Policy requirements including evaluation criteria, Tender panel and weightings to the criteria.

2.3.5 Minimum Spend Competition Thresholds

Purchase of all goods, services and works for which the estimated expenditure exceeds \$250,000 (inclusive of GST), must be undertaken by public tender.

However, this does not preclude the tendering for contract works of lesser amounts should this be in the best interests of a value for money outcome.

In addition, where there is a possibility that the service being provided may exceed the threshold, then it should also be tendered.

The level of expenditure in accordance with Table 1 determines the appropriate procurement methodologies. Staff should consider the total value of the procurement for an ongoing commitment. Tenders should be called for all high-risk procurement (eg. reputational, multiple suppliers within Shire) no matter what the expenditure level.

2.3.6 Exemptions from tendering

The Chief Executive Officer (CEO) or Council, depending on Financial Delegation limits, can approve an exemption from publicly advertising a tender.

The following circumstances, when approved, can be exempt from the general publicly advertised tender, quotations and expression of interest requirements:

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
A contract made because of genuine	Where the Council, CEO or Appropriate Delegate needs to enter into	Approved by the CEO up to approved Financial

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
emergency or hardship	arrangements in response of an emergency (e.g. to provide immediate response to a natural disaster, declared emergency)	Delegation Approval by Council when above the CEO Financial Delegation
A contract made with, or a purchase from a contract made by, another government owned entity or other approved third party	This general exemption allows engagements: <ul style="list-style-type: none"> ○ With another government entity or government owned entity. ○ In reliance on contracts and arrangements established by another government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members, Procurement Australia (PA) 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Extension of contracts while Council is at market	<ul style="list-style-type: none"> ○ Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. ○ This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Professional services unsuitable for tendering	<ul style="list-style-type: none"> ○ For the procurement of Legal Services ○ Where Council must take out specific insurance requirements specified by law or another instrument. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Novation of Contracts	Where the initial contract was entered into in compliance with <i>the Act</i> and	Approved by the CEO up to approved Financial Delegation

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval by
	due diligence has been undertaken in respect to the new party.	Approval by Council when above the CEO Financial Delegation
Information technology resellers and software developers	Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> ○ Motor vehicle compulsory third party ○ WorkCover 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Operating Leases	Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Other specific Council Exemptions	<ul style="list-style-type: none"> ○ The CEO may approve ad-hoc exemptions in exceptional circumstances within the financial Delegation where it can be demonstrated that it is in the best interests of the community to do so. If exceeding the financial delegation exemption must be referred to Council for approval. ○ The public tender threshold and related exemptions also apply to collaborative procurements. 	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation

2.3.7 Sole source procurement exemptions

Council may at times make purchases at values above the single quoted threshold, normally requiring a competitive process (multiple quotes or formal tender) but may find there is no competitive market for that particular product or service. One example is software licences

which are only available from the vendor/manufacturer of that software and therefore a requirement to seek multiple quotes or tender responses is unenforceable.

Only the Chief Executive Officer, within financial delegations, can provide an exemption when seeking a sole source procurement exemption from public tendering and this must be obtained prior to the supplier quoting. If exemption is given, this is to be included in the recommendation report to the relevant approver as part of the purchase justification.

2.3.8 Collaboration

In accordance with the Act, section 108(3)(c), Council will seek to collaborate with other Councils and Public Bodies through the various networks. Other networks in which Council staff are engaged may also provide collaboration opportunities depending on the procurement opportunity being considered.

Collaboration will be sought where it can be demonstrated that the Value For Money proposition will be improved by the scaling up of the opportunity with the inclusion of other Councils and Public Bodies. Value for Money, in regard to collaboration, will consider the relative cost reductions achieved by the scaling up of the opportunity in comparison to any additional costs incurred such as delays to accommodate timing differences between Councils, the multi-party contract management regime imposed, and the contractual complexities incurred such as handling of securities and early contract withdrawal by one or more parties. Collaboration will be sought by email request to the Procurement representative of each Gippsland RPEN member inviting their interest in collaborative participation. Relevant opportunities will also be communicated with other networks and government bodies on a per opportunity basis.

In accordance with the Act, section 109(2), each report to Council recommending entering into a procurement agreement, will include information relating to the opportunities for collaboration.

2.3.9 Value for Money

Value for Money is the guiding principle of Council procurement decisions and is in accordance with the Act, Section 108(3)(b). Value For Money (VFM) seeks to make sound judgement procurement decisions based on much more than least cost. For each goods, services or works opportunity, VFM considers aspects relevant to financial and non-financial elements such as (but not limited to):

- Quality
- Longevity
- Fitness for purpose
- Operational costs
- Experience and performance history
- Flexibility, innovation and adaptation
- Whole of life costs including acquisition, decommissioning and disposal costs
- Environmental impact including recyclability or reuse considerations
- Backup and Support systems
- Licensing, registering and training costs
- Legal costs
- Risk, security and safety considerations.

The relevant aspects of each procurement are to be considered by each officer in making each procurement decision.

In a multi-quote and tendered opportunity, the relevant VFM elements form the assessment criteria and are weighted and scored as a quantitative means to determine the offer representing best value for money to Council. These criteria and their weighting are to be established and fixed prior to quotes and tenders being sought, are to be included in the quote/tender documentation, and then responses evaluated once all responses have been provided. The response evaluation is to be included with the recommendation to the final tender/contract approver.

2.3.10 Further guidance

Should a matter arise that is not covered by this Policy or the relevant Legislation, Standards, Guidelines, other Council Policies, the matter must be referred to the Coordinator Procurement/Manager Corporate Finance to determine the appropriate action.

TABLE 1

		EXPENDITURE LEVEL (INC. GST)				
		<\$100	\$100 to \$5,000	\$5,000 to \$25,000	\$25,000 to \$250,000 Goods/Services and Works	> \$250,000 Goods/Services and Works
	Verbal Quote	1	1	2		
	Supply contract purchasing scheme		Yes	Yes	Yes	Yes
	Written Quote		Optional	Optional	3	
	Public Tender			Optional	Tender optional. If not, contractors must be registered as preferred contractors	Yes Mandatory
APPROVED METHODOLOGY	Petty Cash	✓				
	Corporate Credit Card	✓	✓			
	Purchase Order		✓	✓	✓	✓
	Contract			✓	✓	✓

For the purposes of the table above the expenditure levels (inclusive of GST) are calculated as follows:

- for single one-off purchases shall be the value of, or estimated value of the purchase;
- for multiple purchases shall be the gross value of, or estimated gross value of all items to be purchased, i.e. buying 30 computers at \$2,000 each is not to be considered 30 separate one-off purchases, but is to be viewed as a spend of \$60,000, therefore requiring 3 written quotes, a public tender, or use of a group purchasing scheme;
- for ongoing purchases over a period of time shall be the annual gross value of, or estimated annual gross value of purchases, i.e. hire of water carts over a 6-month

period for different work sites around the Shire should be considered as one purchase of the same nature;

- for contracts spanning a number of years, the value of the expenditure is the total estimated spend for all years specified for the service, including any optional extension periods.

It is unacceptable to divide a particular procurement or procurement phase into separable parts or use a particular method for calculating the estimated total value of procurement for the purpose of circumventing an approach to the open market.

Verbal quotations

Quotations must be sought as per Table 1, and details recorded in Council's corporate system, Authority, when raising the purchase order. Where only one quote is required, the receipt of purchase is sufficient for recording purposes.

Written quotations

When written quotations are sought, details must be stored in Council's corporate record system, Authority, when raising the purchase order.

Council will endeavor to obtain at least one quote from a local supplier wherever possible. (refer to 4.1)

Insufficient quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few local suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded in the corporate system and an appropriate comment recorded when raising the purchase order.

Random audits will be conducted on purchase orders of this nature.

Cumulative Spend

Council will monitor cumulative spend with suppliers at least annually. If expenditure with a supplier or a number of suppliers providing similar goods, services and works is ongoing in nature and the cumulative spend is likely to exceed the legislated threshold over a two year period, then Council will review the opportunity to pursue a contract for such goods, services and works through a competitive process.

Approved Contractors

Council shall maintain a register of approved contractors, who have met Council's requirements in terms of OH&S systems and processes and, where applicable, quality and environmental factors. All works must be undertaken by approved contractors.

2.4 Delegation of Authority

2.4.1 Requirement

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotations, tenders and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

The S7 Instrument of Sub-Delegation by CEO identifies Council Staff authorised to make procurement commitments in respect of goods, services and works on behalf of the Council.

2.4.2 Delegations Reserved for the Council

Council must approve the award of all contracts exceeding a limit as determined by the S5 Instrument of Delegation – Council to the Chief Executive Officer (\$400,000 as at 7 July 2021).

2.5 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end (from purchase to payment);
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

2.6 Commercial Information

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

2.7 Risk Management

2.7.1 General

Risk Management is to be appropriately applied at all stages of Procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

2.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- where appropriate requiring security deposits, performance bonds and retention bonds;
- referring specifications to relevant experts;
- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent); and
- effectively managing the contract including monitoring and enforcing performance.

2.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions, including dispute resolution and contract management requirements. Where this is not possible, approval must be sought from the Manager Corporate Finance. Upon approval, relevant procurement and legal advice should be sought where necessary.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this exposes the Council to risk and thus must be authorised by the Manager Corporate Finance.

2.9 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable, its clients, receive the goods, services or works provided to the required standards of quality, costs and quantity as intended by the contract by:

- establishing a system of monitoring and achieving the responsibilities and obligations of both parties under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions;
- adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor compliance procedures; and
- ensuring goods, services and works have been completed to Council satisfaction prior to payment occurring.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

2.10 Tender evaluation and evaluation criteria

A Tender Evaluation Panel will be established to evaluate each Tender submission against the specified evaluation criteria. Tender Evaluation Panels can include both internal and external personnel in order to ensure the best outcome for a procurement activity and must comprise of at least 3 persons which includes the chairperson.

External personnel can also be included in the procurement process in an advisory role and not sit on the Tender Evaluation Panel or may sit on the Tender Evaluation Panel where technical or professional experience is required for the appropriate evaluation of submissions. Engagement of external advisors must be approved by the relevant General Manager.

A detailed Tender Procurement and Evaluation Plan shall be developed, approved and strictly adhered to by the Tender Evaluation Panel. This involves the establishment of detailed evaluation criteria and the application of a pre-approved and robust weighted scoring system.

The Tender Procurement and Evaluation Plan is to be completed and signed off prior to the Tender being issued to market.

All tender evaluation panel members must complete necessary declarations of no conflict of interest prior to receiving or evaluating any tenders.

2.11 Evaluation Criteria

Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money and complies with Council's key principles and

objectives (in addition to other relevant criteria for the particular procurement):

- tendered price;
- mandatory compliance criteria (e.g. ABN registration, OH&S, Fair Work Act);
- capacity of the tenderer to provide the Goods, Services or Works;
- capability of the tenderer to provide the Goods Services or Works;
- demonstration of sustainability;
- social procurement;
- environment;
- local content; and
- other specialised criteria may also be used, depending on the goods, service or works being sought.

3 Demonstrate Sustained Value

3.1 Integration with Council Strategy

The Council procurement policy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- feeling safe;
- living in a clean and pleasant environment; and
- receiving good quality, well managed Council services that are Value for Money.

3.2 Achieving Value for Money

3.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of best value.

3.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the organisation;
- effective use of competition;
- using aggregated contracts and standing offer arrangements (SOA) where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing a more cost efficient tender process including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- working with suppliers to create relationships that are professional and productive and are appropriate to the value and importance of the goods, services and works being acquired.

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives by being written in a manner that:

- clearly defines the Council's requirements;
- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;
- eliminates unnecessarily stringent requirements; and
- determines the quality of the outcome.

3.3 Sustainability

Sustainable procurement is the acquisition of necessary goods and services that have the least impact on the environment and human health, within the purchaser's capacity to do so. The Council is committed to achieving sustainable Procurement within the context of purchasing on a Value for Money basis, by ensuring that it monitors and reports on Council activities that have an impact on or contribute to the environment, including:

- waste management
- recycling
- energy management
- emission management
- water conservation
- climate change considerations
- gender equity considerations
- green building design; and
- procurement.

Value for Money purchasing decisions made by the Council are made on the basis of cost and non-cost factors including contribution to the Council's sustainability objectives.

Wellington Shire Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods and services and works and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Considering the environmental performance of all suppliers and contractors and encouraging them to conduct their operations in an environmentally sensitive manner;
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products;
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy.

3.4 Performance Measures

Council will establish and put in place appropriate performance measures. Reporting systems will be used to monitor performance against metrics and compliance with procurement policies,

procedures and controls.

Council will use the performance measurements developed to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4.1 Breaches of the Policy

Any possible breaches of the requirements of the Policy will be investigated and the contract will be listed in Council's Annual Report as required by the *Local Government (Planning and Reporting) Regulations 2020*.

Breaches of the spend thresholds for purchases below the requirements will be dealt with in the context of performance management discussions with the relevant staff.

4 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers and that it seeks to operate with 'informed choice' on what supply strategy it adopts – whether to 'do it yourself', participate in regional or sector aggregated projects or to access State Government panel agreements. Council will consider supply arrangements that deliver best value outcomes for council in terms of time, cost and value.

4.1 Support of Local Business

Council is committed to:

- Ensuring that procurement practices are strategically aligned with Council's wider objectives;
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade;
- Enhancing partnerships with community stakeholders, suppliers and other Councils; and
- Providing opportunities to businesses who support aboriginal people, people with disabilities and disadvantaged people.

In the first instance quotes must be obtained from a Local Supplier, and only where the local business cannot supply it, are deemed not capable, or cannot provide value for money, can suppliers outside of the local area be invited to quote.

4.2 Social Procurement

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.

For Local Government social procurement builds on initiatives already undertaken by the sector in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities.

Social procurement is a key mechanism by which to generate wider social benefits by providing

a mechanism for linking and integrating social and economic agendas.

4.3 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered;
- Developing approved supplier lists; and
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

4.4 Relationship Management

The Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across the Council;
- Criticality of goods / services, to the delivery of the Council's services;
- Availability of substitutes; and
- Market share and strategic share of suppliers.

4.5 Communication

External

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the Council. The external website provides:

- Information about Council and how to become an approved contractor;
- A list of existing contract opportunities;
- Guidelines for doing business with Council; and
- Links to other relevant sites.

Internal

Council is committed to providing ongoing training to all staff with procurement responsibilities, which will include:

- Initial training prior to undertaking any procurement activities (new staff); and
- Ongoing annual refresher training for all staff engaged in procurement.

4.6 Continuous Improvement

The Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

In particular, Council will continue to explore the potential cost implications for 'greening' the supply chain, and minimising waste through use of eco-friendly, recycled or recyclable products.

APPENDIX A

EXEMPTION LIST – No Purchase Orders Required (Corporate Credit Cards are alternative to purchase orders)

- Accommodation/travel (via credit card)
- Advertising placement fees
- Agency Staff (including labour hire contractors and umpires)
- Audit & Risk Committee
- Community Hall Hire
- Conferences
- Contractual Agreements (i.e. software maintenance/licences, debt collection, leases, secure pay)
- Contributions (i.e. grants, sponsorships, Committee of Management (COM) operating subsidy)
- Councillor Allowances & reimbursements
- Daily food purchases for Aqua Energy café/kiosk (i.e. fruit, vegetables, bread)
- E-tags
- Emergency after- hours repairs/maintenance, up to 3 days after emergency first occurred
- Fuel Accounts
- Government/statutory charges (i.e. EPA levy, licenses, police checks)
- Insurances (including work cover)
- Legal Fees
- Medical Expenses
- Memberships/subscriptions
- Milk
- Postage
- Rental (property)
- Photocopier volume charges
- Reactionary maintenance – fire hydrants
- Reimbursements/refunds (employees and others)
- Royalties – (The Wedge shows etc)
- Security Services i.e. call out fees (not contract charges)
- Training courses
- Utilities – electricity, phone, water, gas, street lighting etc
- Vehicle Registration
- Vet accounts (i.e. euthanasia of animals)

HUMAN RIGHTS

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

CORPORATE CREDIT CARD POLICY

Policy Number:	2.2.5
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Accommodation and Meal Allowance Policy (internal) Seminars and Conferences Policy (internal) Service Recognition and Employee Departure Policy (internal) Procurement Policy
Related Documents:	Fleet Management Guidelines
Statutory Reference:	Nil

OVERVIEW

This policy will provide understanding and guidance for staff who use a corporate credit card.

THE POLICY

The purpose of these cards is to allow the Chief Executive Officer, General Managers, Managers and authorised staff with delegation to pay for goods and services necessarily incurred in the performance of their duties. These cards must adhere to Council policies on employee spending; Accommodation and Meal Allowance Policy, Seminars and Conferences Policy and Service Recognition and Employee Departure Policy and Fleet Management Guidelines.

USE OF CORPORATE CREDIT CARD

The corporate credit card is only to be used within the financial delegations given in writing by the S7 Instrument of Sub-delegation to the employee. It is strictly for **BUSINESS USE** only and for the specific purpose of purchasing goods and services necessary for the undertaking of the employee's normal duties as a part of their role. Users are expected to refund transactions or portions of transactions that are identified as inappropriate.

Use of the card for personal expenses, in any situation, is prohibited. Any personal reward card or membership should not be used in conjunction with the corporate credit card. If there is an accidental personal purchase on the corporate credit card, the person responsible must inform the Corporate Card Administrator immediately in writing, and refund the amount spent at Customer Service. The receipt from Customer Service must then be attached to the transaction before approval.

Fuel should not be purchased on corporate cards unless a fuel card was provided and failed to work. Fuel purchases for non-Council vehicles are prohibited.

Alcohol is not permitted to be purchased via credit card, and any alcohol purchases made must be refunded to Council as a personal expense. Exceptions can only be organised **in advance and in writing** by the CEO or General Manager Corporate Services. A copy of the written permission must be attached as proof of prior approval.

Delegation Authority

It is important to note that prior to an employee obtaining a corporate credit card, their position description and level of delegation must be authorised and included in the S7 Instrument of Sub-delegation CEO to Council Staff. A copy of this instrument is available for review on the Council intranet and by members of the community via request.

Purchasing and Record Keeping

Cardholders must ensure adequate reporting for all transactions:

- **Legible, complete, and correct tax invoices or receipts** must be scanned or photographed and attached to all transactions. An EFTPOS docket is not a Tax Invoice and will not be treated as such. If an invoice is not provided, the cardholder must contact the Merchant to request a new copy.
- **Unavailable receipts:** Where a tax invoice is unable to be provided, a statutory declaration including an itemised list of what was purchased must be completed and signed for purchases over \$20.00 incl GST. GST cannot be claimed and will be charged to the relevant business unit ledger.
- **Expenditure description:** The purpose of all expenditure must be described in adequate detail, and **all** beneficiaries are to be identified by name and categorised as internal employees or external guests.
- **GST:** All cardholders are responsible for correctly reporting GST. When completing their reporting, users should ensure the GST shown in Promaster matches the receipt by changing the GST code or splitting the transaction between multiple codes.

Restrictions/Limits

All corporate credit cards are blocked for cash advances.

Temporary and Permanent Limit increase

If a staff member requires an increase for a short period of time, a temporary increase can be arranged. A form (Request for Corporate Credit Card Increase) on the intranet can be completed by the cardholder, signed by a Manager and sent to the Corporate Card Administrator for processing.

If a permanent increase is required, in the first instance, the cardholder must have a conversation with their Manager. If an increase is agreed upon, the form on the intranet (Request for Corporate Credit Card Increase) can be completed and returned to the Corporate Card Administrator for processing.

Purchase Approval

Approvers are expected to review all transactions on a regular basis to ensure:

- the expenditure is acceptable business use per the relevant policies, and if not, must request that the cardholder refunds the transaction at Customer Service;
- a legible, complete, and correct tax invoice or receipt is attached, and if not, the transaction must be reversed to the cardholder to retrieve the required documentation;
- that the description provided by the user contains the required details as described above, and if not, the transaction must be reversed to the cardholder to amend.

Reporting Authorisation

Prior to submission for payment, all corporate credit card accounts must be authorised either by the Chief Executive Officer, General Manager or Manager as appropriate.

The Manager Corporate Finance will authorise the Chief Executive Officer's corporate card account which will be forwarded to the Mayor to review and note, in line with the Councillor Code of Conduct, prior to processing.

Security

The card must be kept secure at all times. All details relating to the card including, the Personal Identification Number (PIN), and key words are not to be divulged to any other party or be written or stored electronically on or with the card.

Corporate credit cards are only to be used by the employee whose name appears on the card. It is prohibited to provide a card for use by anyone other than the named employee under any circumstance.

If a corporate cardholder were to undertake an extended period of leave, the card must be returned to the Corporate Card Administrator for safe keeping. The card must not be used while an employee is on any kind of leave as card usage will be checked against their documented attendance.

If a person is dismissed, the card must be returned immediately to the Corporate Card Administrator for destruction.

In the event the card is lost or misplaced, the Corporate Card Administrator and Commonwealth Bank must be informed immediately.

All cardholders are expected to check their transaction report weekly, as a minimum. In the event an unauthorised or fraudulent transaction is identified, the Corporate Card Administrator and Commonwealth Bank must be informed immediately.

PERIODIC REVIEWS AND INTERNAL AUDIT OF CREDIT CARD USAGE

The Finance department will undertake monthly assurance reviews of credit card usage and credit card transactions to identify any non-compliance with this policy or fraudulent activity.

Individual credit card transactional reporting will also be available to all authorising managers to ensure that credit cards are being used in line with this policy.

A quarterly report of all expenditure will be reviewed by the Corporate Management Team.

The CEO's credit card expenditure will also be authorised by the Manager Corporate Finance and regularly reviewed by the Mayor, and the Audit & Risk Committee.

Failure of an individual to use their corporate credit card in line with Council's Corporate Credit Card Policy or the Commonwealth Bank's requirements will result in immediate cancellation of the facility, disciplinary action and/or termination of employment.

HUMAN RIGHTS

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

BEST VALUE AND COMPETITIVE NEUTRALITY

Policy Number:	2.2.6
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Corporate Finance
Related Policies:	Nil
Related Documents:	Wellington Shire Council Enterprise Bargaining Agreement
Statutory Reference:	<i>Local Government Act 2020</i> <i>Australian Consumer Law and Fair-Trading Act 2012</i> <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>

OVERVIEW

The purpose of this policy is to outline the Wellington Shire Council's commitment to best value and competitive neutrality.

THE POLICY

Best Value

Implementation of Best Value Principles requires the Council to ensure that:

- all Council services meet quality and cost standards in accordance with section 106 of the *Local Government Act 2020*;
- all services provided by Council must be responsive to the needs of the community;
- all Council services are accessible to those members of the community for whom the services are intended;
- all Council services achieve continuous improvement in the provision of services for its community;
- the Council consults regularly with the community in relation to the services it provides; and
- the Council regularly reports to the community in relation to its compliance with Best Value Principles.

When applying Best Value Principles, the Council may take into account:

- the requirement to review services against the best on offer in both the private and public sectors; and
- an assessment of value for money in service delivery; and
- community expectations and values; and
- the balance of affordability and accessibility of services to the community; and
- opportunities for local employment growth or retention; and
- the value of potential partnerships with other councils, the State Government and the Commonwealth Government; and
- potential environmental advantages for the Council's municipal district.

Council commits to incorporating Best Value Principles into its daily operations by integrating best value into its continuous improvement program. It also commits to reviewing all of its services as part of its annual planning cycle as well as during the development of strategies that support the achievement of community and organisation goals.

Council commits to involve management, staff and the community (where appropriate) in the conduct of any best value service reviews.

Outcomes arising from Best Value service reviews will be implemented in accordance with the relevant conditions of Council's current Enterprise Bargaining Agreement, specifically per clauses relating to introduction of change and best value processes.

Competitive Neutrality

Wellington Shire Council is committed to implementing a Best Value and Competitive Neutrality Policy and will apply a **competitive neutrality** measure to a "Significant Council Business":

- to the extent that the benefits to be realized from the application of the Competitive Neutrality Measure outweigh the costs; and
- where the application of the competitive neutrality measure is in the public interest.

Where Council applies a competitive neutrality measure, it will select the **competitive neutrality** measure that is most appropriate to the particular significant Council business in question.

Wellington Shire Council is also committed to documenting the application of **competitive neutrality** measures to significant Council businesses or businesses that may be deemed "significant". In doing so, Council will:

- consult with and inform the community about the process of implementing a competitive neutrality measure to a relevant Council business;
- inform the community about the outcome of any application of a competitive neutrality measure; and
- investigate, document and respond to complaints alleging non-compliance by the Council to the implementation of a Best Value and Competitive Neutrality Policy or improper business practices.

HUMAN RIGHTS

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

2.3 INFORMATION SERVICES PRIVACY AND DATA PROTECTION POLICY

Policy Number:	2.3.1
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Information Services
Related Policies:	Records Management Policy
Related Documents:	(OVIC) Privacy by Design Policy Wellington Shire Council's Freedom of Information Part II Statement (website); Customer Service Commitment
Statutory Reference:	<i>Electronic Transactions Act 2000</i> <i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Records Act 1973</i>

OVERVIEW

To assist Council in meeting the legislated requirements of the *Privacy and Data Protection Act 2014* and to establish policy for the responsible management of personal information held and collected by Wellington Shire Council.

THE POLICY

The Victorian *Privacy and Data Protection Act 2014* (Act) applies to Victorian government departments, Ministers, local councils, statutory offices, government schools, universities and TAFEs. These organisations are public sector organisations. The Act governs the way in which these organisations must responsibly collect, handle and protect personal information and ensure data security.

All Wellington Shire Council employees, Councillors, contracted service providers including subcontractors to them, consultants, volunteers, temporary and casual staff and other authorised personnel of Council are required to comply with the ten (10) Information Privacy Principles (IPPS) of the Act. The IPPS set out the minimum standards for the handling personal information.

The Privacy and Data Protection Act 2014 does not apply to health information, or how Commonwealth government agencies (i.e.: Australian Tax Office, Centrelink, etc) and private organisations (i.e.: charities and companies) should handle personal information. These are covered by other privacy laws.

The purpose of this policy is to provide a general statement about how Wellington Shire Council manages personal information and to demonstrate our commitment to privacy by:

- Helping employees understand how personal information should be handled;
- Preventing the unnecessary collection or unlawful use or disclosure of personal information; and

- Promoting greater public confidence in Wellington Shire Council's handling of personal information.

Wellington Shire Council collects personal information provided by applicants, complainants, government agencies, members of the public, employees and other third parties in compliance with its functions and obligations under the *Privacy and Data Protection Act 2014* for the purpose of carrying out their statutory functions and associated activities.

Definitions:

Personal Information Recorded information or opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be identified. Personal information can be almost any information linked to an individual, including name, email address, address, phone number, signature, photographs or surveillance footage of an individual, comments written about an individual, or financial details.

Sensitive Information Information or an opinion about an individual's marital status, race, political opinions, trade union membership, religion, sexual preferences, education, criminal record or employment history is considered sensitive information.

These types of information are subject to higher protections under the *Privacy and Data Protection Act 2014*.

Health Information Information or opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual. Health Information does not include information about an individual who has been deceased for more than 30 years.

Responsibilities:

This Policy applies to **all** Council employees, Councillors, contracted service providers including subcontractors to them, consultants, volunteers, temporary and casual staff and other authorised personnel of Wellington Shire Council. These persons must comply with the Act and the Principles which regulate the handling of personal information of individuals.

The Coordinator Information Management is Wellington Shire Council's Information Privacy Officer. The Information Privacy Officer is responsible for the review of this policy, privacy training, the promotion of privacy and data protection and to assist with related internal and external enquiries.

An e-learning training course (Record Keeping and Privacy which also incorporates Freedom of Information) is available to new and existing staff on Wellington Shire Council's Learning & Development System (LDS).

AN OVERVIEW OF THE TEN INFORMATION PRIVACY PRINCIPLES

The *Privacy and Data Protection Act 2014* contains ten IPPs, namely Collection, Use and Disclosure, Data Quality, Data Security, Openness, Access and Correction, Unique Identifiers, Anonymity, Transborder Data Flows and Sensitive Information.

Below is a summary of the ten Information Privacy Principles:

Principle 1 - Collection

Council must only collect personal information that is necessary for specific and legitimate functions and activities and only collect the information by fair, lawful and unobtrusive means. Where reasonably practicable, Council will inform individuals why their personal information is being collected, how it will be used and to whom it may be disclosed. Privacy Collection Statements will be included on forms which collect personal affairs information of individuals.

Principle 2 – Use and Disclosure

Council must not use or disclose personal information for a purpose other than the primary purpose for which it was collected, unless it is for a related purpose that would be reasonably expected or consent from the individual has been obtained. The law allows some uses and disclosures without consent, such as to protect safety and for law enforcement purposes.

Note: Where authorised, Council may disclose personal information to third parties.

Principle 3 – Data Quality

Council takes reasonable steps to ensure that the personal information it collects, uses or discloses, is accurate, complete and up-to-date.

Wellington Shire Council will endeavour to maintain accurate records. When an error is identified (either internally or by an external party) Council will correct the information promptly.

Principle 4 – Data Security

Council takes reasonable steps to protect all personal information it holds from misuse, loss, unauthorised access, modification or disclosure.

If Council becomes aware that an individual's information has been inappropriately handled, it will take steps to inform the individual of the incident and will take appropriate action to ensure that such a breach does not occur again.

When/if Council becomes aware of a privacy breach, they must report it to Office of Victorian Information Commissioner (OVIC) so that they can respond to any enquiries which they may receive relating to the breach.

Principle 5 - Openness

Wellington Shire Council's Privacy and Data Protection Policy is publicly available on Council's website www.wellington.vic.gov.au

Council, on request, will take reasonable steps to provide individuals with general information on the types of personal information it holds and for what purposes and how it collects, holds, uses and discloses that information.

Principle 6 – Access and Correction

Individuals are able to inform Wellington Shire Council of changes to their name or address by completing a Name and Address Alteration form either online via Council's website or by hard copy and submitting the completed form to Council.

Wellington Shire Council will provide an individual with reasonable access to their personal information held by Council and will take reasonable steps to correct such information when

requested by that person, in order to ensure that its records are accurate.

If Council denies access or correction, Council will provide reasons in accordance with the *Freedom of Information Act 1982*.

Principle 7 – Unique Identifiers

Council will only assign, adopt, use, disclose or require unique identifiers from individuals for the course of conducting normal Council business or if required by law. Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the use and disclosure or the conditions for use and disclosure set out in the Act are satisfied.

Principle 8 - Anonymity

Council, **where it is lawful and practicable**, will give individuals the option of remaining anonymous when entering into transactions with Council.

Principle 9 – Transborder Data Flows

Generally, Council will not send your personal information outside Victoria. In the rare cases that this may be necessary, Council will only send this personal information if the recipient of the information is bound by a scheme that is substantially similar to the IPPs or Council has obtained your consent. In some cases, this consent may be implied.

Any other transfers of information outside Victoria will be made in accordance with the provisions of the *Privacy and Data Protection Act 2014*.

Principle 10 – Sensitive Information

Sensitive information is information or an opinion about an individual's racial or ethnic origin, political opinions, trade union membership, philosophical or religious beliefs, sexual preferences or criminal record. Council will not collect sensitive information about an individual except for circumstances specified under the Act.

WHAT PERSONAL INFORMATION CAN AN ORGANISATION ASK FOR?

In Victoria, public sector organisations, including Councils, must allow individuals to remain anonymous when dealing with the organisation, where possible, if they do not require your personal information to do their work.

Personal information must be collected in a fair and lawful way and preferably collected directly from the individual rather than from another person or organisation.

DISCLOSURE OF PERSONAL INFORMATION WHERE AUTHORISED

In Victoria, individuals have the right to have their information handled securely and to be informed why their information is being collected, how it will be used, and if their information is likely to be disclosed. Council must protect and manage the personal information it holds and ensure any disclosure of personal information is authorised under the Act.

Information sharing and disclosure of personal information can occur in some instances, typically when established agreements or procedures are in place. Any disclosure requires proper legislative authority and must be documented accordingly.

Personal information may be disclosed in the following circumstances:

1. if the information is being disclosed for a related purpose which the individual would reasonably expect;
2. if the individual has given consent (remembering that there are instances permitted under the *Privacy and Data Protection Act 2014* which don't require individual's consent);
3. if the information is necessary to lessen or prevent a serious threat to health or safety;
4. if the organisation suspects unlawful activity has occurred and using or disclosing the personal information of an individual is necessary to investigate or report the activity;
5. where other law allows or requires it;
6. if it is necessary to assist a law enforcement agency; or
7. if it is necessary for research that will benefit the wider community and the research will not be published in a way that identifies the individual.

THE RIGHT TO BE INFORMED

To enable individuals to be informed, Council uses Privacy Collection Statements on forms and other platforms which seek the collection of personal information.

Privacy Collection Statements:

A Privacy Collection Statement is included on forms and online applications where individuals are required to provide their personal information. The collection statement informs the individual why their information is being collected, the intended use of the information and which third parties the information may be disclosed to.

OTHER LEGISLATION

If the *Privacy and Data Protection Act 2014* is inconsistent with a particular piece of legislation, the other legislation will take precedence.

VICTORIAN PROTECTIVE DATA SECURITY STANDARDS (VPDSS)

The *Privacy and Data Protection Act 2014*, also refers to the Victorian Protective Data Security Standards (VPDSS) which establish mandatory requirements to protect public sector information across all security areas including governance, information security, personnel security, Information Communications Technology (ICT) and physical security.

Wellington Shire Council performs assessments of its business using the Standards which support a risk management approach to identify and manage risks. This in turn informs good decision making, supports the achievement of business objectives, and effective information sharing whilst protecting public section information.

OVIC is the primary regulator of the *Privacy and Data Protection Act 2014* and the standards and provide a source of independent advice to the community and Victorian government about how the public sector collects, uses and discloses information.

OTHER PRIVACY RIGHTS

Person Information held by Commonwealth agencies and private organisations is protected under the *Privacy Act 1988* – Australian Commonwealth law.

The *Health Records Act 2001* protects individual's health information when it is handled by public and private sector organisations in Victoria.

BREACHES

Privacy breaches occur when personal information is stolen, lost or mistakenly or deliberately disclosed. Council must make every attempt to ensure they follow the *Privacy and Data Protection Act 2014* Information Privacy Principles to prevent breaches. If you believe Council has breached your privacy you can lodge a complaint.

YOUR RIGHT TO MAKE A PRIVACY COMPLAINT

If you have concerns about how Wellington Shire Council has handled your personal information, you have the right to make a complaint.

If you believe that Council has breached your privacy rights, you should first make a complaint to Wellington Shire Council's Privacy Officer and try to resolve the issue.

You can do so by phoning Council's Privacy Officer on 1300 366 244

By email at enquiries@wellington.vic.gov.au or

By post at PO Box 506 Sale, Vic 3850

Wellington Shire Council treats complaints seriously and will try to resolve them fairly and quickly, whilst working with you and keeping you informed of its progress.

If you are not satisfied with how Wellington Shire Council deals with your *privacy* complaint, you may lodge a complaint with the Office of the Victorian Information Commissioner (OVIC) :

By phone on 1300 006 842 between 9am and 5pm, Monday to Friday.

By email at privacy@ovic.vic.gov.au; or

By post at PO Box 24274 Melbourne, VIC 3001

A copy of OVIC's privacy complaint form is available on their website <https://ovic.vic.gov.au>

If you are not satisfied with how OVIC deals with your *privacy* complaint, your complaint will be referred to an external, independent conciliator, who will attempt to resolve the complaint. If conciliation is inappropriate or unsuccessful, the Information Commissioner can refer the matter to VCAT.

ENQUIRIES/FURTHER INFORMATION

Enquiries regarding the *Privacy and Data Protection Act 2014* or this Policy can be directed to Council's Information Privacy Officer by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

Wellington Shire Council's Privacy Statement is available on Council's website.

HUMAN RIGHTS

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

FREEDOM OF INFORMATION POLICY

Policy Number:	2.3.2
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Information Services
Related Policies:	Records Management Policy Privacy and Data Protection Policy Public Transparency Policy
Related Documents:	OVIC Professional Standards Wellington Shire Council Freedom of Information Procedures Wellington Shire Council FOI Part II Statement
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Local Government Act 2020</i> <i>Ombudsman Act 1973</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Records Act 1973</i>

OVERVIEW

The purpose of Victoria's *Freedom of Information Act 1982* is to extend as far as possible the right of the community to access information held by government departments, local councils, Ministers and other bodies subject to Freedom of Information legislation.

In general, a person has the right to request access to documents of agencies and official documents of Ministers, other than exempt documents.

Ministers and agencies are required to administer the Act with a view to making the maximum amount of government information promptly and inexpensively available to the public.

THE POLICY

This Policy aims to ensure compliance with Wellington Shire Council's obligations under the *Freedom of Information Act 1982* and promotes a consistent approach to the handling of applications under that Act.

The Policy applies to all Councillors, Council employees, volunteers, contractors, consultants and volunteers.

The *Freedom of Information Act 1982* places statutory obligations upon agencies to assist applicants to exercise their rights under the *Freedom of Information Act 1982* (the Act).

Wellington Shire Council ensures the Act is administered consistently by processing requests conforming with the Professional Standards which have been prepared in accordance with Part 1B of the *Freedom of Information Act 1982*. The standards are binding and ensure agencies continue to facilitate and promote access to government information within legislated timeframes and at the lowest reasonable cost.

1. DEFINITIONS

Information	In this context refers to a document
Document	In the context of Freedom of Information, a document can be structured information or data regardless of format that forms a record. Examples can include maps, graphs, drawings, photographs, CCTV footage, a label or other attachment, a disc, tape, soundtrack, or a film, as well as typed or handwritten Information held on computer disk or in a data base also fits the definition of a document.
Decision	In this context refers to the decision by the Freedom of Information Officer on the request. All decisions must be made by an officer authorised by the principal officer of the agency (Chief Executive Officer) pursuant to section 26 of the <i>Freedom of Information Act 1982</i> .
Exempt	In this context refers to documents that are restricted from access as outlined in Part IV of the <i>Freedom of Information Act 1982</i> .
Access	In this context refers to entitlement to view or obtain a copy of requested documents.
Release	In this context refers to the provision of documents by the agency to the applicant.
Review	In this context refers to the re-evaluation of a Freedom of Information decision by a third party (Office of the Victorian Information Commissioner / VCAT).

2. APPLICATIONS AND FEES

Any person may submit an application for access to a document or documents under the Act. A company or other organisation cannot make a request; but an individual employee or member of a company or organisation can do so.

Access to documents can be granted or denied in full or in part. If certain information in a document is regarded as exempt from disclosure, according to the categories of exceptions specified by the Act, the exempt material may be redacted from the copies which are released.

Council's Freedom of Information Officer must advise the applicant if a document has been lost, has never existed or has been destroyed.

Freedom of Information requests must be in writing and accompanied by an application fee unless the applicant can demonstrate hardship or concession status enabling the fee to be waived.

Access charges also apply to requests and are calculated by the Freedom of Information Officer in accordance with the *Freedom of Information (Access Charges) Regulations 2014*. Charges are calculated for time spent searching for documents, supervision times, photocopying and other charges which may be applicable to a request. In some instances a \$25.00 or 50% deposit is required prior to Council processing a request.

The Freedom of Information Officer can notify the applicant that the 30 days in which to make a decision has been extended by up to 15 days due to mandatory third party consultation. This timeframe can be further extended with consent from the applicant.

3. ACCESS OUTSIDE OF THE FREEDOM OF INFORMATION ACT

Information which can be obtained outside of the *Freedom of Information Act 1982*, either through another legislated process, is publicly available or obtainable through standard administrative practices, will be processed outside of the *Freedom of Information Act 1982*.

Wellington Shire Council's Part II Statement is a requirement under section 7 of the *Freedom of Information Act 1982*. The *Act* specifies a set of statements which Wellington Shire Council must publish describing its powers and functions, the documents and information maintained and the ways in which people can view or access copies.

4. EXEMPTIONS

Under the *Freedom of Information Act 1982*, a person does not have the right to obtain publications which are available for a fee from Council, documents which are held by the Public Record Office of Victoria or documents that are readily available to the public.

For a complete listing and explanation of the exemptions, a link to the *Freedom of Information Act 1982* exists on Wellington Shire Council's Freedom of Information Part II Statement available on Council's website.

5. TRAINING / ADVICE

The Coordinator Information Management is directly responsible for coordinating, delivering and attending relevant Freedom of Information training, attending network meetings, request processing and making decisions, as authorised, in accordance with the Act.

The Coordinator is also responsible for creating and maintaining the Freedom of Information Policy, FOI Part II Statement, procedures and responding to enquiries. An e-learning training course titled Record Keeping and Privacy, which incorporates FOI, is available on Wellington Shire Council's Learning & Development Software.

6. OFFICE OF THE VICTORIAN INFORMATION COMMISSIONER (OVIC)

The Victorian Government has created an Office of the Victorian Information Commissioner (OVIC) as a primary regulator and source of independent advice to the community and the Victorian Government about how the public sector collects, uses and shares information.

The Act enables the Information Commissioner to develop Standards relating to the conduct of an agency in performing its functions under the Act and the administration and operation of the Act by an agency. Council processes requests in accordance with The Professional Standards.

The functions of the Victorian Information Commissioner are set out in the *Freedom of Information Act 1982* (FOI Act) the *Privacy and Data Protection Act 2014* (PDP Act) and on the OVIC Website <https://.ovic.vic.gov.au>.

7. REVIEWS

The Information Commissioner can review Wellington Shire Council's decisions on applications. Applications for a review of a FOI decision must be made by the applicant to OVIC within 28 days of receiving the decision from Council.

The Commissioner can make an independent review on decisions relating to:

- the refusal of access to a document in full or in part under the *Freedom of Information Act 1982*; deferring access to a document;
- no waiver or reduction of an application fee; or
- refusal to amend a I record containing your personal information.

8. COMPLAINTS

The Office of the Victorian Information Commissioner can investigate complaints about certain actions taken or actions failed to be taken by an agency under the *Freedom of Information Act 1982*.

You can complain to the Information Commissioner if there has been:

- a delay in handling your request;
- a decision that a requested document does not exist or cannot be found; or
- a failure by the principal officer (CEO) or any other officer of an agency to comply with the Professional Standards in performing functions under the FOI Act, or
- a decision to release personal or business information.

For a complaint to be valid, it must be made within 60 days of the conduct you are complaining about, be in writing, identify the relevant agency, and describe the nature of your complaint.

Detailed information on how to make a complaint, request a request and other information relating to Freedom of Information is available on the OVIC website <https://ovic.vic.gov.au>

9. MAKING AN APPEAL TO THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Council, the Freedom of Information applicant or other parties may appeal the Information Commissioner's review decision by appealing to the Victorian Civil and Administrative Tribunal (VCAT).

Applications for Appeal must be lodged to the Victorian Civil and Administrative Tribunal within 60 days of receipt of the Commissioner's written decision.

An appeal cannot be made to VCAT regarding the outcome of a complaint.

Procedures and Guidelines:

- Wellington Shire Council's Freedom of Information Part II Statement
- Wellington Shire Council's Freedom of Information Procedures Manual

Further Information:

Further information including guidelines on how to submit an application, request processing, costs and reviews is available on Wellington Shire Council's website www.wellington.vic.gov.au

A Freedom of Information application can be downloaded from Council's website. For further enquiries contact Wellington Shire Council's Freedom of Information Officer by emailing foi@wellington.vic.gov.au or phoning 1300 366 244.

Detailed information regarding Freedom of Information is also available on the Office of the Victorian Information Commissioner's website <https://ovic.vic.gov.au>

HUMAN RIGHTS

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

RECORDS MANAGEMENT POLICY

Policy Number:	2.3.3
Approved by:	Chief Executive Officer
Date Effective:	December 2021
Date of Next Review:	October 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Information Services
Related Policies:	Fraud Control Policy Privacy & Data Protection Policy Records Disposal Policy Risk Management Policy Freedom of Information Policy CCTV Policy Social Media Policy
Related Documents:	Written Style Guide Councillor Code of Conduct Employee Code of Conduct
Statutory Reference:	<i>Freedom of Information Act 1982 (Vic)</i> <i>Privacy & Data Protection Act 2014</i> <i>Evidence Act 2008 (Vic)</i> <i>Electronic Transactions (Victoria) Act 2000</i> <i>Health Records Act 2001</i> <i>Crimes Act 1958</i> <i>Crimes (Document Destruction) Act 2006</i> Australian Standard on Records Management (AS ISO 15489), PROV Recordkeeping Standards, <i>Local Government Act 2020</i> Victorian Public Service Code of Conduct. <i>Public Health and Wellbeing Act 2008</i> <i>Public Records Act 1973</i>

OVERVIEW

To establish policy and recordkeeping framework outlining accountabilities and responsibilities for the creation, receipt, capture, protection, control, management and disposal of Wellington Shire Council's records in accordance with legislative requirements. The policy also specifies the potential consequences of non-compliance and, or breaches.

THE POLICY

This policy applies to all records regardless of medium or format, created, received or retained, by any staff member, where they handle information of a Council business nature and also applies to all contractors and consultants that handle information of a Council business nature in accordance with their contractual obligations, volunteers, trainees and Councillors. Wellington Shire Council is committed to making and maintaining information and records that fully and accurately reflect its business activities, and undertakes to provide its staff with appropriate guidance, tools and services to ensure its recordkeeping commitments are achieved.

Records contain information that is a valuable resource and an important business asset. Good recordkeeping maintains corporate, personal and collective memory and provides protection and support in litigation including the management of risks associated with the existence of or lack of evidence of organisational activity.

Records also enable the conduct of business in an orderly, efficient and accountable manner. Procedures and other guidelines are not required to be adopted by Council.

This Records Management Policy is to ensure comprehensive and accurate records of all activities and decisions of Wellington Shire Council are created, managed and kept in accordance with relevant legislation.

This policy:

- Defines roles and responsibilities for the creation, management and disposal of records.
- Ensures full and accurate records of all business activities, including decisions of Council are maintained to support community, business and legislative requirements.
- Ensures appropriate access and security levels are maintained.
- Ensures corporate records are easily retrieved and accessible now and in the future.

Definitions

A comprehensive list of recordkeeping definitions is available by contacting Information Management staff or searching Wellington Shire Council's electronic document records management system for the document titled "DEFINITIONS – RECORDKEEPING TERMS"

Record A record as defined under the Public Records Act means any record of information, however recorded, created or received by a public officer in the course of their duties.

A record can be in electronic (e.g. email, fax, word, PDF, video, social media, CCTV audio and footage, recording, instant messaging) or hardcopy format (e.g. paper, photo etc).

Document Documents consist of recorded information or data that can be structured or unstructured and in written, printed, or electronic form.

EDRMS Electronic Document Records Management System

Responsibilities

Records Management responsibilities for Victorian Government agencies are detailed in the records management standards and specifications issued by the Public Record Office Victoria (PROV) under the Public Records Act 1973.

The Chief Executive Officer is responsible for ensuring that Wellington Shire Council complies with legislative requirements for recordkeeping, including the *Public Records Act 1973*.

All managers and supervisors are responsible for monitoring staff under their supervision to ensure that they understand and comply with records management policies and procedures. Managers and supervisors are also responsible for fostering and supporting a culture within their workgroup that promotes good record management practices.

All members of staff (including Councillors, consultants, volunteers and those under contract) have a responsibility to create, capture and manage complete and accurate records of Council's business, including records of decisions made, actions taken and transactions of daily business. They must also respect the privacy of individuals and the confidentiality of corporate information

and protect records from unauthorised access, alteration, removal or destruction and from inappropriate release of information.

Records management responsibilities of all staff as identified in the policy are included in staff position descriptions.

Councillors are responsible for ensuring that full and accurate records of activities undertaken in the course of their official duties as Councillors are created, managed and disposed of appropriately to meet the Council's organisational needs and transparent governance practices. Councillors must respect and protect the confidentiality of these Records from unauthorised access and release of information. Records which have sought staff opinion or response are public records and must be captured in the organisations EDRMS or software fit for purpose and managed in accordance with the Public Record Office Victoria Standards, Policies, Guides and retention and disposal authorities (PROS 07/01 Common Administrative Functions & PROS 09/05 Local Government Functions).

Staff Departure

On ceasing employment or a contract with Council, employees, contractors, consultants and temporaries are responsible to ensure that all physical records in their custody are transferred to their supervisor or returned to Information Management. They are also responsible for ensuring records are not deliberately or accidentally deleted or destroyed. Records must remain active for their required retention and be retrievable until they are eligible for destruction in accordance with the relevant retention and disposal authorities. Information Management staff manage authorised document destructions of physical records which can only occur after inactive records which have reached their minimum document retention have been approved for destruction by the Manager and General Manager of the business unit to which the documents relate.

To ensure staff computer and software access is disabled promptly on their departure, relevant staff are alerted of the pending departure and must action departure requirements and sign the Departure Checklist. The Coordinator Information Management and the Senior Information Officer manage Councils EDRMS System Maintenance and promptly remove access rights to the system when staff departures, secondments and onboardings occur.

Policy Statements

- Wellington Shire Council ensures all employees, Councillors, contractors and volunteers receive appropriate training, guidelines and practical advice.
- Wellington Shire Council ensures that records of longer-term value are identified and protected for historical purposes and those records identified as permanent are transferred. Wellington Shire Council follows sound procedures for the retention and disposal of all information and records;
- Wellington Shire Council does not condone the falsification, alteration, or damage of records;
- Wellington Shire Council follows sound procedures for the storage of all information and records, including those in electronic format. This includes the implementation of appropriate disaster preparedness planning, and approved public records offsite storage for physical records (APPROS);
- Wellington Shire Council has an Agreement with Grace Records Management (MAV Procurement) for the secure offsite storage of short and long term temporary records;
- Wellington Shire Council does not condone the destruction of records, except in accordance with PROV Standards.
- Records reasonably likely to be required as evidence in current or future legal proceedings must not be destroyed, concealed, rendered illegible, undecipherable or incapable of

identification.

- Wellington Shire Council ensures that risk management and business continuity planning are considered as an integral part of information and records management practices.
- This policy will be communicated throughout Wellington Shire Council through all levels of business to all members of staff (including volunteers and those under contract, and Councillors) and must be incorporated in regular staff training including, staff induction training and Councillor inductions
- Onboarding and existing staff complete an inhouse e-learning training course on Recordkeeping & Privacy and periodically are required to re-complete the training to maintain currency and knowledge.
- EDRMS training is also provided to relevant staff via one-on-one and group face-to-face and Skype training sessions and Information Management staff are readily available to assist with recordkeeping enquiries and EDRMS ongoing assistance.

Recordkeeping Systems

Records Systems at Wellington Shire Council manage the following processes:

- The creation and capture of records;
- The maintenance and management of records;
- The storage of records;
- The protection of record integrity and authenticity;
- The security of records;
- Access to records; and
- Disposal of records.

Council's EDRMS assists in making full, complete, accurate and reliable records, which are compliant, adequate, complete, meaningful, comprehensive, accurate and authentic, by being securely maintained to prevent unauthorised access, alteration, removal or destruction.

Access to records must be open, unless there is a justifiable reason to restrict the access.

Records captured within Council's authorised electronic records document management system are accessible to all staff unless restricted access is required. System Administrators are responsible for assigning access rights to ECM accounts and auditing the access periodically.

The following exemptions to general access apply:

- where information is commercial in confidence, personal in confidence, or management in confidence; and
- where information is restricted due to legislative or business requirements.

While the EDRMS constitutes Wellington Shire Council's preferred primary records system for all corporate administrative records, there are a number of databases and software applications that manage records which operate outside of the EDRMS.

Information Ownership

Any physical document, data or information in electronic format, irrespective of how it came to be in a computer system owned or managed by the Council remains the property of the Council including any personal documents and emails.

Storage

The PROV Storage Standard requires that all public records, regardless of format, are stored in areas appropriate for their security, preservation and retrieval.

Security

The Code of Conduct for Victorian Public Sector Employees requires that public sector employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and public sector body policies and procedures. Public sector employees may only disclose official information or documents acquired in the course of their public employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. Records must only be retrieved and used for authorised purposes in accordance with relevant legislation and access policies.

Records must be kept secure from unauthorised access, unauthorised release, alteration and unlawful destruction.

PENALTIES AND EXEMPTIONS

Adherence to the Records Management Policy is a mandatory requirement for all staff including: Chief Executive Officer, General Managers, Managers, Coordinators, Staff, Contractors, Consultants, Volunteers, and Councillors (where the records are of a council business nature).

Where there is evidence of a breach of this policy, Wellington Shire Council will conduct an investigation to determine the circumstances and extent of the breach.

Non-compliance or breaches of this policy, associated standards and legislative requirements by Council employees, Councillors, contractors and/or volunteers, will be addressed in accordance with either the Staff Code of Conduct or Councillor Code of Conduct as appropriate.

Section 254 of the *Crimes Act 1958* creates an offence relating to the destruction of a document or other object that is reasonably likely to be required in evidence in a legal proceeding. It is important to note that the Act creates this offence in situations where no litigation is actually commenced (it has always been illegal to destroy evidence once a case has actually been launched). This covers circumstances where an individual or organisation destroys documents that may at some *future* time be needed in evidence, and where this need can and has been anticipated. The Act specifies penalties for the offence, for both individuals and for corporate entities

ENQUIRIES/FURTHER INFORMATION

Enquiries regarding Records Management or this Policy can be directed to Council's Coordinator Information Management by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

HUMAN RIGHTS

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

RECORDS DISPOSAL POLICY

Policy Number:	2.3.4
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Information Services
Related Policies:	Freedom of Information Policy Privacy and Data Protection Policy Records Management Policy CCTV Policy
Related Documents:	Staff Code of Conduct Councillor Code of Conduct PROS 10/13 Disposal Standard, Specifications & Guidelines
Statutory Reference:	<i>Public Records Act 1973</i> <i>Crimes Act 1958</i> <i>Evidence Act 2008 (Vic)</i> <i>Freedom of Information Act 1982</i> <i>Privacy and Data Protection Act 2014</i> <i>Health Records Act 2001</i>

OVERVIEW

Records disposal is an important part of efficient and effective records management. It is the process of retaining, transferring, or destroying records.

Disposal is defined as a range of processes associated with implementing the retention, deletion, destruction or transfer of records.

It is mandatory for Wellington Shire Council to create, maintain, preserve and dispose of records in accordance with the *Public Records Act 1973*.

Section 254 of the *Crimes Act 1958* creates an offence if a person destroys a document, knowing that it is, or is likely to be, required in evidence in legal proceedings.

THE POLICY

The policy explains Wellington Shire Council's disposal management program and outlines Council's approach to lawfully disposing of agency records.

The Records Disposal Policy is consistent with and should be read in conjunction with Wellington Shire Council's Records Management Policy.

The policy applies to:

- All staff whether permanent, temporary or casual, including contractors, consultants, councillors and volunteers.
- Records of all work carried out by or on behalf of the agency and in all media or formats (e.g. hardcopy, digital document, email and websites) and in all business systems.

- All records created and received by Wellington Shire Council in all formats, media and systems, including business systems. The overarching framework for all other corporate recordkeeping standards and retention and disposal schedules.

Retention and Disposal Requirements

Wellington Shire Council will only destroy or dispose of records in accordance with Public Records Office Victoria Standards. Disposal Authorities are issued by the Keeper of Public Records and are a legal instrument authorising the destruction or transfer of public records and define the minimum retention time that different classes of records must be kept and how they are to be disposed of. They authorise the destruction of time-expired records. They also identify records that are to be permanently retained as State Archives.

Public Records Office Standards

When sentencing records Wellington Shire Council references both the:

- Public Record Office Standard (PROS) 07/01 – General Retention and Disposal Authority for Records of Common Administrative Functions; and
- Public Record Office Standard (PROS) 09/05 – Retention and Disposal Authority for Records of Local Government Functions

Wellington Shire Council's Disposal Program

Council's disposal program provides planned authorised disposals which reduces storage costs; enhances access to existing records by reducing the time expired records; assists with identification of records required for Freedom of Information requests, subpoenas and discovery in general; identifies permanent records enabling appropriate management prior to transfer to the Public Record Office Victoria and assists with legislative compliance.

Certain Records can be Destroyed under Normal Administrative Practice

The destruction of some records is permitted under normal administrative practice without authorisation.

The following categories of records may be destroyed as normal administrative practice;

- superseded manuals or instructions;
- catalogues and trade journals;
- "copies" of press cuttings, press statements or publicity;
- facsimiles where copies have been made;
- drafts of reports, correspondence, speeches, notes, spreadsheets, the content of which has been reproduced and incorporated in Council's electronic document records management system (EDRMS) or other systems; and
- routine statistical and progress reports compiled and duplicated in other reports.
- Closed Circuit TV (CCTV) recordings will be routinely destroyed after approximately 30 days unless quarantined by the Coordinator Built Environment Facilities for legal or Freedom of Information purposes.

Authorisation to Approve Destruction

All official records must be authorised for destruction, whether they are hard copy or electronic records in the electronic documents record management system (EDRMS) or other systems. The authorisation process is designed to ensure records are not destroyed before the required

retention period, and other administrative, legal, financial and audit needs have been considered.

Prior to any physical records being destroyed, they are listed on a Wellington Shire Council's Records Destruction Register Authorisation and Notification form and sent directly to the relevant authorising officers' (e.g. the Manager and General Manager to whom the documents relate) for review and disposal approval.

The authorising officers must indicate if the records are still required for any of the following functions:

- Legal requirements – legislation requires the records to be retained if they relate to a current case or an expected legal case, or are relevant to an FOI application;
- Administrative need – records are required to support the business activities;
- Audit / financial requirements – records relate to an activity being audited or due to be audited.

If authorisation is not approved, the records must be retained with a new review date or trigger assigned to them. Justification for retaining the records must be provided by an authorised officer.

Records Disposal Program Structure

For the purpose of ensuring the effective management of the disposal program, it is imperative to take a coordinated approach to the sentencing and disposal of records.

Inactive records which are eligible for destruction are sentenced by Information Management in accordance with the relevant Public Record Office Victoria Retention and Disposal Schedule(s), listed on Records Destruction Authorisation forms, signed off by the relevant business units Manager and General Manager authorising the destruction of the records and are prepared for destruction by an authorised shredding company.

Wellington Shire Council captures all signed Records Destruction Authorisation forms in their electronic document records management system. The forms list the documents which have been destroyed by secure shredding, the disposal authority and assigned class and the date of the destruction.

Inactive records archived at Council's Approved Public Office Storage Supplier (APROSS) which are eligible for destruction are also listed on the Records Destruction Authorisation forms and signed off by the relevant Manager and General Manager. The supplier is then notified by Council of the records eligible for destruction and they are responsible for destroying the records and providing a Certificate of Destruction which is also captured into Council's EDRMS by Information Management.

Responsibilities

The Chief Executive Officer is responsible for ensuring all staff, Contractors, Consultants, Volunteers and Councillors (where the records are of a council business nature) at Wellington Shire Council comply with the *Public Records Act 1973* and the legislative requirements for records disposal.

All authorised document destructions must be managed by the Coordinator Information Management or the Senior Information Officer in accordance with the Public Record Office Victoria (PROV) Disposal Standard PRO10/13.

Methods of Secure Destruction

Documents eligible for destruction must be listed on a Wellington Shire Council's *Records Destruction Register Authorisation and Notification* form and destruction approval provided by the applicable Manager and General Manager of the unit(s) to which the records relate.

Authorised bulk document disposals are performed by Council's offsite approved secondary storage provider and/or the professional services of an authorised professional document management organisation by means of secure shredding.

Staff are **not permitted to destroy records** other than those eligible for destruction under normal administrative practice. Non-sensitive material should be placed in normal recycling bins whilst confidential and sensitive documents must be placed in locked secure bins or shredded.

Policy Breaches

Adherence to the Records Disposal Policy is a mandatory requirement for all staff including: Chief Executive Officer, General Managers, Managers, Coordinators, Staff, Contractors, Consultants, Volunteers, and Councillors (where the records are of a council business nature).

Where there is evidence of a breach of this policy, Wellington Shire Council will conduct an investigation to determine the circumstances and extent of the breach.

Non-compliance or breaches of this policy, associated standards and legislative requirements by Council employees, Councillors, contractors and/or volunteers, will be addressed in accordance with either the Staff Code of Conduct or Councillor Code of Conduct as appropriate.

Terms and Definitions

Access	The right, opportunity, means of finding, using or retrieving information.
Destruction	Process of eliminating or deleting records, beyond any possible reconstruction. Note: Authorised document destructions must be managed by Information Management Staff.
Normal Administrative Practice (NAP)	The destruction of some records is permitted under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative or duplicate nature created, acquired or collected by agency employees during the course of their employment.
Record	Information created, received and maintained as evidence by an organisation or person in the transaction of the business, or in pursuance of legal obligations, "regardless of media".
Record Management	The field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of a record
Retention	The preservation of records that makes possible the recall or recognition of information contained in the records.
Retention period	The period for which a record must be kept before it may be destroyed. The retention period is set from the date the record ceases to be current.

Retrieval	The process of finding and making available records that have been retained in storage.
Storage	Process involving placement and retention of records for subsequent use.
Sentencing of Records	Sentencing is the process of using a Retention and Disposal Authority or Normal Administrative Practice to decide whether to retain, destroy or transfer a record.

ENQUIRIES / FURTHER INFORMATION

Enquiries regarding records and document disposal or this Policy can be directed to Information Management staff by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

HUMAN RIGHTS

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

2.4 GOVERNANCE RISK MANAGEMENT POLICY

Policy Number:	2.4.1
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Occupational Health and Safety Policy Procurement Policy Fraud Control Policy
Related Documents:	Risk Management Framework 2020/21 Risk Register Risk Register User Guide and Resource Manual Administrative Policy Manual Risk Management Strategy International Risk Management Standard AS ISO 31000:2018 – <i>Risk Management-Guidelines</i>
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of organisational risk.

THE POLICY

In application of the Risk Management-Guidelines (AS ISO 31000: 2018), Council is committed to best practice in the identification, evaluation and control of risks to ensure that, as far as is reasonably practical, risks are reduced to an acceptable level, or eliminated.

Specifically, risks to Council include, but are not limited to the following areas:

- Strategic risk
- Environmental
- Health and Safety
- Human Resources
- Project, Product and Service Delivery
- Financial and Economic
- Leadership and Corporate Governance
- Reputation and Corporate Image
- Legislative Compliance and legal
- Technology and Information Management
- Assets, Facilities and Security
- Procurement

- Interagency and State-wide risks
- Internal Controls

The aim of risk management is to minimise losses and maximise opportunities. This policy should be read in conjunction with Wellington Shire Council's Risk Management Framework 2021/22.

Council's risk management objectives are to:

- Embed risk management into all aspects of Council's corporate planning and operations
- Foster a culture that embraces accountability for risk management throughout the organisation
- Promote and support best risk management practices throughout Council
- Equip staff and management with the knowledge and ability to identify, analyse and prioritise areas of risk to Council
- Apply risk management processes into all pre – employment screening
- Implement effective processes to reduce and/or eliminate high-level risk
- Continuously improve risk assessment, monitoring and reporting standards
- Determine how risk should be reported to Council, Auditors and Audit Committee
- Undertake risk assessments for key operations, projects and strategies and maintain a comprehensive and regularly updated risk register to identify and monitor operational and strategic risks, and response plans
- Allow for the effective allocation and use of resources
- Provide a basis for higher standards of accountability through the creation of effective performance objectives and measurement of performance against these objectives
- Manage appropriate cover and minimise costs associated with insurance and litigation.

Council is responsible for approving the Risk Management Policy and with the Chief Executive Officer is responsible for providing adequate resources for the implementation and maintenance of this Policy. Management and staff are responsible and accountable for the application of Council's Risk Management Policy as it extends to their area of responsibility. In particular, Management is responsible for developing risk mitigation plans and implementing risk reduction or treatment strategies.

Our approach is designed to ensure risk management is an integral part of all our decision-making processes. We will use a structured risk management program to minimise foreseeable disruption to operations, financial loss, harm to people and damage to the environment and property. Such a program will actively promote and support effective risk management practices through Council via the provision of ongoing education and instruction to managers and staff, in addition to maintaining an extensive register of known risks.

Council's approach to defining risk appetite is to minimise our exposure to reputational, compliance and financial risk, whilst accepting and encouraging an increased degree of risk in pursuit of our key strategic objectives. We recognise that our appetite for risk varies according to the activity undertaken, that acceptance of risk is subject always to ensuring that potential benefits and risks are fully understood before developments are authorized, and that sensible measures to mitigate risk are established.

RISK MANAGEMENT ROLES AND RESPONSIBILITIES

Successful implementation of Council's risk management framework requires a consistent and systematic approach at all levels of the Shire. Managers, employees and contractors are

responsible for ensuring that risk management is given high priority in the day-to-day conduct of the Shire and Shire related activities.

Council

- Adopt a risk management policy that complies with the requirements of ISO 31000:2018 and review and amend the policy as required.
- Provide adequate budgetary provision for the financing of risk management including approved risk mitigation activities.
- Appoint and resource the Audit and Risk Committee.

Audit and Risk Committee

- Review adequacy and effectiveness of the Risk Management Framework
- Monitor performance of implementing action plans arising from risk assessments including the risk assessments undertaken by the internal auditor.

Chief Executive Officer

- Promote effective management of all types of risks across the Shire's operations.
- Ensure Councillors are aware of risk management objectives.
- Ultimately responsible for managing risks across the Council.
- Responsible for the recognition and adoption of risk management as a key function of Council, and to ensure the inclusion of risk management as a priority within Council's strategic plan, within all staff position descriptions, within the annual report and other Council documentation.
- Demonstrate a commitment to risk management for all staff.
- Ensure resources are appropriately allocated to meet Council's risk management requirements.

General Managers and Managers

- Responsible for the identification, review, analysis and appropriate treatments applied of all risks within their Division or business unit.
- Ensure adequate protection of Shire staff, assets and operations from risks through appropriate budgeting and implementation of loss control programs.
- Ensure liability risks to customers are effectively managed.
- Ensure all staff are conversant with and understand the role of risk management within Council operations.
- Support and encourage a risk aware culture within the organization by endorsement of promotion of Council's Risk Management Framework.
- Liaise with the Occupational Health and Safety Officer to ensure provision of a safe and healthy work environment and implementation of appropriate safe work practices and control measures.
- Supervise and audit contractors to ensure risk management policies and procedure are applied.

Manager People and Capability

- Provide guidance to the Risk Management Coordinator to determine and address risk management objectives and priorities.

- Facilitate regular risk reporting to CMT and Audit and Risk Committee and update this strategy and related documents.

Risk Management Coordinator

- Promote implementation of risk management strategies and programs designed to minimise risks and potential losses to the Shire.
- In agreement with General Manager Corporate Services and the Manager People and Capability formulate a list of annual objectives to support the Risk Management Framework.
- Develop and review risk management related policies and procedures.
- Develop and maintain a risk register and update the risk analysis matrix for prioritizing of risk against Council's risk appetite.
- Support the development, maintenance and review of Council's Business Continuity Plan.
- Review and provide input into the Shire's insurance portfolio and claim procedures.
- Provide advice and training on risk management principles and processes

Employees and Contractors

- Perform duties in a manner that is within an acceptable level of risk to their health and safety, and that of other employees, contractors and customers.
- Comply with Council's policies and quality assurance procedures where applicable.
- Make loss control and prevention of priority when undertaking tasks.
- Report any hazard or incidents as detected to their Supervisor / Manager or the Shire Responsible Officer (for contractors)
- Be aware of the risk management philosophy and processes of Council.

HUMAN RIGHTS

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

FRAUD CONTROL POLICY

Policy Number:	2.4.2
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation and Councillors
Responsible Officer:	General Manager Corporate Services
Related Policies:	Procurement Policy Risk Management Policy Corporate Credit Card Policy Mandatory Notification (Suspected Corruption) Policy Public Interest Disclosures Policy
Related Documents:	Fraud Incident Analysis Procedure Public Interest Disclosure Procedure Human Rights Charter Employee Code of Conduct Councillor Code of Conduct
Statutory Reference:	<i>Public Interest Disclosure Act 2012</i> <i>Local Government Act 2020</i> <i>Crimes Act 1958</i> <i>AS 8001-2008 Fraud and Corruption Control</i> <i>Independent Broad-based Anti-Corruption Commission</i>

PURPOSE

To provide a framework for the prevention, detection and reporting of fraudulent activity at Wellington Shire Council.

OVERVIEW

Council is committed to ensuring robust governance and the ethical conduct of all Councillors and employees by preventing, detecting and investigating all forms of fraud and corruption that may occur. It is also the responsibility of all Councillors, employees and contractors to report all suspected cases of fraud or corruption.

This Policy identifies the minimum requirements and responsibilities for the governance, prevention, detection, and the response to suspected fraud and corruption within Council and:

- ensures that our workforce and Councillors act legally, ethically and in the public interest
- enables staff to understand their obligations and implement practices to stop fraud and corruption occurring

Council has a zero tolerance approach to fraud and corruption and as required will refer any fraudulent or corrupt activity to the appropriate law enforcement or regulatory body for independent investigation.

Council's Fraud Control Policy is established to facilitate the development of controls which will aid in the prevention and detection of fraud and corruption against Wellington Shire Council. It is the intent of Council to promote consistent organisational behaviour by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

The potential impact of fraud and corruption on Council and the community can be significant. It can disrupt business continuity, reduce the quality and effectiveness of critical services, result in costly litigation, and threaten the financial stability of Council. It can also damage Council's organisational culture, public image and reputation.

THE POLICY

This policy forms an integral part of Council's risk management strategy and will contribute to a culture of awareness which encourages all staff and Councillor responsibility and workplace protection against fraud and corruption.

This policy applies to all Councillors, Council employees and agents of Council.

Agents of Council extend to include contractors working in-house, staff on exchange, members of Special Committees, members of Advisory Committees, volunteers, work experience students or graduate placements who perform work for Council as well as external suppliers and other contractors and subcontractors.

Definition of Fraud

Fraud is defined as dishonestly obtaining a benefit by deception or other means and is criminal activity as outlined in the *Crimes Act 1958*.

The risk of fraud may be:

- **internal** (performed by an employee or contractor of an organisation), or
- **external** (performed by a customer or an external service provider or third party).

Fraud can relate to theft, false representations, concealment, destruction and unauthorised use of information. In complex fraudulent activity, there may be collaboration between employees, contractors and/or external service providers.

Internal fraud examples include but are not limited to:

- using work resources for commercial purposes;
- using departmental information to gain a personal advantage;
- using personal relationships to gain an advantage in recruitment / procurement processes;
- claiming benefits where the individual or entity is not entitled (this includes misuse of leave and / or work time and unentitled accruing, and use, of flexi-time);
- falsely recording work time to gain additional flexi-time or over-payment of wages;
- misuse of organisation credit cards and fuel cards;
- disclosing confidential and proprietary information to outside parties;
- disclosing to other persons confidential activities proposed to be engaged in by parties which require the approval of Council;
- misuse of powers granted under an Instrument of Delegation;
- accepting or seeking anything of material value from contractors, vendors or persons providing goods and services to the Council;
- destruction, removal or inappropriate use of records, computers, furniture, fixtures or equipment of Council;
- unauthorised use of Council's vehicles, plant, computers, telephones and other property or

services;

- theft of plant, equipment, stock, cash, intellectual property, or other confidential information;
- forgery or alteration of any document, cheque, bank order or any other financial document;
- misappropriation of funds, securities, supplies or other assets;
- impropriety in the handling or reporting of money or financial transactions; or
- profiteering as a result of insider knowledge of Council activities.

External fraud examples include but are not limited to:

- customers deliberately claiming benefits from government programs that they are knowingly not eligible for;
- customers obtaining false identities or licenses;
- individuals making false declarations or fraudulently completing forms (i.e. court forms, statutory declarations);
- an existing external Council client knowingly providing a false invoice for payment;
- individuals creating a false vendor in order to request payment from Council for goods and / or services that were not provided;
- misuse of grant or community funding; or
- false application for grant or community funding.
- cyber fraud, phishing and vishing

Corruption is dishonest activity by an official, employee or contactor which is contrary to the interest of the organisation or its clients. An incident of corruption may include an element of fraud or deception. Accepting benefits which may be perceived to conflict with public duties, or using information obtained from work for personal benefit is corruption. For example, if an official abused their position of trust to gain advantage or avoid disadvantage to the detriment of the organisation and/or its clients, this would be corruption.

Fraud Awareness and Responsibility (refer also to Appendix A)

The responsibility for managing the risk of fraud in the Wellington Shire Council rests with both the Council and Council management. Wellington Shire Council does not tolerate or condone fraudulent conduct. Management is responsible to demonstrate a genuine and strong commitment to fraud control to Council staff and clients.

Council will provide information and training on fraud control and reporting through Council's induction process and will support this with annual refresher training to all Councillors and staff. This will include information on the trend for organised crime groups to cultivate public sector employees. Staff, Councillors, contractors and consultants have a duty to make management aware of any concerns they have about the conduct of Council affairs and/or the use of Council assets and resources.

It is the responsibility of all Managers to ensure there are mechanisms in place within their area of control to assess the risk of fraud and promote staff awareness of ethics and Council's Staff and Councillor Codes of Conduct. To do this, management must create an environment in which staff believe that dishonest acts will be detected and investigated should they occur. Management must:

- participate in training programs covering the range of dishonest and fraudulent activities that can occur, and what indicators might exist;
- ensure that staff understand that the internal controls are designed and intended to prevent

and detect fraud;

- encourage staff to report suspected fraud directly to those responsible for investigation without fear of disclosure or retribution; and
- abide by Council Policies and Procedures and avoid any conflicts of interest.

Reporting Suspected Fraud and Corruption

Under the *Public Interest Disclosure Act 2012*, the obligation to report suspected corrupt conduct rests with the relevant principle officer (Chief Executive Officer) and cannot be delegated. The relevant principle officer must notify the Independent Broad-based Anti-Corruption Commission (IBAC) of all instances of suspected corrupt conduct occurring in their own organisation, and suspected corrupt conduct occurring in other organisations where it is connected with the relevant principal officer's duties, functions and exercise of powers. Refer to Policy 2.4.5 Mandatory Notification (Suspected Corruption) for further details.

As a part of the pre-employment process, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. A declarable association means any current association with a group or individual that is incompatible with the role of Council or the ability to uphold the function of Council. This may give rise to a perception in the mind of an impartial, fair-minded person that a Council employee is not upholding or may be not upholding their obligation as a Council employee and may reflect adversely on the reputation of both employee and Council within the eyes of the community. Refer to Policy 2.4.4 Declarable Associations for further details.

Fraud Control Framework and Planning

To minimise the occurrence and impact of fraud, Council has a Fraud Control Plan to prevent, detect and respond to fraud. The key elements of the fraud control plan are:

ELEMENT	METHOD FOR ADDRESSING ELEMENT
Communicating intent	<p>Fraud Control Policy and Codes of Conduct The Fraud Control Policy documents Council's intended action in implementing and monitoring Council's fraud prevention, detection and response initiatives. The Codes of Conduct promote high standards of ethical behaviour expected of Councillors and staff.</p>
Identifying risks	<p>Fraud Risk Assessment Council's Risk Register contains Council's fraud risk assessment at the corporate and operational levels and includes mitigation plans and actions. The Risk Register forms part of Council's overall risk management strategy.</p>
Limiting opportunities	<p>Internal Controls Council has implemented internal controls – systems, processes and procedures – to minimise risks identified as part of the fraud risk assessment i.e. role delegations for approvals and sign offs and spot audits. Monthly reporting of high risk procurement tools such as credit card and fuel card expenditure with a quarterly review by the Manager Corporate Finance and a half yearly presentation to the Corporate Management Team. All anomalies will be presented to the General Manager Corporate Services for further audit and investigation.</p>

Raising awareness	Fraud training Fraud awareness training is an effective method of ensuring all employees are aware of their responsibilities in fraud control and sets the expectation for ethical behaviour in the workplace. This training is conducted online for all staff and is undertaken annually and may also be supplemented with face to face training.
Monitoring	Audit & Risk Committee and Internal Audit Audit & Risk Committee and Internal Audit regularly review Council's internal controls, risk management processes and fraud control strategies.
Reporting	Fraud, Corruption Reporting Council is committed to encouraging staff, customers or community to report suspicious activity at the first available opportunity, to an appropriate reporting point within the Council or where necessary to an outside authority.

Codes of Conduct

Council's Codes of Conduct clearly outline expected behaviours of staff and Councillors and the need for staff and Councillors to be fully aware of their responsibility to foster and develop the highest standards of integrity and promote an ethical workplace culture.

Fraud Prevention

The Chief Executive Officer has ultimate responsibility for the prevention and detection of fraud and is responsible for ensuring that appropriate and effective internal control systems are in place.

The Audit & Risk Committee supports the Chief Executive Officer in ensuring appropriate and effective internal control systems are operating.

Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indication of irregularity. Unit risk registers must include details of fraud risks and controls.

To minimise exposure to fraud, management must ensure internal controls are in place to prevent and reduce the opportunity for fraud, including but not limited to:

- adherence to all organisational procedures, especially those concerning documentation and authorisation of transactions;
- segregation of duties (to the extent possible) such that no one staff member is responsible for a transaction from start to finish;
- proactive application of internal checks and audits especially in identified high risk areas, which may include independent review and monitoring of tasks;
- security (both physical and electronic) such as locking doors and restricting access to certain areas;
- approvals within delegated authority;
- budget controls;
- quality assurance;
- declarations of Conflict of Interest as appropriate;
- ensuring that staff take regular annual leave;
- appropriate staff induction and training; and
- thorough pre-employment checks.

ALL staff and Councillors are responsible for the safeguarding of Council assets against theft or improper use.

Fraud Detection

Managers should ensure that through their own participation in staff training programs and other awareness processes, they are aware of common indicators of fraud and that they respond to those indicators as appropriate.

Awareness of warning signs (red flags) for possible fraud or corruption is a useful method of detection. Often fraud indicators are inter-related and, in some situations, evidence of one indicator may imply a potential risk but may not constitute fraud or corruption. The more inter-related indicators identified, the higher the risk of potential fraud or corruption.

Examples of common fraud indicators, include but are not limited to:

Internal fraud indicators:

- unexplained and/or sudden sources of wealth;
- excessive secrecy in relation to work;
- employees who are aggressive or defensive when challenged, and/or controlling of certain colleagues;
- poorly reconciled cash expenses or customer accounts;
- employees known to be under external financial pressure;
- employees who delay providing information or who provide different answers to different people;
- employees under apparent stress without identifiable pressure;
- employees making procedural or computer enquiries inconsistent or not related to their normal duties;
- managers who avoid using the Procurement Unit (i.e. excessive use of petty cash or credit cards to purchase items outside the procurement framework);
- employees who appear to make a large number of mistakes, especially those leading to financial loss;
- employees with competing or undeclared external business interests;
- employees (especially managers) with too much hands-on control;
- employees refusing to take leave;
- an unusual number of customer complaints; or
- customers or suppliers insisting on dealing with just one individual.

External fraud indicators:

- client applications for government assistance with inconsistent signatures, mismatched fonts or handwriting on different pages of the same document;
- invoices which look different to previous invoices issued by the same provider;
- lack of supporting evidence, or falsified supporting evidence, that eligibility criteria for grant or community funding has been met;
- expenditure has exceeded approved budgets for grant funding but there is not adequate information to explain the variance;

- a high volume of transactions from one service provider, such as a registered training organisation, used to support a license, community or grant funding application, may indicate collusion between applicants and the provider; or
- attempts to obtain sensitive information such as usernames, passwords and credit card details (i.e. phishing emails, whaling attacks).

An employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that fraud has occurred, shall immediately notify their Manager. If the employee has reason to believe that the employee's Manager may be involved, the employee shall immediately notify their General Manager. In the event of an investigation, employees shall maintain a high degree of confidentiality and not discuss the matter with anyone other than their Manager, General Manager or Council's Public Interest Disclosure Officer.

Employees who knowingly make false allegations will be subject to discipline up to and including dismissal.

Reporting Suspected Fraud

Council is committed to encouraging staff, customers or community to report suspicious activity at the first available opportunity, to an appropriate reporting point within the Council or where necessary to an outside authority.

Allegations made by employees, contractors, and members of the public can often lead to the uncovering of fraud. Council encourages employees, contractors, service providers and, where relevant, members of the public to report their suspicions of fraud.

Any irregularity that is detected or suspected must be reported immediately to the General Manager Corporate Services who will co-ordinate all investigations, whether by Council's own staff, the Internal Auditors or other independent experts.

A staff member who discovers or suspects fraudulent activity will report the matter to their immediate supervisor or Business Unit Manager who will contact the General Manager Corporate Services immediately.

If the staff member suspects that their General Manager may be responsible, then they should contact the Chief Executive Officer.

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

The staff member or any other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual or legal representative should be directed to the General Manager Corporate Services. No information concerning the status of an investigation should be given out.

The protections set out in the *Public Interest Disclosure Act 2012* will apply. Refer to Policy 2.4.3 Public Interest Disclosures for further details.

The reporting individual should be informed of the following:

- do not contact the suspected individual in an effort to determine facts or demand restitution; and
- do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Coordinator Human Resources.

The General Manager Corporate Services will treat all information received confidentially. Investigation results will not be disclosed or discussed with anyone other than those who have a

legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct.

Public Interest Disclosures

No employer or person acting on behalf of the Council shall:

- victimise an employee;
- dismiss or threaten to dismiss an employee;
- discipline or suspend or threaten to discipline or suspend an employee;
- impose any penalty upon an employee; and
- intimidate or coerce an employee;

because the employee has acted in accordance with the requirements of the policy.

The violation of this section will result in discipline up to and including dismissal.

The General Manager Corporate Services is the designated Public Interest Disclosures Coordinator at Wellington Shire Council.

Handling Fraud – Investigation Practices and Protocols

The Corporate Services Division has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy.

The appointed investigators will have:

- free and unrestricted access to all Council records and premises; and
- the authority to examine, copy and remove all or any portion of the content of files, desks, cabinets, mobile phones, computers and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

If the investigation substantiates that fraudulent activities have occurred, the General Manager Corporate Services, will issue reports to the Chief Executive Officer, the Audit & Risk Committee and through it, to Council.

Staff found to be involved in fraudulent activities will be dismissed from Council's service.

Any investigative activity required will be conducted impartially with due deference to the *Public Interest Disclosure Act 2012*, procedures for Wellington Shire Council and the Information Privacy Policy and Guidelines. It will also be conducted with awareness of the Councillor and Staff Codes of Conduct and Council's staff grievance procedures.

Council has established a Fraud Incident Register to ensure that all incidents are recorded (*refer to Appendix B*). The Fraud Incident Register will be maintained by the General Manager Corporate Services and will include the following information in relation to every reportable fraud incident:

- date and time of report;
- date and time that incident was detected;
- how the incident came to the attention of management (i.e. anonymous report, normal report, supplier report);
- the nature of the incident;
- value of loss to Council, if any;
- the action taken following discovery of the incident.

Post Incident Analysis

Following any investigation, a Fraud Incident Analysis will be conducted to establish any system or process failures and identify future corrective actions. This is detailed using the [Post Incident Analysis Report](#).

HUMAN RIGHTS

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

Appendix A – Fraud and Corruption Roles and Responsibilities

<p>Councillors</p>	<ul style="list-style-type: none"> • Ensuring an appropriate Fraud and Corruption Control Policy is adopted • Maintaining compliance with the Conflict of Interest obligations pursuant to the Local Government Act 2020 • Facilitating accountability at all levels within the Council for fraud and corruption control by ensuring appropriate resources are provided to ensure suitable fraud and corruption information and reporting systems are maintained. • Maintaining awareness of this policy and its applicability to elected Councillors
<p>CEO and General Managers</p>	<ul style="list-style-type: none"> • Overall responsibility for prevention and detection of fraud and corruption within Council • Legislated responsibility to exercise authority, on behalf of Council • Manage public resources of the department efficiently, responsibly and in an accountable manner. • Implement policies and priorities responsibly. • Ensure impartiality and integrity in the performance of the department's functions. • Ensure accountability and transparency in the department's operational performance. • Promote continual evaluation and improvement of department's management practices.
<p>All managers, supervisors, coordinators and team leaders</p>	<ul style="list-style-type: none"> • Display ethical leadership and high personal standards of behaviour consistent with the Employee and Councillor Codes of Conduct. • Visibly promote Council's ethical framework and adherence by all employees. • Effectively manage risk in accordance with the department's fraud risk management framework. • Proactively manage staff conduct by taking prompt and appropriate action. • Develop strong internal controls to assist with fraud and corruption prevention. • Ensure all employees and contractors complete compulsory LDS training and awareness modules in addition to job-specific training. • Ensure employee compliance with relevant policies and procedures including identifying and reporting on potential fraudulent and corrupt activities. • Advise the appropriate Manager or General Manager, or, where applicable, the Public Interest Disclosure Coordinator, regarding all reports of suspected fraud or corruption.

<p>All employees (including contractors, volunteers, temporary and casual staff)</p>	<ul style="list-style-type: none"> • Act in an ethical manner in the workplace, understand and comply with all policies and procedures including: <ul style="list-style-type: none"> ○ Safeguarding assets, information and other resources under their control. ○ Identify and report any potential issues. ○ Ensuring all administration is accurate with no deliberate omissions (i.e. allowance claims, recording accurate hours of work on timesheets). ○ Report all suspicions of fraud and corruption. • Register all gifts, benefits and hospitality offered, and declare all perceived, potential and actual conflicts of interest including those of family members which may influence their public duties. • Undertake required education and training to responsibly and effectively undertake their duties.
<p>Audit & Risk Management Committee</p>	<ul style="list-style-type: none"> • Monitor the implementation of risk management (including fraud and corruption matters) and independently recommend actions to improve management frameworks. • Monitor the internal audit function to ensure audits include key fraud and corruption risks and that audits are risk-based.
<p>Internal Audit Contractor</p>	<ul style="list-style-type: none"> • Undertake scheduled audits, which include examining established controls to decide if they are robust enough to reduce the risks of fraud and corruption, including the identification of work practices that may lead to fraudulent and corrupt activities. • Report in writing any suspected activities of fraudulent or corrupt practices identified during an internal audit function to the CEO or General Manager Corporate Services.
<p>Corporate Governance</p>	<ul style="list-style-type: none"> • Undertake and advise on business and policy improvements. • Manage compliance, performance and risk in accordance with appropriate governance framework. • Report regularly on performance and compliance including complaints and fraud issues. • Manager the Gifts and Benefits register.
<p>Information Technology Services</p>	<ul style="list-style-type: none"> • Manage all information technology risks and ensure all IT users are acting ethically when using department software and assets. • Advise managers, staff and contractors of human resources and industrial relations matters. • Process recruitment activities in line with a recruitment and selection framework. • Manage the security of Council's information through the use of technology.

**Human
Resources**

- Ensure Pre-employment screening activities are being undertaken in conjunction with the hiring manager.

Appendix B – Fraud Reporting Register Template

Wellington Shire Council Fraud Register						
Date and time of report	Business unit / Division	Date and time of suspected fraud	How the incident came to the attention of management (i.e. anonymous report, normal report, supplier report)	Fraud Incident description (who, what, when, where, how)	Value of loss to Council, if any	Action taken following discovery of the incident
	Justice Services / VAQ	31/03/2017	XX claimed for a payment with fraudulent receipts. Payment of \$XXX was made to the applicant	31/03/2017 – Investigation commenced 7/04/2017 – Investigation recommendations presented 14/04/2017 – Brief to DG progressed for approval to refer to QPS	Ongoing	Referred to QPS

PUBLIC INTEREST DISCLOSURES POLICY

Policy Number:	2.4.3
Approved by	Chief Executive Officer
Date Approved/Effective:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Fraud Control Policy Procurement Policy Risk Management Policy
Related Documents:	Councillor Code of Conduct Employee Code of Conduct Public Interest Disclosure Guidelines Risk Management Framework 2021/22
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Public Interest Disclosure Act 2012</i>

OVERVIEW

This policy has been developed by Wellington Shire Council pursuant to section 58 of the *Public Interest Disclosure Act 2012* (previously the *Protected Disclosures Act 2012*). The purpose of the amendments made to the Act is to make it easier to make disclosures of improper conduct by public officers, and public bodies, including Wellington Shire Council, its staff, employees and Councillors. The changes allow a broader range of disclosures to be made, provide for more independent expert bodies to investigate disclosures and introduce a flexible 'no wrong door' approach to ensure disclosures aren't excluded because of non-compliance with complex procedures.

THE POLICY

Wellington Shire Council is committed to the aims and objectives of the Act which recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct. It does not tolerate improper conduct by the organisation, its employees, Officers, or Councillors, nor the taking of reprisals against those who come forward to disclose such conduct.

Public Interest Disclosure Act 2012 (the Act)

Under the Act, the Independent Broad-based Anti-Corruption Commission (IBAC) has a key role in receiving, assessing and investigating disclosures about improper conduct and detrimental action taken in reprisal for a disclosure by public bodies or public officers.

The Act provides certain protections for people who make disclosures and creates certain obligations of confidentiality preventing the disclosure of the identity of the person who had made a disclosure and the content of the disclosure, unless it is done under certain specified circumstances. Disclosure of either the identity of a discloser, or the content of their disclosure that is not covered by any of those specified exceptions is a criminal offence.

From Public Interest Disclosure (PID) to Public Interest Complaint (PIC)

A PID is a disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action (previously a protected disclosure). A PIC is the result of an investigation into reported PIDs where the determination by IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee (IOC) has established that the criteria for a PIC has been met (previously a protected disclosure complaint). Where a matter is determined to be a PIC, additional rules apply as to how it must be handled. These include a restricted list of bodies which can be referred the matter for investigation, what notifications must be given to the discloser and a restriction on withdrawing the complaint.

People making a disclosure must believe, on reasonable grounds, that the Councillor or Council employee has engaged in, or proposes to engage in, improper conduct or detrimental action. The conduct must be serious enough to constitute a criminal offence or reasonable grounds for dismissal. All disclosures can also be made anonymously.

Examples of such a disclosure may include but are not limited to:

- an officer taking a bribe to grant a permit;
- an officer ignoring, or concealing evidence of an illegal activity being conducted in the municipality;
- a Council officer selling or revealing confidential information to enable someone to gain advantage such as information about a tender;
- a substantial mismanagement of public resources;
- a substantial risk to public health or safety; or
- a substantial risk to the environment.

The definition of improper conduct has been revised to specify the following categories:

Public Interest Disclosure (Councillor)

Disclosures about a Wellington Shire Councillor should be made directly to IBAC or the Victorian Ombudsman.

Public Interest Disclosure (Council Staff)

Disclosures regarding Wellington Shire Council staff should be made to Council's Public Interest Disclosure Coordinator (General Manager Corporate Services) who has oversight and responsibility for the operation of the Public Interest Disclosure policy and compliance with the provisions of the Act.

ADDITIONAL PROVISIONS TO AMENDED *PUBLIC INTEREST DISCLOSURE ACT 2012*

Misdirected Disclosures

This allows for a PIO made to the wrong receiving entity to be redirected to another receiving entity, without the discloser losing the protections of the PIO scheme, where:

- the receiving entity must be an entity to which a PIO ordinarily may be made; and
- the person making the disclosure must honestly believe that the receiving entity was the appropriate entity to receive the disclosure.

For example, if the Victorian Ombudsman receives a misdirected PIO about Victoria Police it can redirect the PIO to IBAC for assessment.

External Disclosures

A new class of disclosure is created for 'external disclosures'. External disclosures are defined as a PIO made to a person or body who is not an entity to whom a PIO can be made under Division 2, Part 2 of the PIO Act (the part which prescribes how and to whom PIDs must be made).

A discloser may disclose the details of a PIC to an external person or body (who is not able to receive disclosures) if the assessing entity does not notify the discloser about any action taken in response to the original disclosure within six months and has not responded to a request for advice within 30 days. An external disclosure may also be made if the investigation of the original disclosure is not completed within 12 months, and the investigating entity has not responded to a request for advice within 30 days.

Finally, an external disclosure may be made where the investigation of the original disclosure was not completed within 12 months, the discloser has received an update within 30 days of requesting it, but the discloser has then not received any further update advising that the investigation has been completed within a further six months of that response.

Appointing a Welfare Manager (Coordinator Human Resources)

A Welfare Manager's role is to monitor the specific needs of the discloser or cooperator and provide them with practical advice and support.

In most circumstances, a Welfare Manager will only be required when a public interest disclosure has been evaluated as a genuine public interest complaint and proceeds to investigation. However, each case needs to be assessed on its own merits.

A Welfare Manager must not divulge any details relating to the disclosed matter to any person other than the Protected Disclosure Coordinator, or the principal officer of the public body. All meetings between the Welfare Manager and person must be conducted discreetly to protect the person from being identified as being involved in the disclosure.

Council's Welfare Manager (Coordinator Human Resources) can be reached on 03 5142 3040.

Reporting a Protected Disclosure

By telephone:

Public Interest Disclosure Coordinator (General Manager Corporate Services) can be reached on 5142 3181.

By email: pid@wellington.vic.gov.au

By post:

"Confidential" Public Interest Disclosure
 Attention General Manager Corporate Services
 PO Box 506
 Sale VIC 3850

Report directly to IBAC or the Victorian Ombudsman:

Independent Broad-based Anti-Corruption Commission (IBAC)

Telephone IBAC on 1300 735 135 to request a form to be sent to you.

Postal address:
Level 1, North Tower
459 Collins Street
Melbourne VIC 3000

Complete the IBAC secure online form available at: <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form> or download a complaint form at www.ibac.vic.gov.au and return by email, fax or post.

Victorian Ombudsman

Telephone Victorian Ombudsman on (03) 9613 6222 Email: ombudvic@ombudsman.vic.gov.au

Postal address:
Level 2, 570 Bourke Street
Melbourne VIC 3000

Complete the Victorian Ombudsman secure online form available at: <https://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint> or download a complaint form at www.ombudsman.vic.gov.au return by email, fax or post.

HUMAN RIGHTS

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

DECLARABLE ASSOCIATIONS POLICY

Policy Number:	2.4.4
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager People and Capability
Related Policies:	Human Rights Policy Pre-Employment Screening Policy (internal)
Related Documents:	Declarable Associations Form Employee Code of Conduct
Statutory Reference:	Nil

OVERVIEW

A declarable association means any current association with a group or individual that:

- is incompatible with the role of Council or the ability to uphold the function of council;
- may give rise to a perception in the mind of a reasonable person that a Council employee is not upholding or may be not upholding their obligation as a Council employee; and
- may reflect adversely on the reputation of both employee and Council within the eyes of the community.

THE POLICY

As a part of the pre-employment screening process, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. This includes any association with persons, a group, event or organisation that is declarable under this policy.

Examples of declarable associations

Declarable associations include, but are not limited to, associations between a Council employee and:

1. an individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs;
2. former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue;
3. an individual, group or organisation involved in any criminal or illegal activities;
4. an individual who has a criminal history if the nature or timing of the offending would be likely to raise in the mind of a reasonable member of the community that the association is incompatible with the role of the employee or the organisation;
5. an individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position;

6. an individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity. This includes members of:
- outlaw motorcycle groups;
 - organised crime groups;
 - street gangs;
 - extremist groups;
 - groups operating online such as the 'Anonymous' hacker group;
 - a land developer, service provider or consultant who interacts with Council or undertakes services for Council;
 - an individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation;
 - an individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.

The declarable association could exist in either the real or virtual world and includes social media interactions.

Making a declaration

As per legislation, in order to maintain organisational integrity, all current Council employees are required to report declarable associations as they become known, in line with the *Employee Code of Conduct*.

Employment to Council is subject to pre-employment screening processes such as National Police Record Clearance, verification of references and credentials as well as and other vetting practices (as required). Prior to commencement to Council, all new employees are required to report any declarable associations.

For existing Council employees, reports must be made as soon as practicable after the employee becomes aware of the particulars about an individual, group or event.

The report should provide the details of the individual, group, event or organisation being declared and the circumstances in which the Council employee became aware of the fact that the association was a declarable one under this policy.

A declarable association only needs to be reported once, however any change in circumstances must be reported.

Declarations should be made using the Declarable Associations Form available on the Governance Intranet (see also Appendix 1).

Risk Assessment

Once a declaration has been made, the relevant Business Unit Manager and Manager People and Capability will undertake a risk assessment in relation to the information about the association and the associate.

Management of Risk:

Following a risk assessment of a declarable association, the following action/s may occur:

- the declaration is noted and placed on the employee's Human Resources (HR) file;
- management of the employee's health and wellbeing;

- direct the employee to relinquish the association.

Where the association needs to be managed through a documented and agreed arrangement as prescribed by the Manager People and Capability, the employee may be directed to apply risk mitigation strategies including:

- minimising employee involvement with the associate;
- reporting future interactions;
- advising of any relevant changes to circumstances.

A documented arrangement will be established only after discussions have taken place between the Council employees, the respective Business Unit Manager and HR about how to manage the risk. If the cost in establishing, managing or maintaining an arrangement is too significant or onerous for the organisation, the employee may be directed to relinquish the declarable association.

Failing to comply with a direction to discontinue an association may be regarded as a breach of the *Employee Code of Conduct* for failing to comply with lawful and reasonable direction. If an employee disagrees with any direction given, they must seek re-evaluation through the Grievance Process.

HUMAN RIGHTS

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

MANDATORY NOTIFICATION POLICY

Policy Number:	2.4.5
Approved by:	Chief Executive Officer
Date Effective:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Chief Executive Officer
Related Policies:	Fraud Control Policy Public Interest Disclosures Policy
Related Documents:	Nil
Statutory Reference:	<i>Independent Broad-based Anti-corruption Commission Act 2011</i> <i>Public Interest Disclosure Act 2012</i> <i>Local Government Act 2020</i> <i>AS 8001-2008 Fraud and Corruption Control</i> <i>Crimes Act 1958</i>

OVERVIEW

Council aims to establish an environment in which corrupt conduct is not tolerated and one in which Councillors and all Council employees do not act dishonestly. This environment will promote a culture where all fraudulent activities and corrupt conduct, once notified or legitimately suspected, are reported, investigated and resolved in a timely and fair manner.

Council will not tolerate any incident of corrupt conduct. Councillors and Council employees will act in accordance with applicable Codes of Conduct and in the spirit of ethical standards.

THE POLICY

This policy forms an integral part of Council's risk management strategy and will contribute to a culture of awareness which encourages staff responsibility and workplace protection against suspected or actual corrupt behavior.

The Australian Standard AS 8001-2008 defines corruption as:

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interest of the entity and abuses his / her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.”

The obligation to report suspected corrupt conduct rests with the relevant Principal Officer (Chief Executive Officer) and cannot be delegated. Where another person is acting as the relevant Principal Officer, the obligation applies to that person. The relevant Principal Officer must notify the Independent Broad-based Anti-corruption Commission (IBAC) of all instances of suspected corrupt conduct occurring in their own organisation, and suspected corrupt conduct occurring in other organisations where it is connected with the relevant principal officer's duties, functions and exercise of powers. There is no legislative obligation for the relevant principal officers to search out corrupt conduct, only to report it when suspected.

Corrupt conduct

Suspect conduct maybe detected during a regular review process (e.g. an internal audit, service review or routine quality assurance review).

Section 4 of the *Independent Broad-based Anti-corruption Commission Act 2011* describes and defines corrupt conduct, summarised here as conduct, or an attempt or conspiracy to engage in conduct that:

- a) adversely affects the honest performance of the functions of a public officer or public body;
- b) constitutes or involves the dishonest performance of the functions of a public officer or public body;
- c) constitutes or involves knowingly or recklessly breaching public trust;
- d) involves the misuse of information or material acquired in the course of the performance of the functions of a public officer or public body;
- e) is intended to adversely affect the effective performance of the functions or powers of a public office or public body and results in the person or their associate obtaining a specified benefit.

In order for conduct to be corrupt conduct, it must also be the case that the conduct would constitute a relevant offence which means an indictable offence against any Act, or the common law offences of attempt to pervert the course of justice, bribery or a public official, perverting the course of justice and misconduct in public office.

Examples of misconduct in public office include:

- deliberately falsifying accounts to conceal or obtain a benefit;
- entering into a secret commission or profit-sharing arrangement with another person;
- colluding to share profits with tender recipients and concealing the overvaluation of tenders;
- using public office to deceive a member of the public to gain a financial advantage;
- misusing power to harm, oppress or disadvantage a person.

When must a report be made?

Notifications of suspected corrupt conduct must be made as soon as practicable after the Chief Executive Officer has formed a reasonable suspicion that corrupt conduct may have occurred or may be occurring.

CONFIDENTIALITY

Notifications to IBAC must be made without advising the person(s) to whom the notification relates, and without publicity. All notifications of suspected corrupt conduct to IBAC will be treated in the strictest confidence.

Failure to handle notifications to IBAC confidentially may prejudice any subsequent investigation, whether by IBAC or the public-sector body concerned, and may cause unnecessary reputational or other damage to individuals.

Making a mandatory notification

Independent Broad-based Anti-Corruption Commission (IBAC)

Telephone IBAC on 1300 735 135 to request a form to be sent to you.

Postal address:

Level 1, North Tower

459 Collins Street

Melbourne VIC 3000

Complete the IBAC secure online form available at: <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form> or download a complaint form at www.ibac.vic.gov.au and return by email, fax or post.

HUMAN RIGHTS

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

CONFLICT OF INTEREST POLICY

Policy Number:	2.4.6
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	General Manager Corporate Services
Related Policies:	Fraud Control Policy Procurement Policy
Related Documents:	Councillor Code of Conduct Employee Code of Conduct Governance Rules Councillor Conflict of Interest Declaration Form (hardcopy and e-form) Employee Conflict of Interest Declaration and Management Plan
Statutory Reference:	<i>Local Government Act 2020</i> <i>Local Government (Governance and Integrity) Regulations 2020</i>

OVERVIEW

This policy has been developed to provide information and guidance to Councillors, staff and committee members in the identification, disclosure and management of conflict of interest (i.e. actual, perceived or potential).

While conflicts of interest are not wrong in themselves, and indeed cannot always be avoided, the potential for conflict of interest exists in all aspects of Council operations.

It is important that Councillors, staff and committee members act and are seen to act with integrity and are not inappropriately benefited or influenced by improperly using their position.

The most effective means to address conflicts of interest is to establish a system under which Councillors, staff and committee members are required to disclose and obtain evaluation of any conflict of interest.

The purpose of this policy is to assist Councillors, staff and committee members in the identification and management of conflicts of interest – and to assist in addressing conflict of interest issues. Council has a responsibility to ensure that its activities and those of its Councillors, staff and committee members conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, disclosing, managing and reporting conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes.

Council also recognises that conflicts of interest are not unusual in the exercise of public responsibility and cannot always be avoided. Where a conflict of interest occurs, the interests of the Council will be balanced against the interests of the individual. Unless exceptional circumstances exist, the balance of interests will be resolved in the Council's favour, and Managers, when notified of a conflict of interest, will deal promptly with the conflict and put in place arrangements that protect the integrity of the Council processes.

Conflict of interest is about transparency, Councillors, staff and committee members hold positions of public trust and should work to serve the interests of the community, not themselves or someone else's private interests.

THE POLICY

It is the responsibility of Councillors, staff and committee members to identify a conflict of interest and disclose this when necessary. Failure to disclose conflicts of interest is a breach of the *Local Government Act 2020* (the Act) in which penalties can apply.

Areas of activity where conflicts may arise

A conflict of interest may arise because of the council's involvement in any of the following matters:

- appointing and managing staff;
- providing sponsorships;
- use of resources or assets that could be used for private gain;
- entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector;
- collecting, retaining, accessing or using confidential information;
- providing financial assistance and concessions;
- performing a regulatory role in relation to the monitoring of standards;
- disciplinary role; and
- providing advice.

Disclosure and declaration

All Councillors, staff and committee members must consider the public interest when carrying out their duties and place this above their own private or personal interests. This is achieved by:

- carrying out all duties in accordance with Council and legislative ethical principles as documented in Council's Codes of Conduct
- assessing their own private and personal interest to identify any conflicts of interest
- identifying and declaring all conflicts of interest
- disclosing all conflicts of interest that arise when compiling Council reports and workshop notes
- managing all conflicts of interest in accordance with agreed management strategies
- completion of Council's conflict of interest declaration forms.

The Councillor Conflict of Interest Declaration Form can be found on the Councillor Homepage and the Employee Conflict of Interest Declaration and Management Form can be found on the Governance page of Council's Intranet.

All levels of management will:

- encourage a culture of disclosure within Council,
- regularly remind employees of their obligation to identify and declare conflicts of interest,
- actively liaise with employees to resolve and manage conflicts of interest, and
- maintain confidentiality with regards to conflict of interest declarations.

Responsibilities of Managers

- complying with the conflict of interest policy with respect to their own conflicts and potential conflicts of interest;
- ensuring annual completion of training requirements;
- facilitating the compliance of those they manage by:
 - ensuring that the staff they manage complete the annual training module;
 - being aware of the risks of conflicts inherent in the work of the staff they manage;
 - making Councillors, staff and committee members aware of relevant policies and procedures;
 - advising Councillors, staff and committee members about appropriate ways to manage conflicts;
 - recording the receipt of disclosures of conflicts of interest reported to them by staff;
 - assisting staff who disclose conflicts in preparing management strategies; and
 - monitoring the work of staff and the risks to which they are exposed.

Responsibilities of Employees

Employees are responsible for:

- ensuring annual completion of training requirements;
- being aware of their obligation to avoid, where possible, conflicts of interest and manage those conflicts of interest that cannot be avoided;
- assessing their private and personal interests and whether they conflict, or have the potential to conflict, with their official duties;
- disclosing conflicts of interest they may have in accordance with this policy, specified procedures or to their Manager;
- complying with the requirements of this policy or related guidelines and procedures; and
- reporting suspected breaches of this policy by other employees to their Manager and the General Manager Corporate Services.

Responsibilities of Councillors/Committee Members

All Councillors must comply with section 130 of the Act, Governance Rules and the Councillor Code of Conduct when declaring conflicts of interest by undertaking the following:

- disclose the conflict of interest at the beginning of a Council meeting and again at the agenda item in question and remove themselves for the meeting for the duration of the discussion/vote;
- if details are private in nature, then the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and a brief and general summary of the details;
- immediately prior to consideration of the matter;
- classify the interest as General (section 127) or specify the type of Material interest (section 128);
- describe the nature of the interest;
- where a Councillor or member of a delegated committee has two or more conflicts of interest on matters being considered consecutively, they must disclose the interests prior to the first matter being heard;

- while the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a delegated committee must;
 - leave the room and notify the Mayor or the Chair of the delegated committee that he or she is doing so;
 - remain outside the room; and
 - the Mayor or Chair of the delegated committee must invite the Councillor or member of a delegated committee to return to the meeting.

All declarations and mitigation strategies (i.e. leaving the room for the duration of the discussion) must be recorded in the meeting minutes. All reported conflicts of interest, including mitigation strategies, must also be recorded in the Conflict of Interest Declaration register maintained by the Governance Officer.

Councillors have full access to various guidance material, including the Councillor Conflict of Interest Guide, which is available on the Councillor Homepage.

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

General and Material conflicts of interest can give rise to the following conflict types:

1. An **actual conflict of interest** occurs when there is a real, current conflict between a public officer's duties and their private interests;
2. A **potential conflict of interest** arises when a public officer's duties could conflict with their private interests. A public officer can anticipate potential conflicts by thinking about how the particular private interests and associations they have might influence the types of functions they carry out and decisions they make in their Council role;
3. A **perceived conflict of interest** is where one or more third parties develop a reasonable view that a public officer's private interests have or could improperly influence their decisions or actions, or the actions or decisions of their organisation, in a particular matter. The perception is that a public officer may not be objective in their dealings as a result of the conflict.

Conflict Type	Definitions
<p style="text-align: center;">GENERAL CONFLICT OF INTEREST (Section 127)</p> <p>(1) Subject to section 129 (Exemptions), a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.</p>	<p>Private Interests (section 127(2))</p> <p>Any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <hr/> <p>Public Duty (section 127(2))</p> <p>The responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.</p>
<p style="text-align: center;">MATERIAL CONFLICT OF INTEREST (Section 128)</p> <p>(1) Subject to section 129 (Exemptions), a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</p> <p>(2) The benefit may arise or the loss incurred -</p> <p>(a) directly or indirectly; or</p> <p>(b) in a pecuniary or non-pecuniary form.</p>	<p>Affected Person (section 128(3))</p> <p>For the purposes of section 128(3), any of the following is an affected person—</p> <p>(a) the relevant person;</p> <p>(b) a family member of the relevant person;</p> <p>(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;</p> <p>(d) an employer of the relevant person, unless the employer is a public body;</p> <p>(e) a business partner of the relevant person;</p> <p>(f) a person for whom the relevant person is a consultant, contractor or agent;</p> <p>(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;</p> <p>(h) a person from whom the relevant person has received a Disclosable Gift (section 128(4)) -</p> <p>means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of section 128(4), the prescribed amount, received from a person in the 5 years preceding the decision on the matter -</p> <p>a. if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p>b. if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation - but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person</p>

	attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.
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Exemptions (section 129)

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

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

Failure to disclose a conflict of interest

Councillors, staff and committee members have an obligation to disclose and manage conflicts of interest.

Failing to comply with this policy, including refusal to take any reasonable action as directed, to resolve a conflict of interest may constitute misconduct or serious misconduct which may result in disciplinary action or termination of employment.

Managing conflicts of interest

The management of conflicts of interest will be determined by the General Manager Corporate Services or by the relevant General Manager for the Division.

The four recommended responses could be:

1. Avoid the conflict of interest

Avoiding a conflict of interest which poses an unacceptable risk to, or impacts upon, Council's interests. This is the preferred strategy.

To avoid a conflict of interest, the staff member concerned may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the interest which is creating the conflict.

2. Accept and reduce the conflict of interest

A conflict of interest may be reduced by ensuring that the staff member concerned has restrictions placed on their involvement in the relevant matter, or that another staff member or organisational area takes responsibility for the matter.

3. Share the conflict of interest

A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

4. Retain the conflict of interest

A conflict of interest may be retained, and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation.

This response is only suitable for low risk conflicts of interest.

Monitoring conflicts of interest

All disclosed conflicts of interest must be reviewed by the General Manager Corporate Services, Governance Officer, the staff member and their Manager on at least an annual basis to ensure that the information remains correct and that the management responses continue to be appropriate and effective. Any change in the arrangements must be notified immediately to the relevant Senior Officer.

Breaches of this Policy

Failure to comply with this policy will constitute a breach of the relevant Codes of Conduct and may result in disciplinary action or other serious sanctions as per the *Local Government Act 2020*.

HUMAN RIGHTS

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DELEGATIONS POLICY

Policy Number:	2.4.7
Approved by	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to:	Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Conflict of Interest Policy Fraud Control Policy Procurement Policy
Related Documents:	Various Instruments of Delegation Declaration and Management of Conflict of Interest Form
Statutory Reference:	<i>Local Government Act 1989</i> <i>Local Government 2020</i>

OVERVIEW

Delegations are the mechanisms by which council enables its officers to act on behalf of Council. Delegations are a key element for effective governance and management of the Council and provide formal authority to delegated staff members.

What is a Delegation?

Delegation means the assignment of a duty, power or function to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

It is important to understand the following characteristics of delegation:

- a delegation may be revoked by formal decision of Council or the Chief Executive Officer;
- a delegation is allocated to a position and not to a person;
- a delegation can apply to those persons temporarily acting in the position, unless specially advised otherwise;
- delegations are only to be provided to those who have the skills, experience and/or the appropriate or approved qualification to undertake the task;
- where a function is delegated to more than one position, each position may exercise the delegated function independently unless otherwise indicated;
- Council is able to impose conditions or limitations on a delegation; and
- delegations are derived from sections 11 and 47 of the *Local Government Act 2020*.

A Delegation is **not**:

- the performance of an administrative task;
- an action of an authorised officer under section 224 of the *Local Government Act 1989*; or
- decision making under a statutory appointment.

Council currently have the following delegations:**Instrument of Delegation from Council to the CEO (S5)**

This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations, to the CEO.

Instrument of Delegation from Council to members of Council Staff (S6)

This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation.

Instrument of Sub Delegation from CEO to members of Council Staff (S7)

This sub-delegates Council powers, duties or functions contained in Acts or Regulations which do not include a specific power of delegation.

Instrument of Delegation S7 also contains a miscellaneous section which covers powers, duties and functions of Council that are not specifically provided for in legislation, but which are part of the general powers of Councils that are delegated to the Chief Executive Officer, and which, if it is appropriate, the Chief Executive Officer will sub delegate. These include finance issues (noting the specific procurement/expenditure delegations are incorporated in the Procurement Policy) and miscellaneous matters.

Instrument of Delegation from CEO to members of Council Staff (S13)

This allows the CEO to delegate his or her powers, duties and functions existing under all Victorian legislation. This differs to the S7 Instrument in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.

Instrument of Delegation from CEO to members of Council Staff (S14) (VicSmart Applications)

This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation under the *Planning and Environment Act 1987* in relation to VicSmart planning applications.

Appointments and Authorisations (S11)

Council may appoint any person, other than a Councillor, to be an Authorised Officer for purposes of administration and enforcement of any Act, regulation or local law which relates to the functions and powers of Council.

All appointments and authorisation are to be made by the Chief Executive Officer, with the exception of the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as this particular instrument is made under Council resolution.

Council must maintain a register that shows the names of all staff appointed as Authorised Officers.

Individual identity cards are to be issued to each authorised officer and must contain:

- a photograph of the authorised officer; and
- the signature of the authorised officer.

An authorised officer must produce his or her identity card upon being requested to do so.

Authorised Officer identity cards will be provided upon commencement of duties and are to be returned to the Governance Officer on either cessation of their role or change of role.

POLICY COMPLIANCE

- All persons acting under delegated authority are expected to read this Policy carefully so as to ensure that they understand and are familiar with the requirements with which they are to comply;
- All persons temporarily acting in a delegated position are expected to understand all delegations associated with the position whilst performing those duties;
- Delegations and sub delegations must be made available for public inspection upon request;
- Pursuant to section 11(7) of the *Local Government Act 2020*, this Policy and its incorporated Instruments of Delegation to Officers will be reviewed within 12 months of a general election;
- A breach of this policy or a delegation may be regarded as misconduct and can be dealt with by Council's Code of Conduct;
- A delegation must be exercised within its conditions and limitations and in accordance with all Council policies and procedures and any relevant legislation;
- All Officers to whom authority has been delegated shall exercise the delegation in accordance with any budget allocated; and
- A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, it must be declared immediately and dealt with in accordance with Council's Code of Conduct and Conflict of Interest Policy.

HUMAN RIGHTS

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

ACCEPTANCE AND DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY POLICY

Policy Number:	2.4.8
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	General Manager Corporate Services
Related Policies:	Conflict of Interest Policy Council Expense and Administration Policy Public Transparency Policy
Related Documents:	Gifts, Benefits and Hospitality Declaration Form Gifts, Benefits and Hospitality Declaration Register Councillor Code of Conduct Employee Code of Conduct Municipal Association of Victoria - New Councillor Resource Guide 2016
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i>

OVERVIEW

To provide Councillors and staff with requirements and guidance relating to the acceptance of gifts, benefits and hospitality.

THE POLICY

Wellington Shire Council is committed to following sound and transparent business practices in accordance with the *Local Government Act 2020* and Councillor and Employee Codes of Conduct. It recognises the importance of operating in a manner that models transparency, integrity and the highest ethical standards.

This policy is intended to support Councillors and staff in avoiding conflicts of interest, maintaining high levels of integrity and public trust and ensure that any gifts accepted are properly managed and disclosed.

COUNCILLORS AND COUNCIL STAFF

A gift, benefit or hospitality must not be accepted by Councillors or staff if it is given as a bribe for favourable service or outcomes, or could be perceived as intended to, or likely to, influence the individual in the fair, impartial and efficient discharge of their duties as a Councillor or member of Council staff.

The performance of Council functions including, but not limited to, tenders, planning decisions, recruitment processes and regulatory activity will not be influenced by the offer or inducement of a gift, benefit or hospitality.

Receipt of a gift from a person or organisation can result in a general or material conflict of interest in a matter.

Councillors and staff must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.

All gifts, benefits and hospitality of **any** value, whether declined or accepted, must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form and details will be included on Council's Gifts, Benefits and Hospitality Declaration Register. Under **NO** circumstances is cash to be accepted as an applicable gift.

Token Offers

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting or the provision of lunch during the course of a daylong seminar.

The minimum accountabilities state that token offers cannot be worth more than \$50.

Individuals may generally accept token offers as long as the offer does not create a conflict of interest or bring the individual or the organisation into disrepute.

Non-token Offers

Individuals can accept non-token offers if they have a considered business benefit. All accepted non-token offers must be declared and approved in writing by the General Manager / CEO / Mayor, recorded in the Gifts, Benefits and Hospitality Declaration Register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual or Council into disrepute; and
- there is a considered business reason for acceptance i.e. it is offered in the course of the individual's official duties, relates to the individual's responsibilities, recognises work undertaken or benefits achieved for the Council.

Individuals may be offered a gift, benefit or hospitality where there is no opportunity to seek written approval prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval within five (5) business days.

Where the gift would likely bring the individual or the organisation into disrepute, the gift should be returned. If it represents a conflict of interest for the individual or Council, the gift should be returned or transferred to Council to mitigate the risk.

Repeat Offers

Receiving multiple offers (token or non-token) from the same individual or organisation can generate a stronger perception that the individual or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage. Any repeat offers must also be noted with the Manager.

The Gift Test

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in the performance of their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk could arise.

The GIFT test (developed by the Victorian Public Sector Commission) is a good example of what to think about when deciding whether to accept or decline a gift, benefit or hospitality.

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family friends or associates think?

GIFTS

In general, **gifts** are acceptable when:

- the gift is a token offer and estimated to be less than \$50;
- it is customary of the culture to bestow or exchange gifts as thanks for hospitality; or
- gifts are presented by a visiting official and duly authorised by the governing body.

Gifts are sometimes given as a sign of gratitude to recognise outcomes collectively achieved by the Council and/or group of staff. Therefore, as far as is reasonable and practical, such gifts are “pooled” then shared among the Council and/or the working group.

All gifts of **any** value must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form, even if the gift has been declined. Under **NO** circumstances is cash to be accepted as an applicable gift.

Disclosable Gift

A **disclosable gift** is a gift that puts the recipient into a material conflict of interest because the donor of the gift has an interest in a matter.

Section 128(4) of the *Local Government Act 2020* defines a disclosable gift as:

- (1) One or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—
 - (a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or
 - (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

Significant Occasion Gift

A **significant occasion gift** is a gift which is presented to the Mayor or a Councillor from Wellington Shire as a gesture of goodwill for official or ceremonial purposes.

- A significant occasion gift to the Mayor must not exceed \$200;
- A significant occasion gift to a Councillor must not exceed \$150.

All significant occasion gifts **must be declared** using the Gifts, Benefits and Hospitality Declaration form and details included on Council's Gifts, Benefits and Hospitality Declaration Register. Individuals must transfer to Council any official gifts or gifts of cultural significance or significant value.

Ownership of Gifts Offered to Individuals

Non-token gifts with a considered business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring the individual or Council into disrepute, and where the General Manager or CEO has provided written approval.

BENEFITS

In general, **benefits** are acceptable when a Councillor or staff member may need to accept the benefit in the carrying out of Council duties such as attendance as a Council representative at promotional or other events.

Benefits can be received by an individual or organisation in the form of preferential treatment, privileged access, favours or other advantage. This can also include invitations to sporting, cultural or social events, access to discounts or loyalty programs and, in particular for individuals, promises of a new job.

The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour and decision making. As this is the case, any benefit of **any** value, whether declined or accepted, must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form.

HOSPITALITY

In general, **hospitality** is acceptable when it is not considered excessive and does not create a conflict of interest or bring the individual or the organisation into disrepute.

A Councillor or staff member may accept hospitality such as attendance as a Council representative at promotional or other events.

All hospitality of **any** value, other than that which could be considered a basic courtesy (light refreshments at a meeting) or is provided during attendance at a paid event (morning/afternoon tea and lunch during a seminar paid for by Council), must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form.

Exempt hospitality is hospitality that is reasonably received in the carrying out of Council duties and can be considered a basic courtesy, including the acceptance of light refreshments during a

meeting or lunch during the course of a daylong event. Exempt hospitality does not require the completion of a declaration form.

If the estimated value of the hospitality is over \$50 (non-token offer), a declaration form must be completed, regardless of whether the hospitality is accepted or declined. An example of this is a three course lunch at the conclusion of a meeting. It could be perceived that the lunch could be a means to gain favour or influence a decision or consideration. In this case, a consideration must also be made for the completion of conflict of interest declaration form.

COUNCILLORS SPECIFIC REQUIREMENTS

Disclosable Gift to Councillors

Where a Councillor has declared a material conflict of interest from the acceptance of a **disclosable gift**, details of the interest will be documented in the meeting minutes which are available for public inspection.

Anonymous Gifts Not To Be Accepted

A Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor for the amount or value of which is equal to or exceeds the gift disclosure threshold unless:

- a) the name and address of the person making the gift are known to the Councillor; or
- b) at the time when the gift is made
 - i) the Councillor is given the name and address of the person making the gift; and
 - ii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.

Election Campaign Donation Return Gift

A **donation period** gift is a gift given to an electoral candidate to be used in connection with an election campaign. In accordance with Section 306 of the *Local Government Act 2020*, each candidate, whether successfully elected to Council or not, must give an Election Campaign Donation Return to the Chief Executive Officer within 40 days of election day.

Per Section 308 (2) and (3) of the *Local Government Act 2020*, copies of all election campaign donation returns received are available for inspection at the Desailly Street Service Centre and a summary of all Election Campaign Donation Returns is available on Council's website and will remain available to view until the close of roll for the next general election.

DECLARATIONS AND RECORDS MANAGEMENT

Declarations

Declarations are required to be completed for all gifts, benefits or hospitality received, whether accepted or declined. The Business Unit Manager must review and sign all declarations before providing a copy to Governance for registration.

Where multiple gifts, benefits and hospitality are offered by one person on the same day, only one declaration form should be completed for all the items from that one person. The items must not be split across multiple declarations.

Records Management

Council maintains a register of all gifts, benefits and hospitality received by Council Officers and Councillors. This register details:

- Date of receipt
- Recipient
- Donor
- Estimated Value
- Allocation (declined, donated, pooled, retained, returned, shared)
- Description Of/Reason For Gift.

The register is available for public inspection on request, in line with Council's Public Transparency Policy.

All declarations, whether accepted or declined, will be recorded in Council's Gifts, Benefits and Hospitality Declaration Register.

A summary of the Gifts, Benefits and Hospitality Declaration Register will also be provided to the Audit & Risk Committee twice yearly for review.

BREACHES OF THIS POLICY

Failure to comply with this policy will constitute a breach of the relevant Codes of Conduct and may result in disciplinary action or other serious sanctions as per the *Local Government Act 2020*.

HUMAN RIGHTS

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

PUBLIC TRANSPARENCY POLICY

Policy Number:	2.4.9
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Privacy and Data Protection Policy Freedom of Information Policy Records Management Policy Community Engagement Policy
Related Documents:	Governance Rules Part II Statement – <i>Freedom of Information Act 1982</i>
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i>

OVERVIEW

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

THE POLICY

1. POLICY STATEMENT

1.1. Council is committed to the principles of public transparency and commits to making all Council information publicly available, except where the information is:

- 'Confidential Information' as defined under section 3(1) of the Act, unless Council has determined by resolution that the information should be made publicly available;
- Confidential by virtue of any other Act; or
- Such that making it publicly available, would be contrary to the public interest.

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

2. POLICY INITIATIVES

2.1. Council will make available all Council information that is publicly available on its website and ensure all such information is regularly reviewed, updated, understandable and accessible.

2.2. Council will use social and/or digital media to publish or stream appropriate Council content, such as Council Meetings, and other online tools to publish Council

information and encourage community engagement and consultation on project and community related matters.

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

3. PUBLICLY AVAILABLE INFORMATION

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

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

4. PROCEDURAL GUIDELINES

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

5. REVIEW

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

6. APPENDIX 1 - DEFINITIONS

Confidential Information	<p>Confidential information is defined in the Act as meaning the following:</p> <ul style="list-style-type: none"> (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; (b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
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	<ul style="list-style-type: none"> (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values; (d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person; (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; (g) private commercial information, being information provided by a business, commercial or financial undertaking that— <ul style="list-style-type: none"> (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; (h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) of the Act; (i) internal arbitration information, being information specified in section 145 of the Act; (j) Councillor Conduct Panel confidential information, being information specified in section 169 of the Act; (k) information prescribed by the regulations to be confidential information for the purposes of this definition; (l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.
<p>Contrary to the Public Interest</p>	<p>There is no definition in the Act as to when the public availability of information would be contrary to the public interest. Council will determine this on a case by case basis. Some examples of where the public availability of information would be contrary to the public interest are as follows:</p> <ul style="list-style-type: none"> (a) where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or (b) where its disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the council, urban re-zoning, the

	<p>formulation of land use and planning controls and the formation of imposts; or</p> <p>(c) where it would disclose instructions issued to, or provided for the use of guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of Council; or</p> <p>(d) where the information is subject to a secrecy provision in another Act; or</p> <p>(e) where its disclosure would impede the administration of justice generally, including procedural fairness; or</p> <p>(f) where its disclosure would prejudice intergovernmental relations or otherwise affect relations with other governments or agencies; or</p> <p>(g) where its disclosure would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or</p> <p>(h) where its disclosure would prejudice the deliberative process of government; or</p> <p>(i) where its disclosure would prejudice the effectiveness of testing or auditing procedures.</p> <p>These are examples only and not exhaustive of the circumstances in which the public availability of information would be contrary to the public interest.</p>
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HUMAN RIGHTS

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

ELECTION PERIOD POLICY

Policy Number:	2.4.10
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Councillors and Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Provision of Motor Vehicles for Councillors Policy
Related Documents:	Election Campaign Donation Returns Register Employee Code of Conduct Councillor Code of Conduct
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

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

This policy also commits Council during the Election Period to:

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

THE POLICY

1. Background

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

2. Definitions

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

3. Election Period

3.1 Starts at midnight on the last day on which nominations for the election can be received; and

3.2 Ends at 6:00pm on election day.

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

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

4. Decision Making

4.1 Careful consideration will be given to what decisions at council or special committee meetings should be made in the 32 days leading up to the general election, so that the incoming Councillors are not unreasonably compromised.

4.2 It is an established democratic principle that elected bodies should not unnecessarily bind government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that bind the incoming Council.

4.3 This includes a commitment to not only comply with the requirements of Section 93A of the Act, pertaining to major policy decisions, but as well relating to significant decisions as specified within this policy.

4.4 Examples of the types of actions that should be avoided are:

- allocation of community grants or other direct funding to community organisations;
- major planning scheme amendments;
- awarding of contracts both civil and service;
- changes to strategic objective;
- changes to strategies in the Council Plan;
- asking Questions on Notice;
- submitting Notices of Motion;
- introduction of Late Items;
- decisions relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer (section 69(2)(a) of the Act); or
- to terminate the appointment of a Chief Executive Officer.

4.5 Ordinary Council and Delegated Committee Meeting agendas and Unscheduled Council Meeting agendas and/or minutes are to be carefully vetted by the Chief Executive Officer and/or Corporate Management Team to ensure that no agenda item is included in any council agenda during the election period that could potentially influence voters' intentions or encourage candidates to use as part of electioneering under section 69(2) of the Act.

4.6 During the Election Period, the Chief Executive Officer will ensure that a "Election Period Statement" is included in every report submitted to an Ordinary Council Meeting and/or Unscheduled Meeting for a decision.

4.7 The "Election Period Statement" will specify one of the following:

- a) The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.
- b) The recommended decision is not a Major Policy Decision but **is** a Significant

Decision as defined by Council's Election Period Policy however an exception should be made for the following reason/s: *[insert reasons for making an exemption]*.

- c) The recommended decision is to seek an exemption from the Minister because the matter requires a Major Policy Decision as defined by Council's Election Period Policy.
- d) The recommended decision is a Major Policy Decision, as defined by Council's Election Period Policy, however an extraordinary circumstances exemption was granted by the Minister for Local Government on *[insert date]*.

5. Major Policy Decisions

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

6. Significant Decisions

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

7. Public Consultation

7.1 Definition

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

7.2 Right to Postpone

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

7.3 Statutory Requirements

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

8. Council Resources

- 8.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during a Council election. This includes a commitment to comply with the following procedures.

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

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

- 9.1 Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the Election Period, Councillors will reimburse the Council for usage of those services during the Election Period that exceeds normal usage levels. Councillors may wish to consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private phone for all election enquiries and publicise such number on election material.
- 9.2 Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. This includes photos or images provided by Council for past Council specific activities

10. Information

10.1 Candidates' Access to Information

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

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

10.2 Information Request Register

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

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

Only Information that can reasonably be accessed will be released.

11. Misuse and Improper Direction of Position

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

12. Assistance to Candidates

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

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

12.3 Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Election Manager and electronically via the Victorian Electoral Commission's website, accompanied by the nomination fee.

12.4 Candidates will also be informed of the requirements to complete and submit an "Election Campaign Donation Return Form" to the Chief Executive Officer within 40 days after the Election Day.

An election campaign donation form must:

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

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or
 - (ii) 30 days after the last election for the Council at which the person required

- to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council.

13. Communication

- 13.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 13.2 During the Election Period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- 13.3 Any requests from Councillors for media advice or assistance during the Election Period will be channelled through the Chief Executive Officer.
- 13.4 In response to media enquiries, the Chief Executive Officer, General Managers or the Media and Public Relations team will only provide a response and such information should relate to current services and operations.
- 13.5 In the Election Period, no media releases will be issued quoting or featuring any Councillor.
- 13.6 During the Election Period, Council initiated communications shall be restricted to communication of normal Council activities.
- 13.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 13.8 No publicity will be provided that involves specific Councillors.
- 13.9 Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 13.10 Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.
- 13.11 Publicity of Council events (if any during the Election Period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- 13.12 Councillor participation at Council sponsored events (if any during the Election Period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during the Election Period.

14. Council Publications

- 14.1 Council must refrain from printing, publishing or distributing or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
- This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.
- 14.2 The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process. – it is an offence for the Chief Executive Officer to contravene this requirement.
- 14.3 Electoral matter is any matter that is intended or likely to affect voting in an election.

14.4 Certification by the Chief Executive Officer must be in writing and cannot be delegated. Certification wording – over the Chief Executive Officers signature – should be as follows:

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

14.5 A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

14.6 Electoral material has been interpreted to refer to documents produced for the purpose of communicating with the community, including:

- Council newsletters;
- Advertisements and notices, for example job advertisements and public notices of contracts;
- Media releases;
- Leaflets and brochures;
- Mailouts to multiple addresses.

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

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

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

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

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

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

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

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

- 14.12 Any new material published on Council's website during the Election Period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process via the Chief Executive Officer.
- 14.13 Council is required by the Act to produce an annual report, and the annual report may be published during the Election Period. The annual report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfill its statutory obligations on reporting matters. In accordance with the requirements of section 100 of the Act, Council may be required to consider the annual report at a meeting of Council held during the Election Period.
- 14.14 Social media – any publication on social media sites such as Facebook, Twitter or Council blogs that are under the auspice of Council will also require certification by the Chief Executive Officer.

APPENDIX 1 RELEVANT ACT REFERENCE**Local Government Act 2020****69 Governance Rules to include election period policy**

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

APPENDIX 2 DEFINITIONS

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

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

56 The community engagement principles

The following are the community engagement principles—

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

Donation period means the period—

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

Election period means the period that—

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

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

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

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

- (a) the remuneration, appointment or dismissal of a Chief Executive Officer;
- (b) entering into any contracts worth more than 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* (the 1989 Act) in the previous financial year; and

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

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

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

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

HUMAN RIGHTS

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

3. DEVELOPMENT

3.1 LAND USE PLANNING HERITAGE POLICY

Policy Number:	3.1.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Land Use Planning
Responsible Officer:	Manager Land Use Planning
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Wellington Planning Scheme

OVERVIEW

To establish policy to manage heritage identification and protection.

This Heritage Policy seeks to establish processes to identify and protect the best examples of Wellington's heritage and increase community appreciation of that heritage.

Through this policy the Council seeks to give recognition to the heritage assets of the Wellington Shire for the benefit of both present and future residents and visitors.

THE POLICY

- To encourage a community climate of respect for, and appreciation of Wellington Shire's heritage of buildings, gardens, trees and other features of importance.
- To identify and protect the most important aspects of the Wellington Shire's heritage.
- To develop local knowledge and skills in all aspects of researching and conserving Wellington Shire's heritage places.
- To provide persons involved in the conservation of heritage places with expert advice in respect to the most appropriate manner to undertake associated works.

The Wellington Shire Council shall engage a Heritage Advisor to undertake the following as required:

- (a) Under the direction and guidance of Council's Manager Land Use Planning, provide advice to:
 - Council on Town Planning matters;
 - Council and Committees of Management on proposed works in respect of Council owned buildings/places;
 - Private building owners and occupiers on a range of issues, such as paint colour schemes, building alterations and additions, researching techniques, funding availability, at no cost to the property owners/occupier.
- (b) Compile nominations on behalf of the Council for registration on the Victorian Heritage Register and/or Register of the National Estate as required.
- (c) Develop specific guidelines and/or action plans for identified areas of high heritage value, to promote restoration/reinstatement works and ensure building alterations and infill development is compatible with the area's existing scale and character.

- (d) Advise Council on the availability of funding and heritage works/studies and prepare any resultant submissions.
- (e) Prepare a register of council-owned buildings/properties of high heritage value, which identifies the level of significance of those places and gives a brief action plan of any works which should be undertaken.
- (f) Conduct a heritage seminar/workshop for local tradespersons and building owners to help improve heritage skills, knowledge, and awareness in the community.

Council will support the development of heritage brochures which increase community awareness of the heritage of the Wellington Shire.

Where a Planning Permit is required for buildings and works, due only to applicable heritage overlay controls, Council will waive the applicable application fee which may otherwise discourage the undertaking of restoration/reinstatement works, and/or place additional costs on property owners due to the community benefit of imposing heritage controls.

Council will continue to support the operation of museums and Historical Societies within Wellington Shire.

HUMAN RIGHTS

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

ASSESSMENT OF DEVELOPMENT IN RELATION TO POTENTIAL SEA LEVEL RISE POLICY

Policy Number:	3.1.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Land Use Planning
Responsible Officer:	Manager Land Use Planning
Related Policies:	Nil
Related Documents:	Wellington Planning Scheme
Statutory Reference:	<i>Planning and Environment Act 1987</i>

OVERVIEW

The purpose of this policy is to establish appropriate sea level rise allowances to be applied in future planning permit decision making.

This policy responds to the Planning Policy Framework in the Wellington Planning Scheme, which identifies the need 'to plan for and manage coastal hazard risk and climate change impacts'.

Based on this policy, the West Gippsland Catchment Management Authority (as the relevant statutory flood authority) can provide consistent technical advice to Council on appropriate flood levels in areas affected by potential sea level rise.

THE POLICY

Application of policy

This policy applies to land affected by potential sea level rise when a planning permit is 'triggered' by:

- the Land Subject to Inundation Overlay or Floodway Overlay; or
- another planning scheme provision and Council has resolved to include the land in the Land Subject to Inundation Overlay or Floodway Overlay.

This policy applies to 'urban infill areas' and 'greenfield development', which for the purpose of this policy are defined as:

Urban infill areas

'land within defined settlement boundaries identified in Clause 21.12 of the Wellington Planning Scheme or where no defined settlement boundary exists, to all established township areas zoned for urban purposes'.

Greenfield development

'All land other than urban infill areas'.

This policy does **not** apply to urban infill areas in Port Albert which have been excluded from flood overlay controls through the Minister for Planning's approval of Amendment C33 to the Wellington Planning Scheme. Consistent with Council's 18 March 2014 resolution, identified urban infill areas of Port Albert have instead been designated as subject to flooding under the Building Regulations where required finished floor levels will be 2.25m AHD (comprising 1.75m AHD 1 in 100 year flood

level plus 0.3m freeboard plus 0.2m potential sea level rise).

Information and advice

Council will seek technical advice from the West Gippsland Catchment Management Authority in applying this policy.

The West Gippsland Catchment Management Authority will assess development in relation to sea level rise in accordance with Guidelines for Coastal Management Authorities, June 2012 (or any subsequent version) and this Council policy.

While the West Gippsland Catchment Management Authority is a 'recommending' referral authority, Council will continue to rely on the best available technical knowledge and information provided by the West Gippsland Catchment Management Authority at the time of making any planning decision.

Benchmark flood levels

- *In all urban infill areas, the current 1 in 100 year benchmark flood level will be applied, with an extra potential sea level rise allowance of 0.2 metres being applied to finished floor levels.*

This does not apply:

- to development accommodating emergency and community facilities (as identified in Clause 13.03-1S of the Planning Policy Framework) where an allowance of 0.8 metre sea level rise will be used if the West Gippsland Catchment Management Authority support the proposal**.
- to minor development proposals such as non-habitable outbuildings, decking and the like where a reduced floor level is supported by the West Gippsland Catchment Management Authority.
- when a development proponent elects to establish a higher floor level.

*** It is noted that the Guidelines for Coastal Management Authorities, June 2012 state a clear policy preference for emergency and community facilities to be located outside flood prone areas.*

- *In all greenfield areas, the 2100 benchmark flood level (incorporating at least 0.8 metre potential sea level rise) will be applied.*

This does not apply:

- to single dwellings where the urban infill benchmark flood level above will be utilised.
- to minor development proposals such as non-habitable outbuildings, decking and the like where a reduced floor level is supported by the West Gippsland Catchment Management Authority.

HUMAN RIGHTS

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

3.2 MUNICIPAL SERVICES CAR PARKING - OFF STREET CAR PARKS

Policy Number:	3.2.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Municipal Services
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Infringement Act 2006</i> <i>Local Government Act 2020</i> <i>Road Safety Act 1986, Section 90D</i> <i>Road Safety Road Rules 2017</i>

OVERVIEW

To establish policy for the management of vehicle parking in off-street car parks and the enforcement of parking restrictions in privately owned car parks.

THE POLICY

Council may agree to enter into a written agreement with the proprietor of privately owned car parks that are available for public parking of vehicles.

Council may agree to enforce parking regulations as resources allow or by provision of fee for service.

Property owners are required to meet all maintenance costs of car parks including line marking signage and surface condition and ensure compliance with specified requirements in relation to:

- (i) restricting access to the land by motor vehicles;
- (ii) signs to be placed, or markings to be made, on the land;
- (iii) the siting, installation and maintenance of signs and markings;

Agreements with owners must place no obligation on Council to meet targeted patrols.

Council is to advise property owners of any instances of non-compliant parking restriction signage and will cease enforcement activities until the signage complies with the specified requirements.

Parking offences must be in accordance with the *Road Safety Road Rules 2017*, Local Laws or the *Local Government Act 2020*.

The property owner remains responsible for the payment of rates and all outgoings.

Property owners agree to rights of access to the land by persons authorised by the municipal council in connection with the provision of parking services and the duties and obligations to be complied with by those persons while exercising those rights.

HUMAN RIGHTS

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

STREET RAFFLES POLICY

Policy Number:	3.2.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Municipal Services
Related Policies:	Nil
Related Documents:	Community Local Law 2021
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of street raffles.

Many organisations both local, state wide and national rely on fund raising efforts, including raffles to assist in the provision of their services to their club, organisation or public. To achieve this end they request permission from Council to conduct raffles from Council controlled footpaths.

Council has designated areas in different townships throughout the Shire where groups are permitted to conduct such raffles.

THE POLICY

Raffles

Council may consent to community and charitable organisations selling raffle tickets in the commercial area of approved townships in line with the Street Raffle Policy and Community Local Laws 2021f Community Local Law 2021 , Schedule 4 form of indemnity.

More information can be found on Council's website: <http://www.wellington.vic.gov.au/Living-in-Wellington/Compliance-Services/Local-Laws-Permits>

HUMAN RIGHTS

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

BUILDING POLICY

Policy Number:	3.2.3
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Municipal Services, Built Environment
Responsible Officer:	Municipal Building Surveyor
Related Policies:	Nil
Related Documents:	Building Control Intervention Filter Criteria Guideline
Statutory Reference:	<i>Building Act 1993</i> <i>Building Regulations 2020</i>

OVERVIEW

To establish building policy to manage:

- building over easements;
- sheds on vacant land;
- the construction of fences on street alignments; and
- the procedure for building complaints where a private building surveyor has been appointed.

THE POLICY

1. Building over easements

Overview

The building of over easements policy is designed to ensure the protection of Council's existing and future assets situated within easements. In special circumstances, Wellington Shire Council may conditionally approve an application to build over such easements under the Building Regulations 2018, regulation 130, however the application requires the following:

- (1) *The consent and report of a council, drainage authority, electricity supply authority, sewerage authority or gas supply authority must be obtained to an application for a building permit to construct a building over an easement vested in the council or authority.*
- (2) *This regulation does not apply to implied easements under the Subdivision Act 1988.*

The Policy

The Municipal Building Surveyor is authorised to approve applications for building work over an easement, in accordance with regulation 130 of the *Building Interim Regulations 2018*, where:

- Consent to the proposed development has been received from Council's Built Environment Business Unit; and
- The owner indemnifies Council by agreeing to standard conditions:

A section 173 agreement may be requested by the Municipal Building Surveyor for the construction of a building over the easement.

2. Non habitable buildings on Vacant Land

Overview

The Non Habitable Buildings on Vacant Land policy is to ensure the appropriate development and use of shed on vacant allotments, *Building Regulations 2018, regulation 87 - Siting of Class 10a buildings* requires the following:

- (1) *Unless otherwise approved under the Subdivision Act 1988 or any corresponding previous enactment, a Class 10a building must be on the same allotment as a building of another class to which it is appurtenant.*
- (2) *The consent and report of the relevant council must be obtained to an application for a building permit for the construction of a building which does not comply with sub-regulation (1).*

Definitions

Building Code of Australia, Volume 2, Class 10a – Non-habitable building being a private garage, carport, shed or the like.

The Policy

- To recognise and facilitate the need for people to have storage facilities during the construction of a dwelling and for equipment needed to maintain farm land.
- To prevent the illegal occupation of non-habitable buildings on vacant allotments.
- To ensure consistency is maintained between Planning, Building and Environmental Health Legislation.
- To ensure applicants are aware of Council's policy at an early stage of a project.

Where an application under Regulation 87 is made for Council consent to build a non-habitable building on a vacant allotment the following shall apply:

- Each application shall be accompanied by a statutory declaration stating that the non-habitable building will not be used for any form of occupation or for any commercial purpose.
- Applications for class 10a buildings on vacant land within areas that are not prohibited under the planning scheme will only be approved where:
 - A building permit for a dwelling on the allotment has been issued;
 - The time frames (commencement and completion) detailed on the building permit for the construction of the dwelling are complied with; and
 - The owner agrees to remove shed, on expiry of the building permit, if for any reason the dwelling is not constructed.

3. Fences on street alignments Overview

The Fences on Street Alignments policy is to ensure the appropriate construction of fences on corner allotments and to ensure appropriate vehicular and pedestrian safety is maintained. *Building Regulations 2018, regulation 92* requires that:

- (1) *The consent and report of the relevant council must be obtained to an application for a building permit to construct a fence within 9m of a point of intersection of street alignments and exceeding a height of 1m above the footpath.*

The Policy

The Municipal Building Surveyor be authorised to approve applications to construct fences within 9m of the point of intersection of street alignments and exceeding a height of 1m above the footpath where:

- The proposed fence height and location has been approved by, or has complied with, any requirement of Council's Built Environment Unit with respect to ensuring the fence does not interfere with or have a detrimental effect on vehicular traffic or pedestrian movement; and
- The fence will be more appropriate taking into account the prevailing heights, setbacks and design of existing front fences on nearby allotments; and
- The fence height will not result in a disruption of the streetscape; and
- The fence design respects the existing character of the street.

4. The procedure for building complaints where a private building surveyor has been appointed

Overview

The procedure for building complaints where a private building surveyor has been appointed to establish a policy to administer and implement Council's responsibilities under the *Building Act 1993* ("the Act") in circumstances where a private building surveyor has been appointed by the owner of a property to issue a building permit or carry out other functions in respect of building work being carried out or proposed to be carried out at the property.

The Policy

That the *Building Control Intervention Filter Criteria* ("the Filter Criteria") which is a risk assessment matrix, is used to identify standardised responses to complaints from the public where a private building surveyor has been appointed. The Filter Criteria recognises that Council has obligations to the public with regard to dangerous situations which it can remedy or cause to be remedied.

HUMAN RIGHTS

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

INFRINGEMENT REVIEW POLICY

Policy Number:	3.2.4
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Development Communities, Facilities and Emergencies
Responsible Officer:	Manager Municipal Services
Related Policies:	Nil
Related Documents:	Infringement Formal Review Committee Terms of Reference Community Local Law 2021
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i> <i>Infringements Act 2006</i> <i>Road Management Act 2004</i> <i>Road Safety Road Rules 2017</i> <i>Road Safety Act 1986</i> <i>Road Safety (General) Regulations 2021</i> <i>Domestic Animals Act 1994</i> <i>Environmental Protection Act 2017</i> <i>Planning and Environment Act 1987</i> <i>Tobacco Act 1987</i> <i>Country Fire Authority Act 1958</i> <i>Transport (Compliance and Miscellaneous) Act 1983</i> <i>Impounding of Livestock Act 1994</i> <i>Infringements (Reporting and Prescribed Details and Forms) Regulations 2006</i> <i>Children, Youth and Families Act 2005</i>

OVERVIEW

Wellington Shire Council's infringement review system is an administrative framework that aims to deliver a clear, prompt and effective process for dealing with penalties for violations of State and Local Laws. The system is not restricted to the enforcement of infringement notices but extends to the procedures for:

- internal review;
- infringement withdrawal; and
- requests to proceed to Court.

It is the primary objective of the infringement review system to embed the fair and equitable treatment of all customers into its procedures and to ensure flexibility in its decision making.

The rights of residents and the obligations of agencies are prescribed in the *Infringements Act 2006* (the Act). The Act provides a set of guidelines that stipulate the way to manage enforcement.

THE POLICY

A person may apply for a review of the decision to serve the infringement notice before the matter has been lodged with the Court if the person believes the decision is:

- was contrary to law; or
- involved a mistake of identity; or
- that 'special circumstances' apply to the person; or
- the conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the offence; or
- that the person was unaware of the notice having been served and that service of the infringement notice was not by personal service.

When an application for review is received, council staff will forward it to the Wellington Shire Infringement Formal Review Committee (the Committee). This will ensure a thorough and transparent review is undertaken.

The Committee comprises of the following authorised officers:

- General Manager Corporate Services
- Manager Corporate Finance
- Manager Land Use Planning
- Manager Municipal Services

Note: the Municipal Fire Prevention Officer will be a member of the committee during bushfire emergency season.

Once an infringement notice has been issued the recipient has 28 days to pay the infringement penalty. Within that time they may:

- Pay the infringement penalty
- Request and internal review
- Elect to go to Court
- Apply for an extension of time

A request for an internal review must be received before the infringement notice has been lodged with the courts. The Review Committee must complete the review within 90 days of the receipt of the review request. The Review committee will inform the applicant of the decision in writing within 21 days of the decision being made

The Application of Internal Review of Infringement Form can be downloaded from Council's [website](#).

HUMAN RIGHTS

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

SWIMMING POOL AND/OR SPA SAFETY BARRIER POLICY

Policy Number:	3.2.5
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Municipal Services
Responsible Officer:	Manager Municipal Services
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Building Act 1993</i> <i>Building Regulations 2018</i>

OVERVIEW

To provide clarity and consistency around the provision of safety barriers around swimming pools and/or spas.

THE POLICY

To establish policy for the management and consistent approach the provision and maintenance of safety barriers around swimming pool and/or spas. Council recognises and accepts that a swimming pool and/or spa that does not have suitable safety barriers represents a danger to young children. Council also recognises and accepts that action is required pursuant to the *Building Act 1993* to remove the danger.

Council has safety information and self-assessment sheets relating to the requirements of the provision and maintenance of safety barriers around swimming pools and/or spas. A series of articles on safety barriers around swimming pools and/or spas must be routinely prepared for release to the media.

Amendments to the Building Regulations 2018 requires swimming pools and/or spas that were installed or approved to be installed, must be registered with council and the owners are responsible to have their pools/spa inspected every four years and provide council with a certificate of compliance by the due date. Installed safety barriers must be maintained and effectively operational at all times.

Council will ensure:

1. When Council are made aware of a swimming pool and/or spa, the property will be identified, and details recorded for future audits.
2. The landowner will be advised in writing of forthcoming inspection regime of the swimming pool and/or spa safety barriers.
3. Following the inspection, the landowner will be notified in writing and follow up actions may be required.
4. A second and third inspection may be necessary to ensure compliance is met
5. Enforcement
 - a. Should the third inspection fail, a minor works order will be issued, and infringement notice may also be issued.
 - b. Should further audits fail to comply then legal proceedings will commence.

HUMAN RIGHTS

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

CUSTOMER SERVICE POLICY

Policy Number:	3.2.6
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Municipal Services
Related Policies:	Nil
Related Documents:	Access and Inclusion Plan Community Engagement Strategy Complaint Handling Framework Council Plan 2021-2025 Customer Service Commitment Customer Service Strategy Wellington 2030 Strategic Vision
Statutory Reference:	<i>Local Government Act 2020</i> <i>State Government Record Act</i> <i>Privacy and Data Protection Act 2014</i>

OVERVIEW

This policy is intended to provide a framework for the continued development of a strong customer service ethos within the Wellington Shire Council. It believes that excellent customer service involves sharing knowledge and information in an appropriate and timely manner.

Wellington Shire Council acknowledges that customer service is a key priority and a core value of the organisation, recognising that it impacts on every element of the organisation and that it is the responsibility of all staff.

This policy applies to all Council staff, Councillors, volunteers, and contactors.

PURPOSE

This policy has been created to ensure a consistent approach to customer service throughout Wellington Shire Council. This policy will be used as a training tool and a standard by which staff will deliver internal and external customer service.

Council's commitment to customer service includes an effective request and complaint handling system. It is recognised that this is one method of measuring customer and client satisfaction to provide a useful source of information and feedback for continual improvement of our services.

OBJECTIVES

The objectives of this policy are to:

- Formally recognise the importance of our customers and community members and the possible impacts that Council staff can have on their perception of the effectiveness and value of Council at any point of contact.

- Provide Council staff with information and guidance regarding our approach to customer contact including focus on a 'customer centric' culture across all areas of the organisation, equitable access and inclusion for people with special needs and the establishment of reportable service levels for consistent customer contact across all channels.
- Improve customer and community access to routine, publicly available information and services through continuous improvement of our processes and systems.
- Support the implementation of new information systems and processes that permit consistent and relevant data capturing which will enable access to information to facilitate best practice customer service.

CUSTOMER SERVICE STRATEGY

In support of this policy, the Wellington Shire Council has developed a four-year organisation wide Customer Service Strategy. The strategy consists of three main themes, strategic objectives and an action plan which align with the Wellington Shire Council Plan and Wellington Excellence Principles.

The objectives of the strategy are:

- Outline our commitment to customer service and excellence
- Provide a consistent and coordinated approach in responding to customer enquiries and complaints
- Develop a set of customer focused principles and action plans
- Develop and assist all staff with customer focused procedures, resources and support tools
- Improve our accountability through regular reporting and monitoring of our services

CUSTOMER SERVICE COMMITMENT

To support Wellington Shire's commitment to service excellence, the following response times have been developed and promoted on Council's web site and in brochures available at all service centres.

- Returning a telephone call – within one business day
- Responding to general written communication including emails and Customer Action Requests – initial response within ten business days
- Emergency or urgent matters - any contact that is urgent or an emergency will be responded to immediately
- Missed visits – officers will leave a business card acknowledging the visit
- Service Centre visits – our staff will endeavour to acknowledge all customers within one minute of their arrival.

Exclusions or exemptions – where separate statutory timeframes are set for certain correspondence or application, an alternative timeframe may exist - i.e. Planning Permit Applications

COMPLAINTS

The right of citizens to lodge a complaint about our service is fundamental to Wellington Shire Council's overall strategy to promote the rights of citizens who use the services we provide. The Complaint Management Framework can be located www.wellington.vic.gov.au.

HUMAN RIGHTS

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

COMPLAINTS HANDLING POLICY

Policy Number:	3.2.7
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	Manager Municipal Services
Related Policies:	Complaints Handling Framework.
Related Documents:	Building Control Intervention Filter Criteria Customer Service Charter 2017
Statutory Reference:	<i>Local Government Act 2020</i> <i>Public Disclosures Act 2012</i>

OVERVIEW

The *Local Government Act 2020* (the Act) advises that all Council staff, in the course of their employment, are required to provide a responsive service when responding to complaints. The 'Victorian Ombudsman Councils and Complaints – A good practice guide' together with the Australian Standard 'AS/NZS 100-2:2014 Guidelines for complaints management have been used to develop this policy and the associated procedure.

PURPOSE

The complaints handling policy is designed to ensure that any concerns are treated seriously and are addressed promptly, fairly and equitably. This policy is implemented using the Complaint Handling Framework.

THE POLICY

Any person has a right to complain to Council, as a result of a decision, action or inaction that has impacted them. The provisions of this policy apply to the decision, actions and inaction of all Councillors, Council employees, volunteers and contactors of Council.

Complaints must relate to matters, products or services for which Council has authority or responsibility.

This policy does not apply to the following matters or complaints, which are managed through other statutory processes.

- complaints alleging fraud or corrupt conduct;
- complaints about alleged privacy breaches;
- complaints about Councillors;
- complaints about matters for which there is process, review, appeal or objection prescribed by legislation; and
- complaints that are claims against Council for personal injury or property damage or other loss or damage.

Definitions:

A complaint is an expression of dissatisfaction with:

- the quality of an action, decision or service provided by council staff or a Council contractor;
- a delay by Council staff or a Council Contractor in taking an action, making a decision or delivering a service; or
- a policy of decision made by the Council, Council staff or a Council contractor.

A complaint is not:

- a request for service;
- reports concerning neighbors or neighboring property, e.g. noise or unauthorised building works;
- anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue’;
- the lodging of an appeal or a submission in accordance with council procedure or policy;
- reports of hazards, e.g. fallen tree branch or road pot hole’;
- reports of damaged or faulty infrastructure;
- matters where statutory submission, hearing, review or appeal processes exist; or
- a matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal.

The guiding principles of complaint handling will be based on the following principles:

Commitment

Wellington Shire Council is committed to resolving complaints. We respect people’s right to complain and consider complaints handling to be an important part of improving service delivery.

Accessibility

We will seek to have a greater focus on human rights and accessibility for people with different communication needs, particularly in the context of dealing with challenging behavior when people complain.

Transparency

In conjunction with the State Government’s performance reporting framework for local councils, we will continue to report publicly on our performance via the Know your Council website.

Independent review

The staff member completing the investigation, or the review of the complaint must not be the person who took the action, made the decision, or provided the service that is being complained about.

Objectivity and Fairness

Wellington Shire Council will continue to act impartially and neutrality in all aspects of complaint handling to ensure the best outcomes for our customers.

Confidentiality

All information will be used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

Accountability

We will strive to inform customers of the reasons we have made decisions and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We will regularly analyse complaint data to find ways to improve how we operate and how we continue to deliver high level services.

Complaints Handling Approach

Council will take a four-level approach to complaints handling which are defined as follows:

1. Frontline Complaint resolution – The Customer Service team can resolve the complaint without it being referred to a staff member
2. Investigation if required – The Customer Service team cannot resolve the issue and the complaint is forwarded onto the relevant division for further investigation
3. Internal Review (peer review) – if the complainant is still not satisfied a peer review can occur where a manager from another area can complete a review of the matter.
4. Access to an external review – Complaint cannot be resolved at a Council level, and it needs to be referred onto an external agency e.g. VCAT

Complaint level as defined above	The information that will be required for these complaints.
Levels 1, 2 and Level 3	Complaints must be recorded and classified as a 'Complaint' in Council's Record Management System and must include the following: <ul style="list-style-type: none"> • Complainant details • How the complaint was received • A description of the complaint • The complainant's desired outcome (if stipulated) • The Council Staff member responsible for handling the complaint • Any action taken, including contact with the complainant, response times and the outcome • Any recommendations for improvement, and who is responsible for implementing them • Internal Records Management System ID set for any documentation correspondence relating to this complaint.
Level 4	Complaints classified at Level 4 are those that cannot be resolved at Council level and/or received via other avenues such as the Victorian Ombudsman.

Unreasonable conduct

We are committed to being accessible and responsive to people who lodge a complaint. On

occasion, the timeliness of our response depends on our ability to perform our functions in the most effective and efficient way possible to allocate our resources fairly across all the requests for service and complaints we receive.

We will act to manage any conduct that negatively and unreasonably affects us, in a fair, ethical and reasonable way, and will support our staff to do the same. We have no tolerance towards any harm, abuse of threat directed towards our staff, Councillors or other customers.

Unreasonable conduct will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to an individual by restricting who they have contact with, what they raise with Council, when they can have contact, where they can make contact or how they can make contact. In extreme cases, and as a last resort when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely terminate all contact with an individual.

In applying restrictions to customers, we recognise that discretion will need to be used to adapt them to suit a person's personal circumstances and also recognise that more than one strategy may need to be used.

Complaints that will not be investigated

An internal review may determine that a complaint will not be investigated where the complaint:

- Relates to a decision of Council
- Relates to a matter awaiting determination by the Council
- Relates to matters under investigation by the Minister for Local Government, the Victorian Ombudsman Officer, a Minister of the Crown or government department or the Victorian Police
- Involves a matter where a remedy or right of appeal already exists, whether or not the complainant used the remedy or right of appeal
- Involves a matter before a court, coroner or tribunal
- Relates to a decision, recommendation, act or omission which is more than one year old.

Resolution

Council will endeavor to resolve all complaints within 28 days of receipt.

Procedure on how to make a complaint

A person can make a complaint in several ways.

Mail: Wellington Shire Council
PO Box 506
SALE VIC 3850

Telephone: 1300 366 244

Email: enquiries@wellington.vic.gov.au

Website: www.wellington.vic.gov.au

In person: Wellington Shire Council
Sale Service Centre – Council Headquarters
18 Desailly Street, Sale VIC 3850
Operating Hours: Monday to Friday 8.30am – 5.00pm

Yarram Service Centre
156 Grant Street, Yarram VIC 3971
Operating Hours: Monday, Tuesday, Thursday, Friday 10.00am to 2.00pm

After Hours: In an emergency call: 1300 366 244

HUMAN RIGHTS

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

3.3 ECONOMIC DEVELOPMENT MAJOR EVENTS POLICY

Policy Number:	3.3.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Community Assistance Grants Scheme Community Assistance Grants Guidelines and Assessment Criteria
Statutory Reference:	Nil

OVERVIEW

The Wellington Shire Council actively supports and encourages the hosting of major events within the municipality. The Council recognises events can contribute positively to the economy of Wellington Shire.

THE POLICY

Event Objectives

The Wellington Shire Council has identified the following objectives in relation to events:

1. Support the development of major events that contribute to the economy of communities within Wellington Shire.
2. Ensure events are conducted with high safety standards and in accordance with relevant legislation and best practice.
3. Position Wellington Shire as an attractive destination for new and existing events that will result in economic, marketing and community benefits.

Event Support

Major events are defined as those that attract participants/spectators and visitors from outside the municipality, usually over a number of days, thereby providing an economic benefit. Such events are supported by Council with a 'Project Team' approach and require a significant lead time to enable funding to support the event to be sought through Council's budget process.

Council sponsorship of major events is subject to the estimated economic benefit and must align with Council's Event Funding Guidelines. These events are normally separate to those approved under Council Community Grant funding process.

The Wellington Shire Council will provide a range of support measures to major events. This support may include:

- Advice, guidance and information to event organisers on venues, risk management, health and building legislation and requirements
- Provision of information on Council requirements and the issuing of permits and permissions

- Loan of events equipment (subject to availability and Covid restrictions)
- Assistance with networking and engagement of local businesses to maximize economic benefit
- Inclusion and distribution (on Council's website) of the Wellington Calendar of Events
- Council sponsorship of the event subject to application assessment and Council budgetary approval
- Advice and support in seeking State Government funding (subject to eligibility).

Best Practice

The Council encourages events to have regard for and implement where required or possible Event Management best practice in the areas of: Access and Inclusion, Environment Management and Sustainability, Environmental Health, Risk and Safety Management, Event Planning, Traffic Management.

HUMAN RIGHTS

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

ROADSIDE TOURISM DIRECTIONAL SIGNS POLICY

Policy Number:	3.3.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Economic Development
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Vic Roads Tourist Signage Guideline Application for Tourism Signage Form
Statutory Reference:	<i>Road Management Act 2004</i>

OVERVIEW

To establish policy for the management of tourism directional signage.

THE POLICY

To assist travellers and visitors to the Wellington Shire by enabling the strategic placement of tourism and visitor related signage at locations providing appropriate direction to these services.

This assistance to travellers and visitors to the municipality will be achieved through the provision of a consistent and uniform approach to the placement and type of permanent advertising and directional signage within the municipality.

Application of the Policy

- This policy shall only apply to permanent signage on Council owned and controlled lands situated within the Wellington Shire. This shall include road reserves, public recreational reserves and similar lands.
- This policy will not apply to road traffic, safety and street name signs and portable advertising signs defined under Council local laws.
- Council must give proper consideration to the Vic Roads Tourist Signage Guidelines.

Fees and Charges

Financial responsibility for all tourism attractions and services signing rests with the applicant.

Ownership of the Signs

The applicant who has paid for the provision of a tourist sign remains responsible for the maintenance and up keep of the sign. It is the applicant's responsibility to immediately notify Wellington Shire Council to arrange the removal of all road signing to the property in the event of the business closing or if it is no longer an eligible tourism business. Cost for undertaking work will be charged to the business owner.

HUMAN RIGHTS

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

WOOD ENCOURAGEMENT POLICY

Policy Number:	3.3.3
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

Wellington Shire Council recognises the importance of the forest and wood products industry to both Wellington and the broader Gippsland region. Central to Council's commitment to job retention and creation is supporting significant local industry in order to secure jobs and leverage

THE POLICY

Policy Goals:

- To stimulate sustainable economic development within the Gippsland timber and wood products industry and encourage value adding products within the timber industry.
- To encourage the use of wood in the construction and fit out of Council buildings and infrastructure.
- To recognise all of the benefits that make wood a smart choice for Council buildings and infrastructure.
- To share information and encourage education regarding the benefits of using wood in construction and fit out of buildings and infrastructure.
- To demonstrate local and national leadership by enacting the Wood Encouragement Policy on Council buildings and infrastructure.
- To align with opportunities for state and federal funding.
- To reinforce Council's preference for quality wood buildings in the development of briefs for projects.
- To promote the industry as a renewable resource, capturing the environmental benefits of the resource.

Council will encourage the increased utilisation of wood in Council assets by:

1. Ensuring that all briefs for new Council projects incorporate the requirement to use wood as the preferred material for both construction and fit out purposes, where wood is deemed a suitable material for the proposed application;
2. Seeking those who can find practical, efficient, versatile and cost-effective building and design solutions using wood when sourcing design and architectural expertise;
3. Ensuring that all comparison to the cost of building with other materials will take into account all long-term and life cycle benefits of using wood;
4. Where possible, sourcing locally produced wood products for construction and fit out

purposes;

5. Being a champion of the forest and wood products industry, by establishing this policy and demonstrating commitment to the further development of the local forest and wood products industry;
6. Actively working to attract new, innovative wood products manufacturers to Wellington Shire.

In using wood as a preferred construction material for Council infrastructure, Council will have regard to:

1. The utilisation of regional wood products that meet the Australian Forest Standard, Program for the Endorsement of Forest Certification and/or Forest Stewardship Council certifications.
2. Maintenance required throughout the life of the project;
3. Pest and fungus protection; and
4. Using wood only when it is the right material for the selected application.

HUMAN RIGHTS

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

RENTAL AND LEASING OF COUNCIL OWNED PROPERTIES POLICY

Policy Number:	3.3.4
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Economic Development Communities, Facilities and Emergencies
Responsible Officer:	Manager Economic Development Manager Communities, Facilities and Emergencies
Related Policies:	Nil
Related Documents:	Current West Sale Airport Lease Management Framework Register of Property Agreements New Agreement Development Procedure Agreement Renewal Procedure Licence Fees Procedure
Statutory Reference:	<i>Crown Land (Reserves) Act 1978</i> <i>Land Act 1958</i> <i>Local Government Act 2020</i> <i>Retail Leases Act 2003</i>

OVERVIEW

To establish policy for the:

- rental and leasing of Council owned and /or controlled property.
- to establish policy for the management of property agreements, leases, licences and user agreements for Council owned and/or controlled property.

THE POLICY

It is desirable that Council has a consistent approach to how it manages its property asset responsibilities. Processes will be developed or reviewed so that this can be achieved.

This policy will:

- Apply principles of transparency, equity and impartiality;
- Ensure that all agreements comply with legislative provisions and other obligations;
- Facilitate appropriate utilisation and development consistent with Council policies, strategies and plans;
- Outline the elements for operational guidelines, procedures and any property agreement management framework.
- Provide further details regarding recent initiatives or significant changes as adopted in operational guidelines or procedures.

The duration and form of tenancy (lease/licence agreement) will be determined with due consideration to the following:

- intended and future use of the site as identified within any strategic documents;

- other interested parties;
- capital investment;
- economic and employment benefits; and
- a supporting business case.

The following definitions will be used to distinguish between properties leased to local organisations for community/non-commercial purposes and those of a commercial nature.

Community Agreements

The Community Facilities Framework (2016) recognises that community facilities make a fundamental contribution to our communities, enabling a wide range of social connection opportunities. They provide suitable spaces to deliver services, programs and activities to meet the social needs of the community and build community capacity.

For this reason, Council will provide support to community facilities whereby:

- Council owns or controls the land;
- Council owns or controls other assets on the land;
- Council has specific legal agreements;
- Facilities are under control of a Committee of Management appointed pursuant to the provisions of the *Crown Land Reserves Act 1978*.

Where Council leases vacant land or land and improvements to non-profit organisations for predominantly community, educational or sporting purposes, rental shall be based on cost recovery only and terms shall be generally of a length to justify investment in facilities required for the purpose. Nominal rental may also be set at rates other than to recover costs, in line with past practice for non-commercial activities.

It is acknowledged that some community agreements may permit commercial activities. Any commercial use will:

- be limited and not identified as the primary activity on the site;
- not conflict or diminish any community service undertaken on the site;
- enhance and contribute to the economically sustainable community use of the site through reinvestment of all income;
- manage the site in an ecologically sustainable manner.

Commercial Agreements

The objectives of this policy specific to commercial property agreements include:

- Delivering market referenced returns;
- Effectively administering of property agreements in line with industry standards;
- Reviewing procedures and the management frameworks to ensure they fulfil identified Council objectives.

Where Council leases land or land and improvements for commercial purposes, it shall be at a fair market price and may be determined by Council or based on the opinion of an independent valuer. Terms should include regular rental reviews and may vary for periods of length of up to 50 years in accordance with the *Local Government Act 2020*. Leases should be in the best interests of the community and provide the best result (both financial and non-financial) for Council and the community.

Other Considerations

This policy does not affect the necessity to obtain planning, development, environmental or any other consents as required by relevant legislation. Where such requirements need to be satisfied or other condition precedents met, an agreement conditional on these requirements being satisfied should be established between Council and the other party. This would be typically in the form of:

- an Agreement for Lease for leases requiring compliance with Council's Community Engagement Policy; or
- a Heads of Agreement for other leases, licences or agreements.

Council is not considered to be obliged to establish an agreement with any party. Any final agreement would be on such terms and conditions as Council considers appropriate.

Council is bound by legislation including section 115 of the *Local Government Act 2020* – specifying Council's power to lease land is subject to s115 except where s116 applies.

Property agreements due to expire shall be identified by reference to the Property Agreement Register and be actioned by the relevant Council Officer. Incumbents who have a consistent history of compliance with their agreement, licence or lease obligations can request a renewal.

Assessment of this request will be made in accordance with this policy, any applicable Lease Management Framework and will also consider an arrangement where Council receives the highest and best use.

New agreements or agreements not renewed will generally be subject to a public advertisement, expression of interest or tender process.

Other terms will be outlined in standardised documentation which has been approved by a solicitor engaged by Council.

Council direction in relation to leases at West Sale Airport (WSA) has been incorporated into this policy and detailed within the WSA Lease Management Framework (LMF) which allows:

- lease terms of five years for lots fronting the eastern apron.
- lease terms of up to 50 years can be established within the Eastern (Recreational Aviation) Precinct (ERAP); and
- new or renewed leases within the Western (Commercial/Industrial) Aviation Precinct will be assessed on an individual basis and be presented to Council for their consideration as required.

Incorporated Committee – A Committee must be incorporated prior to any tenancy or management arrangement being implemented (e.g. lease, licence, service or funding agreement). Where there is an existing community committee, which is not incorporated, managing a Council owned or controlled community facility, Council will provide administrative assistance where required, in the preparation and lodgment of necessary documentation (e.g. Constitution, Statement of Purpose, etc) to ensure incorporation is attained under the *Associations Incorporation Reform Act 2012*.

Membership to an incorporated Committee is detailed within Committee's individual Rules, as approved by Consumer Affairs (Victoria).

HUMAN RIGHTS

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

SALE, EXCHANGE AND ACQUISITION OF LAND POLICY

Policy Number:	3.3.5
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Economic Development
Related Policies:	Nil
Related Documents:	Land Transactions Current West Sale Airport Land Sales Framework Built Environment Strategy
Statutory Reference:	<i>Land Act 1958</i> <i>Land Acquisition and Compensation Act 1986</i> <i>Local Government Act 2020</i> <i>Planning and Environment Act 1987</i> <i>Property Law Act 1958</i> <i>Road Management Act 2004</i> <i>Sale of Land Act 1962</i> <i>Subdivision Act 1988</i> <i>Transfer of Land Act 1958</i> <i>Valuation of Land Act 1960</i>

OVERVIEW

To establish policy in relation to how Council deals with land transactions.

THE POLICY

This policy will outline principles to:

- Ensure compliance with legislative provisions and other obligations;
- Facilitate appropriate utilisation and development consistent with other Council policies, strategies and plans;
- Outline the elements to be included in operational guidelines and procedures;
- Reduce risk/liability for Council.

DEFINITIONS

Types of land transaction dealings concerned with this policy include:

- Sale;
- Exchange;
- Transfer;
- Purchase (by tender or private treaty);
- Compulsory acquisition.

RISK MANAGEMENT

This policy will facilitate the development of appropriate guidelines and procedures and therefore reduce Council's exposure to risk, including in the areas of:

- Public liability;
- Legal liability;
- Planning;
- Reputation.

Risk will also be reduced by identifying legislative requirements and adopting best practice methods related to land transactions.

LOCAL GOVERNMENT BEST PRACTICE GUIDELINES

The general principles provided for in the *Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land*, Department of Planning and Community Development, June 2009 should be adopted.

A summary of these guidelines is as follows:

- All transactions must comply with the provisions of the *Local Government Act 2020*. Sales must be conducted through a public process, unless circumstances exist that justify an alternate method of sale.
- Transactions should be in the best interests of the community and provide the best result (financial and non-financial) for Council and the community.
- All sales/transfers/exchanges should be at not less than market as, assessed by a valuer. In the circumstances that the transaction is at less than market value, an explanation of the circumstances, reasons or factors which led to the decision should be clearly documented.
- Land should be appropriately zoned (highest and best use / price).

EVALUATIONS OF LAND ASSET REQUIREMENTS

A regular land evaluation exercise should occur to identify unutilised Council land that is no longer required, or land that may be required in the future. The evaluation exercise should consider items such as:

- Current use, status and condition;
- Planning schemes, strategic plans, or other material that identifies land asset requirements;
- Whether land is required for community use (current or future);
- Environmental, cultural, social or other attributes;
- The level of public consultation to be undertaken (outside that required to comply with legislative provisions) appropriate when considering dealing with the land.

Remediation action plans should be progressively developed to deal with Council owned or controlled land that has been identified as contaminated. Various options are available to Council and these would need to be assessed having consideration of a variety of issues. Work to rehabilitate identified sites should be completed having regard to risk and the sites future potential for disposal. This would be done acknowledging other priorities which require Council to prioritise resources.

LAND BASED ECONOMIC DEVELOPMENT INITIATIVES

Provides for the prospect for Council to either acquire or sell land extends to reasons such as stimulating economic activity, attracting new development and generating new employment.

A business case would be developed which assessed the overall benefit in this approach.

The freehold land developments at West Sale Airport or the sale of existing land fits within this policy.

REPORTING TO COUNCIL

Land evaluation reports as referred to above should be completed with the recommended actions presented to Council on an annual basis or as required.

Land transactions will require a number of briefings or workshops and formal resolutions of Council. All guidelines and procedures related to land transactions will specify the frequency and timing of Council briefings/workshops and Council Reports. Transactions will only be progressed following an authorisation of Council in the form of a Council resolution.

LEGISLATIVE REQUIREMENTS

Acquisition and compensation

Section 112 of the *Local Government Act 2020* - [Council](#) may purchase or compulsorily acquire any land. Any purchase or compulsory acquisition of land by a [Council](#) under this section must be undertaken in accordance with the [Council's community engagement policy](#).

Restriction on power to sell or exchange land

Section 114 of the *Local Government Act 2020* - [Council](#) must comply with s114 *except* where s116 applies. Provides for public notice period at least four weeks prior to selling or exchanging the land and undertake a community engagement process in accordance with its community engagement policy. A valuation must be obtained in accordance with section 13DA(2) of the *Valuation of Land Act 1960*.

Section 20 *Subdivision Act 1988* – prescribes how Council must treat the proceeds from the sale of Public Open Space.

Other legislative provisions may apply, and these should be identified by including specific instruction to Council's solicitor to this effect.

PROCEEDS FROM THE SALE OF LAND

Where land is sold, and it is not defined as Public Open Space, funds will be placed into an asset improvement reserve for use on any other initiative of Council. Funds from Public Open Space would be dealt with in accordance with the s20 of the *Subdivision Act 1988* which in summary requires:

- Land to be purchased for a similar purpose;
- Existing Public Open Space to be improved.

PURCHASE AND ACQUISITION OF LAND

In order for Council to meet its various objectives and responsibilities, land may need to be acquired. Examples may include:

- Recreational activity;
- Community services;
- Operational purposes;
- Infrastructure requirements (drainage, roads, etc)

The legislative requirements for the purchase of land are prescribed in s116 of the *Local Government Act 2020* and the *Land Acquisition and Compensation Act 1986*. Section 116 of the *Local Government Act 2020* prescribes [Council's](#) powers to transfer, exchange or lease any land include the power to do so with or without consideration.

Funds needed to facilitate the acquisition should be identified and allocated through the annual budget process. As part of the land evaluation process a current valuation should be obtained to ensure that budgets for the land acquisition are reliable and include provision for any cost escalation.

Acquisitions should generally occur at not more than market value, unless there is an explanation providing the reasons or factors to support offering such a purchase price.

The method of acquisition should also be considered in the early stages of a project requiring land to be acquired. As a general principle, Council should enter into discussions to explore the possibility of acquiring by negotiation. Any compulsory acquisition process should be initiated following a determination that circumstances justify acquisition by this method.

HUMAN RIGHTS

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

4. BUILT AND NATURAL ENVIRONMENT

4.1 NATURAL ENVIRONMENT AND PARKS

WASTE COLLECTION POLICY

Policy Number:	4.1.1
Approved by	Council
Date Approved/Effective	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Natural Environment and Parks
Responsible Officer:	Manager Natural Environment and Parks Coordinator Waste and Sustainability
Related Policies:	Nil
Related Documents:	Waste Collection Maps
Statutory Reference:	<i>Local Government Act 2020</i> <i>Public Health and Wellbeing Act 2008</i>

OVERVIEW

Under the provisions of the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*, Council has the authority/obligation to implement a municipal garbage collection service.

The purpose of this policy is to describe the properties to which a garbage service is provided as per the Council declared areas defined in the Waste Collection Maps.

THE POLICY

The kerbside waste collection service is applicable to all properties within the declared areas as follows:

- Residential properties.
- Commercial properties: except where a prima facie evidence exists that the commercial property in question has a garbage collection from a commercial waste collection operator.
- Temporary dwellings: are exempt from the service but can request a regular collection. Standard Council garbage charges apply.
- Vacant lots: as per Temporary Dwellings above.
- Non rateable properties are exempt from the service but can elect to receive a regular garbage collection. Standard Council garbage charges apply.
- Not for Profit organisations, administered by community based voluntary boards, whose primary purpose is to provide accommodation for elderly citizens are exempt from the service but can elect to receive a regular garbage collection (partial or full). Standard Council garbage charges apply.
- Charitable organisations: no exemptions apply.

Additional Services

Residents can apply for additional sets of bins (120ltr Garbage and 240ltr Recycling) - standard Council garbage charges apply.

Special medical circumstances

Subject to meeting the definition (as described below) residents can apply for an additional rubbish and/or recycling bin - no additional fees apply.

Definitions

Garbage collection: weekly kerbside garbage collection, fortnightly kerbside recycling collection and annual hard waste collection.

Non rateable land: as per the definition contained in Section 154 of the *Local Government Act 1989*.

Not for Profit: as per the definition of the Australian Tax Office.

Special medical circumstances: households with special medical requirements confirmed in writing by a specialist medical professional (each case will be individually assessed as to how it meets the criteria).

HUMAN RIGHTS

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

NATURE STRIP MAINTENANCE POLICY

Policy Number:	4.1.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Nil
Related Documents:	Open Space Plan 2014 – 2024 Naturestrip Landscape Guidelines
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

To establish policy for the amenity maintenance of urban nature strips.

THE POLICY

In urban areas, abutting property owners are responsible for the amenity maintenance of the nature strips outside their property. Generally, this refers to the regular mowing of the nature strips but may extend to the management of other vegetation types (excluding trees) as needed. Council recognise the value nature-strips can add to the biodiversity and amenity of the urban landscape. Residents, through this policy, are supported to develop landscapes in accordance with Council's Naturestrip Landscaping Guidelines.

Council, or other Service Authorities, are under no obligation to reinstate landscaped areas following works.

HUMAN RIGHTS

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

OPEN SPACE POLICY

Policy Number:	4.1.3
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks Open Space Planning Officer Coordinator Parks Services
Related Policies:	Heritage Policy Playgrounds Policy Public Toilets Policy
Related Documents:	Open Space Plan 2014-2024 Sustainability Strategy 2020-2024
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of open space under Council jurisdiction.

THE POLICY

Council will develop and maintain Public Open Space under Council jurisdiction according to the following Guiding Principles.

Guiding Principles

Diversity, quality and design

- Open space should be designed to build on local character and provide a diverse range of
- attractive settings and opportunities for recreation and leisure.
- Site plans (Concept or Masterplans) should be prepared before undertaking major development works.
- Design, layout, and facilities should be of high quality and provide for safe and enjoyable use.
- Design standards should be in line with those stated in the Wellington Open Space Plan 2014-2024 and in accordance with objectives stated in the Sustainability Strategy 2020 - 2024.
- Urban Forest management including tree planting for shade, amenity and biodiversity enhancement should have a high priority in all council and private sector developments.

Access and equity

- All developed open space should provide good access to facilities, settings and activities for the whole community including people with limited mobility and other disabilities, and parking where compatible with established site values and uses as per the Open Space Plan assessment.
- The location and opportunities available at major sites and the benefits of open space use should be widely promoted.

Management and maintenance

- Maintenance should meet community and conservation objectives, within budget constraints and in accordance with agreed priorities.
- The community should be involved in the planning, development and care of open space.

Sustainability/Conservation

- Significant natural and cultural sites should be identified and actively managed including protection from damage by inappropriate management or recreation activities.
- Local indigenous species should be prioritised in planting projects, except where exotic tree and plant species are an important element in urban or cultural landscapes.
- As part of a broader approach to climate adaptation the enhancement of urban biodiversity through the addition of green infrastructure is considered a high value activity.
- New landscapes should be designed with sustainability principles at the core of decision making.
- Enhancement of biodiversity values (especially in urban areas) is critical to achieving stated objectives of the Council Plan.
- Integrated Water Management (IWM) principles should be incorporated into all new developments if at all possible.

Council has developed guidelines (e.g. Open Space Plan 2014-2024) to give effect to its policy position on open space. These guidelines are available to staff via the Intranet. The responsibility to ensure that the implementation and maintenance of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built & Natural Environment.

HUMAN RIGHTS

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

LITTER BINS POLICY

Policy Number:	4.1.4
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Playgrounds Policy
Related Documents:	Open Space Plan 2014 - 2024
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of litter bins.

THE POLICY

Litter bins shall be allocated where the Council provides a range of attractors, some in combination, that by their nature generate a large degree of litter.

The combination of attractors used to determine bin allocation will be:

1. Shopping areas within CBD's or Town Centres (not commercial/industrial sites).
2. Individual shops such as milk bars, takeaways and general stores.
3. The presence of barbeques, toilets and playgrounds (in combination) in open space areas. The lack of any one of these individual attractors will remove the requirement for bin allocation.
4. Boat ramps of Regional or District significance.

Variations on this rationale shall be considered where a cost benefit analysis determines that the cost of provision of a litter bin at a particular location outweighs the overall community benefit i.e. the cost is too great.

HUMAN RIGHTS

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

PLAYGROUNDS POLICY

Policy Number:	4.1.5
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Natural Environment and Parks Coordinator Parks Services
Related Policies:	Heritage Policy Litter Bins Policy Public Toilets Policy
Related Documents:	Open Space Plan 2014-2024 Playground Guidelines Youth Play Plan 2019-2029
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of playgrounds.

THE POLICY

Council maintains a number of playgrounds, which generally fall within the hierarchical structure embraced in this Policy and identified as Regional, District, Neighbourhood and youth-oriented play. This structure is further developed through the Open Space Plan 2014-2024 and Youth Play Plan 2019 - 2029.

Playgrounds are continually developed and improved in line with current trends, community needs and safety standards. A rolling capital program exists for this purpose.

Council will provide, manage and maintain playgrounds within its jurisdiction according to the following Guiding Principles.

Aim

- To provide a system of diverse play settings equitably distributed throughout the Shire and within reasonable access of every child's home. (as described in the Open Space Plan)
- To complement the play opportunities that are available to local residents in private open space and in the neighbourhood generally, so as to maximise the range of play experiences available.
- To provide specific play settings and conditions within designated areas which help encourage personal growth, enjoyment and make social benefits available to the community, through play.
- To ensure that the physical environment, activities, equipment and social conditions within each play area are designed specifically to meet the needs and wants of children of specified age groups, and that opportunities catering specifically to those age groups are equitably distributed across the Shire.
- To ensure that playground provision caters to children and adults with disabilities, and that a wide range of play activities within each playground are accessible.

- To maintain all play equipment and designated play areas in a good condition in accordance with current Australian Standards for play equipment and adjacent areas.
- To regularly monitor the use of play areas, the condition and maintenance of play equipment and the provision and quality of play opportunities in the Shire generally.
- To consider the value of natural play in all playground re-fits and new designs through the use of planting and natural materials.

Council's policy on the management of playgrounds is supported by guidelines that may be accessed by staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

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

PUBLIC OPEN SPACE CONTRIBUTION – SUBDIVISIONS POLICY

Policy Number:	4.1.6
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Heritage Policy Open Space Policy Playgrounds Policy
Related Documents:	Open Space Plan 2014-2024 Open Space Selection Criteria - Developer Contributions Wellington Planning Scheme
Statutory Reference:	<i>Subdivision Act 1988</i>

OVERVIEW

To establish policy for the management of public open space developer contributions.

THE POLICY

The provision of quality open space across the Shire is important for continued community health and well-being as well as making a significant contribution to town livability.

Developers are required under the *Wellington Planning Scheme* to provide a 5% contribution towards the provision of open space from planned sub-divisions. This contribution, at Council's discretion is in the form of land or money.

Aim of the Policy

This policy details guidelines for the receipt of any land or cash contributions as part of any proposed land development.

Any request for land or cash in lieu contributions from subdivisions will be consistent with the requirements of the *Wellington Planning Scheme* and shall be based on the directions and priorities of the Wellington Open Space Plan 2014-2024 and/or relevant Development Plans.

Priority consideration will be given to the following:

- Addressing gaps in current open space provision
- Contributing to the upgrade of, and improved access to, nearby existing open space
- Ensuring that open space is of a high quality and useable from a leisure and/or conservation perspective
- Establishing linear parks and linkages between areas of open space
- Retaining/enhancing significant conservation areas (including stands of remnant trees)

This policy is supported by the Open Space Selection Criteria – Developer Contributions guidelines. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks.

Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

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

PUBLIC TOILETS POLICY

Policy Number:	4.1.7
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Heritage Policy
Related Documents:	Toilet Development and Management Plan
Statutory Reference:	Nil

OVERVIEW

To establish policy to guide the management of public toilets.

Access to toilet facilities is an important consideration in terms of the attractiveness and functionality of public areas generally and urban public areas particularly. Not all such areas are subject to Council jurisdiction, however Council is often perceived by the general public to be the agency universally responsible for the provision, operation and maintenance of public toilet facilities. In this regard, Council at times receives requests to either provide new (additional) public toilet facilities or to upgrade existing facilities to meet contemporary standards.

Council is currently involved, either directly or indirectly in the maintenance and operation a number of Public toilets throughout the Shire, which are intended to serve public areas catering for relatively large numbers of people on a regular basis. Council currently directly manages 35 public toilet facilities throughout the Shire.

THE POLICY

Council will ensure that adequate and appropriate public toilet facilities are available to residents and visitors throughout the Shire within its jurisdiction according to the following guiding principles.

- To ensure the provision of public toilet facilities is equitably distributed throughout the Shire and appropriate to need.
- To make appropriate provision for accessibility and functionality for people with disabilities and special needs.
- To ensure that the environment, both natural and built, is not adversely impacted by the construction and operation of public toilet facilities.
- To maintain toilet facilities and associated services and equipment in accordance with relevant Australian Standards and community expectation.
- To regularly monitor the use of public toilet facilities and the condition and maintenance of same, throughout the Shire.
- To encourage provision of toilet facilities on a collaborative basis with committees of management, public agencies and the private sector.

Application

This policy will apply to and establish the mechanisms for, the establishment, management and operation of public toilets, including but not limited to proposed new facilities, upgrades of existing

facilities, retirements of existing facilities and establish a standard for such facilities having regard for, but not limited to:

- location;
- siting including proximity to other facilities;
- accessibility and amenity;
- architectural values, including heritage values;
- environmental design considerations;
- capital and operating (life cycle) costs;
- community consultation.

Provision Objectives

Council will ensure that adequate and appropriate public toilet facilities are available to residents and visitors throughout the Shire.

Council has a Toilet Development and Management Plan which may be accessed by staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

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

SIGNIFICANT TREE PROTECTION POLICY

Policy Number:	4.1.8
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks Open Space Planning Officer Coordinator Parks Services
Related Policies:	Urban Forest Policy Open Space Policy
Related Documents:	Open Space Plan 2014-2024
Statutory Reference:	Wellington Planning Scheme

OVERVIEW

To protect significant trees and remnant vegetation located in urban areas from the negative impacts of land development (sub-divisions).

THE POLICY

This policy aims to provide guidance to applicants in the design of development proposals to ensure that significant trees/remnant vegetation is assessed and incorporated into development design.

The policy refers to lots of less than 0.4 hectare. Lots larger than 0.4 ha will generally be protected by the native vegetation controls afforded by the Wellington Planning Scheme Clause 52.17.

Definitions

A significant tree is:

- Any tree of outstanding aesthetic quality.
- Any tree outstanding for its large height, trunk diameter or canopy spread.
- Any tree that is particularly old or venerable.
- Any tree which occurs in a unique location or provides a significant contribution to the landscape, streetscape or townscape, including remnant vegetation and important landmark trees.
- Any tree associated with a well-known public figure or ethnic group.
- Any tree commemorating or having association with an important historic event.
- Any tree that is rare to an area (e.g. beyond its normal range of distribution or common cultivation) or is of a rare species or variety generally, including endangered species.
- Any tree which exhibits a curious growth form or physical feature including unusually pruned forms.
- Any tree which is of horticultural or genetic value and could be an important source of propagating stock.
- Any tree which forms part of a recognised historic garden, park or town.

Remnant vegetation is:

- Any patch of indigenous vegetation, around which most or all of the land has been cleared. The patches of vegetation can provide a repository for seed banks, habitat and corridors for animals, aesthetic and scientific values, soil stability, and a reduction in salinity.

Council's policy on the management of significant trees is supported by procedures/guidelines which may be accessed by staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accords with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

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

URBAN FOREST POLICY

Policy Number:	4.1.9
Approved by:	Council
Date Approved:	17 December 2019
Date of Next Review:	1 October 2021
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Natural Environment and Parks Open Space Planning Officer Coordinator Parks Services
Related Policies:	Significant Tree Protection Policy
Related Documents:	Open Space Plan 2014-2024
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of the urban forest.

THE POLICY

This policy provides a framework of reference in relation to the management of trees in urban areas throughout the Shire generally, with particular reference to the following matters:

- planting of new trees;
- maintenance of existing trees;
- removal of existing trees;
- conflict with other infrastructure;
- heritage trees;
- risk management;
- remnant native trees.

Principles

1. An acceptable level of risk to persons or damage to infrastructure, including buildings, streets, kerbs, footpaths, road users/vehicles and aerial and underground utilities.
2. To guard against the damage or unnecessary removal of trees in public areas.
3. Increasing biodiversity within the urban forest is imperative for the long-term health of the forest.
4. Targeting a 30% canopy cover in urban areas.

Council has a strategic plan in place to support its policy position on urban trees (e.g. Open Space Plan 2014-2024). This plan is available to staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the guidelines accord's with Council's policy position is vested in the Manager Natural Environment and Parks. Any matter specifically requiring a Council determination shall be reported by the General Manager Built and Natural Environment.

HUMAN RIGHTS

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

CLIMATE CHANGE AND SUSTAINABILITY POLICY

Policy Number:	4.1.10
Approved by:	Council
Date Approved:	September 2021
Date of Next Review:	September 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	<ul style="list-style-type: none"> Asset Management Policy Community Assistance Grants Program Policy Council Provision of Recreation/Community Facilities Policy Open Space Policy Rates rebate on Land with Deed of Covenant for Conservation Purposes Policy Risk Management Policy Significant Tree Protection Policy Investment Policy Procurement Policy Waste Collection Policy
Related Documents:	<ul style="list-style-type: none"> Environmental Sustainability Strategy Fleet Guidelines Greening Wellington Municipal Health & Wellbeing Plan Public Open Space Provisions Significant Tree Register Environmental Sustainability Checklist Urban Biodiversity Plan Wellington Planning Scheme
Statutory Reference:	<ul style="list-style-type: none"> <i>Catchment and Land Protection Act 1994</i> <i>Climate Change Act 2017</i> <i>Environment Protection Amendment Act 2018</i> <i>Environment Protection and Biodiversity Act 1999</i> <i>Flora and Fauna Guarantee Act 1988</i> <i>Local Government Act 2020</i> <i>Planning and Environment Act 1987</i> <i>State Environment Protection Policy</i> <i>Water Act 1989</i>

OVERVIEW

Sustainability is defined as meeting our own needs without compromising the ability of future generations to meet their own needs. Sustainability requires balancing environmental, economic and community needs and must consider climate change mitigation and adaptation as a key feature, due to its broad implications across council business and service delivery.

Australia is committed to the 2030 Agenda including the 17 United Nations Sustainable Development Goals as a universal, global undertaking to protect human wellbeing. Local government plays a key role in delivering outcomes for the goals, and in particular SDG 11 – Sustainable Cities and Communities and SDG 13 – Climate Action.

The *Local Government Act 2020* mandates a requirement for Council decisions to consider sound financial management, promote the social, economic and environmental viability and sustainability of its region, and improve the overall quality of life of people in the local community. Accordingly, the scope of this policy pertains to all persons conducting or undertaking business on behalf of Council and effectively must be considered by other policy owners across Council.

The *Climate Change Act 2017* also outlines local government responsibility in having regard for climate change for specific decisions and actions and in the preparation of a Municipal Public Health & Wellbeing Plan. These legislative instruments are a key driver of climate change related duty of care and risk management obligations of decision makers within council.

THE POLICY

The objective of this Policy is to provide the framework for expressing and delivering Council's commitment to the integration of sustainability and climate change principles and practices in its service delivery, operations and community support and advocacy, in line with legislative directions, Wellington 2020 and the Council Plan.

Guiding Principles

The policy sets the guiding principles which will inform any sustainability strategy or governance framework. The principles are:

- promote integration;
- be inclusive, get involved and participate;
- be Innovative and show leadership;
- adopt Precautionary behaviour;
- embed intergenerational equity;
- informed decision-making;
- limit our impact on natural systems.

Application of the policy

Council will:

- prepare a consecutive four-yearly environmental sustainability strategy and action plan that incorporates internal operational and community objectives in line with the key guiding principles and the relevant United Nations Sustainable Development Goals, and must include:
 - short and long-term greenhouse gas emission reduction targets in line with science-based evidence or legislation; and
 - a climate-change mitigation and adaptation response or plan.
- provide publicly available annual sustainability reports including bi-annual carbon account data; and
- ensure all Council policies, strategies and decision-making processes meet the intent of this policy on environmental sustainability and climate change.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Wellington Shire Council is committed to upholding environmental and climate change principles as outlined in the *Local Government Act 2020*, *Climate Change Act 2017* and referred to in the

Council's *Environmental Sustainability Policy*. The Environmental Sustainability Checklist has been completed and this policy accords with Council's policy commitment to uphold sustainability principles.

HUMAN RIGHTS

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

RATES REBATE ON LAND FOR CONSERVATION PURPOSES POLICY

Policy Number:	4.1.11
Approved by:	Council
Date Approved:	September 2021
Date of Next Review:	September 2022
Applicable to Unit(s):	Natural Environment and Parks Finance
Responsible Officer:	Manager Natural Environment and Parks
Related Policies:	Climate Change and Sustainability Policy
Related Documents:	Nil
Statutory Reference:	<i>Victorian Conservation Trust Act 1972</i>

OVERVIEW

This policy aims to incentivise and support responsible land holders who manage a portion or the whole of their land in a manner that preserves, restores, or protects the natural environment through the entering into of a formal conservation agreement.

THE POLICY

Council has committed to providing assistance for the conservation of environmentally significant land in private landholdings.

Requirements for eligibility for the concession are as follows:

- a) That the rebate applies only to the land that is affected by a covenant as described in the covenant document.
- b) The rebate will apply once notification from Trust for Nature is received by Council and will be pro-rata from the date the deed was signed from the commencement of the current rating year.
- c) All rebates will be given in the form of a credit against the general rates. If the rates have been paid in full, the credit balance will be carried forward to the next rating year.
- d) Concession will continue until the provisions of the covenant are extinguished, breached or expired.

Rate concession will apply as follows:

The rebate of \$15 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Wellington Shire Council is committed to upholding environmental and climate change principles as outlined in the *Local Government Act 2020*, *Climate Change Act 2017* and referred to in the Council's *Environmental Sustainability Policy*. The Environmental Sustainability Checklist has been completed and this policy accords with Council's policy commitment to uphold sustainability principles.

HUMAN RIGHTS

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

4.2 ASSETS AND PROJECTS ASSET MANAGEMENT POLICY

Policy Number:	4.2.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Assets and Projects
Related Policies:	Climate Change and Sustainability Policy Procurement Policy
Related Documents:	Nil
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

This policy is provided to give direction for the effective management of Wellington Shire Council infrastructure assets. The policy shall ensure that delivery of infrastructure services is in a structured and sustainable manner that recognises community expectations of time, quality, and value of money. Stewardship of infrastructure is a core Council function.

VISION

The asset management vision of Wellington Shire Council to optimise the whole of life costs of its assets, whilst meeting the present and future service delivery needs of the community and minimising exposure to risk.

This will be achieved through the full implementation of the asset management principles as articulated in the Wellington Shire Council Asset Plan

POLICY STATEMENT

Scope

This policy covers the processes, systems and asset information required to manage all of Wellington Shire Council's existing and future physical assets efficiently and effectively. The policy is applicable across the organisation, including areas that do not have specific responsibilities for managing the assets but make use of council-owned assets in the delivery of services.

Goals

Wellington Shire Council has the following goals for asset management:

- Establish and maintain a framework to enable the development and application of sound asset management practice throughout the organisation;
- Understand and take into account community expectations in all significant decisions affecting infrastructure;
- Take a forward-looking, long-term view to the provision and management of infrastructure assets;
- Endeavour to provide council facilities, landscapes and infrastructure that are low carbon, water sensitive and resource efficient both in construction and operation and are resilient to a changing climate;

- Have confidence in asset management outputs through the application of quality processes and procedures; and
- Have ready access to all relevant information on individual assets, including physical parameters and data on valuation, condition, maintenance history, performance and risk.

Roles and responsibilities

As asset management requires input from and interaction between, all facets of the organisation the importance of well-defined roles and responsibilities for staff and councillors is crucial.

Training and tools

To achieve and maintain the required level of capability, skills and expertise to deliver best practice in asset management decision making, Wellington Shire Council shall adopt the following principles:

- Invest in appropriate asset management training and development programs for relevant staff and councillors;
- Establish and maintain networks with asset management personnel to assist with sharing of knowledge.

THE POLICY

Understanding Community Expectations: Wellington Shire Council will understand the expectations of our community.

Asset Planning and Budgeting: Wellington Shire Council will plan for and review the provision of assets to our community.

Asset Operations and Maintenance: Wellington Shire Council will manage and maintain your assets in a fit for purpose state and within budgetary constraints.

Environmental Sustainable Design: (ESD) Wellington Shire Council will incorporate and document ESD initiatives in the construction and operation of Council facilities and infrastructure.

Risk Management: Wellington Shire Council will apply appropriate risk management principles in managing your assets.

Asset Accounting and Costing: Wellington Shire Council will provide asset management and costing systems to inform our decision making processes. In doing so, we will comply with all relevant standards.

Asset Management Plans: Wellington Shire Council will develop and maintain asset management plans to guide asset development and management practices.

Partnerships with the Community: Wellington Shire Council will foster community input and support for the ongoing development and management of community assets where appropriate.

HUMAN RIGHTS

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

PLACE AND FEATURE NAMING POLICY

Policy Number:	4.2.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Assets and Projects Built Environment
Responsible Officer:	Manager Assets and Projects
Related Policies:	Roadside Memorials Policy
Related Documents:	<i>Naming Rules for Places in Victoria</i> <i>Statutory requirements for naming roads, features and localities 2016</i> AS/NZS 4819:2011 Rural and urban addressing
Statutory Reference:	<i>Local Government Act 1989</i> <i>Geographic Place Names Act 1998</i>

OVERVIEW

Wellington Shire Council is the naming authority for roads and features that it controls and/or maintains within its municipality. It does this in accordance with the *Geographic Place Names Act* which is administered by Geographic Names Victoria who oversee the formal process of naming/renaming roads and features.

This policy sets out the approach taken when dealing with requests to name roads, localities and other features.

PURPOSE

The purpose of this policy is to:

- (a) Provide Council with a consistent and standardised approach for the naming of localities, roads and other features that are controlled or managed by Wellington Shire Council, or where Wellington Shire Council has been asked to become involved in naming a feature.
- (b) Ensure that naming is consistent with community expectations, Council strategies and policies, relevant legislation and the *Naming rules for places in Victoria*, where applicable.
- (c) Provide a framework for managing requests for plaques and memorials that are to be located within Wellington Shire public space whilst protecting the intended purpose, environmental values and aesthetic appearance of Council public space.

DEFINITIONS

(a) Road

A road is considered to be any public or private land-based thoroughfare or course navigable by vehicle or foot. It can be used for assigning addresses or allowing access between points or to a feature. Examples of roads include streets, lanes, fire tracks, bike paths and walking tracks.

(b) Locality

A geographical area that has identifiable community and/or landscape characteristics.

(c) Feature

A unique geographical place or attribute that is easily distinguished within the landscape. May be natural or man-made. For example, a feature can be a mountain, watercourse, building, prominent structure or park.

(i) Reserves and Parks

Open space, entire reserves or parks (including recreation reserves) dedicated primarily for the use of active or passive recreation

(ii) Buildings

Entire buildings dedicated primarily as community and/or multi-use facilities or for sporting and recreational activities e.g. neighbourhood houses, community centres, scout and guide halls, senior citizens centres, stadiums, sports pavilions, etc.

(iii) Parts of Buildings

Parts of buildings e.g. a social room in a sports pavilion, a meeting room in a community centre

(iv) Sporting Complexes/Venues, Sportsgrounds and Active Playing Surfaces

Entire sporting complexes/venues, outdoor sportsgrounds and ovals dedicated for sport and active recreation e.g. ovals and pitches, athletics venue, velodrome, tennis complex, bowling greens etc.

(v) Sporting Infrastructure

Sporting infrastructure relates to the structures and infrastructure required to support the delivery of organised sport in active spaces such as scoreboards, spectator shelters, cricket practice wickets, coaches' boxes, player dug outs, goal posts, sports fencing etc.

(d) Public Space

All Council owned or managed land that is open or accessible to people. This includes:

- Council owned public open space including reserves and sports fields
- Land managed by Council but owned by another body
- Activity centre locations, including footpaths, median strips, public squares, malls and laneways
- Road reservations
- Council infrastructure within Public Space, such as:
 - the exterior or interior of Council buildings;
 - reserve furniture (such as reserve benches, picnic tables etc.);
 - any other infrastructure (such as picnic shelters, barbeques, playgrounds etc.).

(e) Memorial

An object or a landscaped feature (such as a tree or garden) in a Public Space designed to preserve the memory of a person, group or event.

(f) Plaque

Flat tablet of metal, stone or other material which may include text and/or images that commemorate a person, event or historical information relevant to a particular location. The tablet may be fixed to an object or building located within Public Space.

SCOPE OF POLICY

The policy **applies to**:

- (a) Localities (entirely or partially) located within the Wellington Shire local government area.
- (b) Public Spaces, including roads and other features, that are owned or maintained by Wellington Shire Council.
- (c) Private roads and features for which Wellington Shire Council has been asked to become involved.

The policy **does not apply to**:

- (a) Roads managed by State Government authorities such as Regional Roads Victoria (VicRoads), Parks Victoria and Department of Environment Land Water and Planning which are excluded from this policy.
- (b) Features that are not located in Public Spaces owned or managed by Wellington Shire Council, including places of regional, state or national significance (unless Wellington Shire Council is consulted for input).

LEGISLATION

The *Local Government Act 1989* Schedule 10, Clause 5 states:

1. A Council may:

- a) approve, assign or change the name of a road; and
- b) erect signs on a road; and
- c) approve, assign and change the number of a road and any premises next to a road; and
- d) require people to number their premises and to renew those numbers.

The Council, in exercising a power under paragraph (a) of sub-clause (1) must act in accordance with the guidelines under the *Geographic Place Names Act 1998* and must advise the Registrar under that Act of the action it has taken.

Council is required to abide by the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016* which is the statutory guideline provided for under section 5 of the *Geographic Place Names Act 1998*.

POLICY IMPLEMENTATION

All requests for new names or name changes must be made in writing to the Wellington Shire Council Place Names Committee. Names should be linked to the place, either based on unofficial names used by the local community, if named after a person, then someone held in strong regard by the community or relating to Aboriginal culture or occupation of the land, local flora or fauna, Australian war contributions or European exploration and settlement, local geography and geology etc.

All recommendations made by the Place Names Committee will be presented to Council for approval.

Formal naming requests

Formal naming requests will be assessed against the naming principles under the *Naming rules for places in Victoria* and submitted to Geographic Names Victoria for approval and gazettal. Formal

names are registered for inclusion on the Register of Geographic Names (VICNAMES), the State's authoritative place names register.

Only places of significant prominence and permanence will be formally named:

- (a) Roads
- (b) Localities
- (c) Natural features
- (d) Entire Reserves or Parks, including Recreation Reserves
- (e) Entire Buildings
- (f) Sporting Complexes or Venues
- (g) Sporting Complexes/Venues, Sportsgrounds and Active Playing Surfaces.

Minor features within a park or reserve will not be formally named and registered e.g. playgrounds, sporting infrastructure within a park or reserve are usually identifiable by the name of the park/reserve.

The names of existing places will only be changed in exceptional circumstances, for example, where public safety is an issue, where duplicate names cause confusion in locating a place, illogical or non-standard street addressing etc.

Formal naming proposals approved by Council will be subject to the public consultation process outlined in the *Naming rules for places in Victoria*. Community views are encouraged, particularly those of the local historical societies, Traditional Owners, RSLs and other community groups.

Council Approved Names Register

Council has adopted a *Council Approved Names Register* which is available on Council's website. The *Council Approved Names Register* lists names that have been approved by Council for future use either within a particular locality or anywhere in the Shire, subject to duplicate name criteria set out in the *Naming rules for places in Victoria*.

Roads in new subdivisions

Developers are welcome to submit road names to the Wellington Shire Council Place Names Committee for consideration.

A developer may also select road names from the *Council Approved Names Register* for their subdivision for the purposes of certification, without having to seek approval from the Place Names Committee and Council, provided that the selected road name is to be used within the locality specified in the Register. When a road name is selected the developer must notify the Place Names Committee prior to certification to enable the name to be reserved.

Locality-centric names should be given priority over names applicable to the broader Wellington Shire. When a road name selected from the Register is either applicable to the whole of Wellington Shire or intended to be used outside of the locality specified, the selected name is to be referred to the Place Names Committee and then presented to Council for consideration.

A commercial subdivision or development does not in itself entitle the developer to naming rights unless land is donated for community benefit and not just a requirement of the subdivision. Other criteria under the *Naming rules for places in Victoria* must also be met.

Informal naming requests

Informal naming recognises individuals or groups who have shown a significant commitment to the Wellington Shire community in any field of endeavour e.g. education, arts, culture, recreation, community development, community service, community leadership.

Informal naming proposals will be endorsed by Council and not submitted to Geographic Names Victoria for approval and gazettal. Informal names are not registered for inclusion on the Register of Geographic Names (VICNAMES).

Minor features and structures on Council owned or managed land may be informally named:

- (a) Features within a park or reserve e.g. playground within a park
- (b) Parts of Buildings e.g. internal rooms, social room in a sports pavilion, meeting room in an office
- (c) Individual playing surfaces e.g. single basketball court, single tennis court, a bowling green
- (d) Sporting Infrastructure e.g. scoreboards, spectator shelters, cricket practice wickets, coaches' boxes, player dug outs, goal posts, sports fencing etc.

Informal naming of minor features and structures will be considered on a case-by-case basis by the Place Names Committee in consultation with the asset owner. Informal naming proposals endorsed by the Place Names Committee and asset owner will be presented to Council for approval. Costs associated with signage will be the responsibility of the applicant.

Informal naming proposals will not be subject to wider public consultation.

An informal naming request will be assessed against the following criteria:

- (a) The nominee is/was of good repute and not likely to be the subject of controversy;
- (b) The nominee has/had made an outstanding contribution to the field of endeavour relevant to the place being named; *or* the nominee has/had been a volunteer at a Wellington Shire club, organisation or community group contributing over 25 years;
- (c) The nominee has/had been resident of Wellington Shire or surrounding district and is/was widely known and respected within the local community; *or* had a recognised historical link with the locality and is generally acknowledged as having made a significant contribution to the community;
- (d) The nominee has/had made a significant contribution, over and above other potentially suitable candidates;
- (e) The nominee has/had been nominated unanimously by the committee of the relevant sporting/cultural/community group which is the major user (historically and currently) of the facility;
- (f) The naming request has the support of all other tenant clubs and regular user groups of the feature to be named;
- (g) If the nominee is deceased, the naming request application should include the written consent of their immediate family and is not to be made within two years of the person passing;
- (h) The name is not considered offensive or likely to give offence.

Naming requests for members of Council staff, Councillors, appointees to Committees of the Council, a person still holding public office or those formally associated with the Council, will not be considered as long as that formal relationship continues to exist.

Names of political parties or entities will not be considered.

Plaques and Memorials

Council recognises that plaques and memorials provide recognition and are important in celebrating significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the Shire.

Persons and community groups making initial enquiries regarding the installation of a plaque or memorial in Public Space should be referred to this policy for direction regarding applicable criteria.

General principles

The *Roadside Memorials Policy* must be taken into consideration when proposing to install plaques and memorials within the road reserve.

Plaques and memorials commemorating deceased persons will not generally be considered until an individual has been deceased for at least two years, to allow for appropriate development of historical perspective. The application should include the written consent from the deceased person's immediate family, next of kin or appropriate relative/s where practicable.

Applications for plaques commemorating living persons will generally not be accepted.

Plaques and memorials will only be considered where they meet the requirements of this policy and are consistent with Council's strategic and urban design vision for the proposed site and the land's public purpose. The siting or appearance of a plaque or memorial must not negatively impact the aesthetic or environmental value of public space, or the use of the space by the community. They are to be designed and sited in a way that will not damage the supporting structure or create a public risk.

Plaques and memorials are to meet all relevant planning and building requirements. Plaques and memorials are to be constructed in a manner that will require little ongoing maintenance and will be resistant to vandalism. Plaques attached to an asset like a seat, building, etc. must be durable and must have a life equivalent to the asset to which they are attached.

All costs associated with the design, construction, installation and maintenance of plaques or memorials are to be paid by the person or organisation making the request for the plaque or memorial. Once approved, installation of any plaque or memorial will be undertaken by Council and will become the property of Wellington Shire Council.

Council does not guarantee to retain plaques and memorials in perpetuity. Generally, a plaque or memorial will be retained in place for as long as practicable, with the following provisos:

- the plaque or memorial may be removed if the area in which the item is sited is to be redeveloped; or
- ongoing maintenance costs are prohibitive; or
- in the case of a plaque, the asset to which it is attached has reached the end of its useful life; or
- the condition of the plaque or memorial is poor.

If a plaque or memorial is removed due to any of the reasons above, Council will not guarantee replacement of the plaque or memorial, however replacement plaques or memorials of similar or different style or form may be considered. Reasonable efforts will be made to identify, contact and advise relevant stakeholders (including family members).

Approval procedure

1. Requests for new plaques and memorials in Public Spaces must be in writing to Council and demonstrate compliance with this policy. Applications should include all relevant details including proposed text or images as well as the preferred location for the plaque or memorial.
2. The request will be referred to the relevant Asset Manager for review of the design and layout, wording and location of any proposed plaque or memorial.
3. A Council resolution will be required to approve the installation of a plaque or memorial in a Public Space.
4. Once approved, the design, manufacture and installation will be coordinated by Wellington Shire Council and all costs will be borne by the applicant.

Assessment Criteria

The subject of a requested plaque or memorial will be assessed against the following criteria:

- (a) must have a clear association and strong significance to the location proposed for the plaque or memorial, and must not have been already commemorated elsewhere in the Wellington Shire;
- (b) is/was of good repute and not likely to be the subject of controversy;
- (c) the value of their efforts is recognised and endorsed by the general community because of their positive impact, or their efforts have created benefits that will be ongoing into the future;
- (d) an individual that has made a substantial contribution to the leadership, cultural and social aspects of Wellington Shire's development or shared community history; or has/had been a volunteer at a Wellington Shire club, organisation or community group contributing over 25 years; or
- (e) a Wellington Shire group or association that has made a substantial and outstanding contribution to the community; or
- (f) a significant historical or cultural event which has a profound resonance with the broader Wellington Shire community or is of national or state significance.

HUMAN RIGHTS

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

SUBDIVISION INFRASTRUCTURE DEVELOPMENT POLICY

Policy Number:	4.2.3
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Assets and Projects Built Environment Natural Environment and Parks
Responsible Officer:	Manager Assets and Projects
Related Policies:	Significant Tree Protection Policy Urban Forest Policy
Related Documents:	Infrastructure Design Manual
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

This policy is provided to give direction for property owners, developers and contractors in the development of land for residential, commercial, industrial and other purposes. It provides an authoritative base on which to plan and develop the necessary infrastructure to service newly created properties.

THE POLICY

Developers of new subdivision infrastructure must accord with Wellington Shire Council's Subdivision Infrastructure Requirements, design standards and parameters set by other statutory authorities as well as national bodies associated with land and infrastructure development.

Council has adopted the Infrastructure Design Manual (IDM) to give effect to its policy position on subdivision infrastructure development. The IDM is a Regional Victoria approach to the standardisation of infrastructure development across Victoria. The responsibility to ensure the implementation, checking and supervision of the requirements of the IDM is vested in the Manager Assets and Projects.

When special circumstances are encountered or are proposed, it is a requirement that developers arrange to meet with Wellington Shire Council Assets and Projects Infrastructure Planning staff to discuss these proposals. Any proposed changes or deviation from the standards set out in the IDM are to be signed off by the General Manager Built and Natural Environment prior to implementation.

HUMAN RIGHTS

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

SPECIAL CHARGE SCHEMES – ROADS, STREET AND DRAINAGE DEVELOPMENT POLICY

Policy Number:	4.2.4
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Assets and Projects
Responsible Officer:	Manager Assets and Projects
Related Policies:	Nil
Related Documents:	Special Charge Schemes Procedures Infrastructure Design Manual
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

To facilitate the development of road, street and drainage infrastructure, policy has been established for the management of special charge schemes as follows.

THE POLICY

To implement its vision and mission, Wellington Shire Council will optimise its capacity to raise funds for the undertaking of works and services pursuant to section 163 (Special Rate and Special Charge) of the *Local Government Act 1989*.

We shall identify those circumstances where persons will receive special benefit and should, as a consequence, be required to pay a Special Charge for the development of roads, streets and drainage infrastructure.

We shall provide a uniform administrative procedure for the carrying out of Special Charge Schemes to be undertaken by Wellington Shire Council.

We shall provide an accepted basis of fairness and equity in the apportionment of costs associated with such works.

We shall provide appropriate construction standards for roads, streets, and drains intended to be constructed and/or provided throughout the municipality under Special Charges Schemes in accordance with the Infrastructure Design Manual.

This policy will enable the construction of roads, streets and drains that would not ordinarily be capable of being provided through other funding sources and in doing so, these schemes will recognise the special benefit that accrues to property owners joined to them.

Council has procedures in place to give effect to its position on special charge schemes for roads, streets and drainage development which are available to staff via the Intranet. The responsibility to ensure that the maintenance and implementation of the procedures accords with Council's policy position is vested in the Manager Assets and Projects. Any matter specifically requiring a Council determination shall be reported by the Manager Assets and Projects.

HUMAN RIGHTS

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

DISPOSAL OF SURPLUS COUNCIL EQUIPMENT POLICY

Policy Number:	4.2.5
Approved by:	Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Assets and Projects
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of disposal of surplus Council office and other minor equipment.

THE POLICY

Council is an advocate for the utilisation of surplus Wellington Shire Council equipment in its community; it believes that appropriately disposing of surplus Council equipment can assist this goal.

From time to time, Council is in a situation where it holds surplus office and other minor equipment.

Disposal

In order that surplus equipment may be disposed of efficiently, options may include the following:

- Provision to “seek expressions of interest” from not for profit organisations - priority of need to be determined by General Manager Built and Natural Environment.
- Disposal by public tender, following an assessment by the General Manager Built and Natural Environment of the cost effectiveness and financial benefits of this option on any particular occasion.
- Disposal to appropriate equipment recyclers if not disposed of by either “expression of interest” submissions from not for profit organisations or public tender.

HUMAN RIGHTS

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

CATTLE UNDERPASSES POLICY

Policy Number:	4.2.6
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Assets and Projects
Responsible Officer:	Manager Assets and Projects
Related Policies:	Nil
Related Documents:	Initial Enquiry Letter Information Sheet Standard copy of Agreement pursuant to section 173 <i>Planning and Environment Act 1987</i>
Statutory Reference:	<i>Planning and Environment Act 1987</i>

OVERVIEW

This policy is provided to ensure a uniform and acceptable standard of construction of cattle underpasses that allow for the daily movement of cattle beneath Wellington Shire Council (local) roads and it establishes responsibility for the on-going maintenance of the facility. This policy applies only to those roads listed in Wellington Shire Council's Register of Public Roads.

THE POLICY

Wellington Shire Council supports the construction of cattle underpasses as a means of improving road safety and minimising damage to local roads and verges resulting from the regular movement of cattle across roadways.

Guidelines are available to the public and staff to give effect to this policy. The responsibility to ensure that the implementation and maintenance of the guidelines accords with this policy is vested in the Manager Assets and Projects in consultation with the Manager Built Environment.

The property owner(s) seeking to construct the underpass will be responsible for all costs associated with the approval process and construction of the structure including reinstatement of the road pavement, surfacing (seal), guard rail, signage and line marking. The property owner(s) will be responsible for the on-going maintenance and repair of the underpass including pumps and other infrastructure excluding for the road pavement and seal, guard rail, signage and any line marking.

The property owner(s) prior to gaining approval for the underpass will be required to enter into an agreement pursuant to section 173 of the *Planning and Environment Act 1987* setting out these responsibilities.

The location and design must comply with relevant VicRoads standards and structure widths for the particular road being crossed and approval from Wellington Shire must be obtained prior to commencement of work.

All cattle underpasses must be designed by a Professional Engineer and have a concrete floor and provision for drainage. No responsibility for inconvenience, damage and/or stock loss owing to flooding, except in the case where such damage or loss is a direct result of negligence on behalf of Council, its employees or contractors will be considered.

HUMAN RIGHTS

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

4.3 BUILT ENVIRONMENT FENCING POLICY

Policy Number:	4.3.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Built Environment
Responsible Officer:	Manager Built Environment
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	<i>Community Local Law 2021</i> <i>Fences Act 1968 (including amendments effected 22/9/2014)</i> <i>Local Government Act 1989</i>

OVERVIEW

To establish policy for the management of fencing costs on boundaries adjoining Council controlled land.

THE POLICY

This policy sets out Council's responsibilities in relation to contribution for construction and maintenance costs of fencing on boundaries adjoining Council owned and/or occupied land. The policy is subject to provisions in Council's planning scheme, local laws, current building regulations and the Victorian *Fences Act 1968*.

Responsibility

Council will contribute to the shared costs of fencing where requested by adjoining landowners, on boundaries where Council is the landowner or has vested control.

Council will not contribute to the cost of:

- fencing of roadways or right of ways;
- rural fencing;
- gates onto Council land;
- waterways or drainage reserves;
- fencing resulting from new subdivisions; or
- pedestrian access ways.

Council will fund 50% of the cost, with the landowner, of the cheapest quotation for a standard 1.8 metre hardwood timber paling fence, with concrete posts and plinths. This standard fence has been specified as it is the most resilient to damage, and most cost effective to maintain.

If a landowner requests to build a non-standard fence, Council may agree to contribute on the condition that the landowner accept full responsibility for the future maintenance of the fence.

HUMAN RIGHTS

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

ROADSIDE MEMORIALS POLICY

Policy Number:	4.3.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Built Environment Natural Environment
Responsible Officer:	Manager Built Environment
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

The purpose of this policy is to establish a framework for the installation, construction and placement of roadside fatality memorials on roads for which Wellington Shire Council is the Coordinating Authority. It follows from the VicRoads Roadside Memorial Policy 2015, which covers Roadside Memorials on roads for which VicRoads / Regional Roads Victoria is the Coordinating Authority.

THE POLICY

Council will use the following framework in relation to the installation, construction and placement of roadside fatality memorials on roads for which Wellington Shire Council is the Coordinating Authority.

A roadside memorial is any object constructed, erected or placed on the road or within the road reserve to commemorate/indicate a road fatality. Memorials can include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.

Applications for both temporary memorials (less than 12 months) and longer-term memorials should be submitted in writing to the Manager Built Environment for review and consideration.

Permanent roadside memorials are not encouraged, and a transitional approach will be considered to meet the needs of individuals and the broader community. The transition may include relocating a memorial to an appropriate permanent location with significance to the family, outside of the road reserve. All requests for permanent memorials require Council approval.

When considering requests, the following criteria will be considered.

Location

The safety of road users in addition to those who place and visit roadside memorials are both considerations for an appropriate location of a roadside memorial. The following factors are relevant to the location of memorials:

- A memorial should be located in a position where it will not distract drivers' attention or interfere with the role of any traffic control item.
- A memorial should be located such that visitors can safely access the memorial and continue to be safe in the time spent there.
- The locations of the memorial should be such that appropriate maintenance within the road

reserve can be undertaken, without causing interference, risk or damage to the memorial

Design and Construction Standard

A memorial must be constructed of material or installed in a way that will not cause injury if struck by a vehicle. Where a memorial incorporates a plaque, it should ideally be placed horizontally as close to the surface level as possible. Flowers or other mementos must be secured at the memorial site to prevent potential road safety hazards.

Where requested by the Manager Built Environment, applications must be supported by a site-specific design and risk assessment completed by an appropriately qualified and experienced engineering professional in line with current industry standards and guidelines.

Other

- Objection received from nearby residents or the broader community regarding a roadside memorial, including the activity of visitors to the memorial, should be carefully considered. Any actions as a result will be made in consultation with the roadside memorial applicant.
- Applicants should be advised that the Wellington Shire is not able to accept responsibility for the maintenance of memorials, or any loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance or construction activities.

HUMAN RIGHTS

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

CCTV POLICY

Policy Number:	4.3.3
Approved by:	Council or Chief Executive Officer
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Information Services Unit Built Environment
Responsible Officer:	Manger Built Environment Manager Information Services
Related Policies:	Human Rights Policy Privacy and Data Protection Policy Freedom of Information Policy Records Management Policy
Related Documents:	Wellington Shire Council CCTV Operating Procedures
Statutory Reference:	<i>Surveillance Devices Act 1999</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Records Act 1973</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Freedom of Information Act 1982</i> <i>Evidence Act 2008</i> <i>Local Government Act 1989</i>

OVERVIEW

Council uses Closed Circuit Television Video (CCTV) surveillance cameras as a tool to assist in the protection of assets, for the provision of security in the public realm and as a tool for investigation of offences by Victoria Police.

This policy is to provide guidance to Council and the public on the installation, use and management of electronic surveillance technology at council managed facilities and places. This policy also ensures Council meets legislative and regulative requirements surrounding all forms of electronic surveillance.

THE POLICY

This policy has been developed to ensure the effective installation, management and operation of all Council electronic surveillance devices through the following controls:

Governance

The CCTV Committee will be responsible to ensure Council meets all legislative and regulative requirements surrounding all forms of electronic surveillance. The CCTV Committee will oversee all aspects relating to use, installation, public signage, data collection, access and management.

Public Information

Appropriate communication will be provided to inform the public where they may be recorded, and how this data may be used.

Operations and Maintenance

All systems will be installed, managed and maintained in accordance with the *Wellington Shire Council CCTV Operating Procedures*.

Procedures and Attachments:

Committee Term of Reference

Operation and Maintenance Procedure shall be developed where CCTV equipment is used within the first twelve months of adoption of this policy. The CCTV Committee will approve and document all Operation and Maintenance Procedure under one of the following categories:

1. Corporate Facilities
2. Public Open Spaces
3. Public Buildings
4. Portable and non-fixed devices

HUMAN RIGHTS

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

5. COMMUNITY AND CULTURE

5.1 COMMUNITIES, FACILITIES AND EMERGENCIES ENCOURAGEMENT AWARDS - YEAR 11/12 POLICY

Policy Number:	5.1.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	May 2022
Applicable to Unit(s):	Communities, Facilities and Emergencies
Responsible Officer:	Manager Communities, Facilities and Emergencies
Related Policies:	Nil
Related Documents:	Nil
Statutory Reference:	Nil

OVERVIEW

To establish policy guiding the funding of local year 11 and 12 Encouragement Awards.

THE POLICY

A \$200 Award or such other amount as may be determined by Council budget process each year for a Year 11/12 student shall be awarded annually.

Eligibility

- Sale Catholic College
- Gippsland Grammar School
- Yarram Secondary College
- Maffra Secondary College
- Sale College

Criteria for Selection

The Award is based on excellence in academic and community areas.

Selection

Each school shall select the student and advise Council.

Presentation

This Award is to be presented at the schools' annual Speech Night or equivalent.

HUMAN RIGHTS

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

ELECTRONIC GAMING MACHINE POLICY

Policy Number:	5.1.2
Approved by:	Council
Date Approved:	28 May 2021
Date of Next Review:	29 May 2022
Applicable to Unit(s):	Communities Facilities and Emergencies
Responsible Officer:	Coordinator Social Planning and Policy
Related Policies:	Nil
Related Documents:	Wellington Planning Scheme Clause 52.28 Wellington Municipal Public Health and Wellbeing Plan (Healthy Wellington 2021-2025)
Statutory Reference:	<i>Gambling Regulation Act 2003</i> <i>Planning and Environment Act 1987</i> <i>Wellington Planning Scheme</i>

OVERVIEW

This policy outlines Wellington Shire Council's:

- Position on Electronic Gaming Machines (EGMs)
- Decision-making framework to assist with Council's response to EGM's application within the municipality.

This policy builds on the previous *Responsible Gaming Policy 2015*.

WELLINGTON SHIRE GAMING PROFILE

Under section 3.4A(3A) (b) of the *Gambling Regulation Act 2003*, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) determines the maximum permissible number of gaming machine entitlements, under which gaming may be conducted in each municipal district in Victoria. This is commonly referred to as a 'municipal cap'.

Wellington Shire has a regional cap of 318 poker machine entitlements, and 318 machines operating within Wellington Shire. The 318 machines are currently operating across seven venues throughout the municipality. This represents a density of 9.1 EGMs per 1000 adults in Wellington Shire, the highest concentration of EGMs in the Gippsland region. Losses to EGMs in Wellington Shire exceeded \$17 million in 2019/20, ranking Wellington Shire as 35th highest pokies expenditure in Victoria¹.

THE POLICY

Wellington Shire Council *Electronic Gaming Machine Policy* is based on the following:

- EGM gambling is a legal recreational activity in Victoria.

¹ Victorian Responsible Gambling Foundation (2020). *Pokies across Victoria*. [online] Available at: <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/pokies-across-victoria/compare/wellington/> [Accessed 07.05.21].

- EGMs can have significant social, economic and health impacts on individuals, families and communities. These impacts are felt disproportionately by different segments of the community and more vulnerable groups tend to sustain the biggest losses.

Because of this, it is imperative that a robust social and economic impact assessment of EGMs are considered in assessing applications for new venues or variations to the number of machines at existing venues.

ASSESSING APPLICATIONS

EGM Applications

The term 'EGM applications' refers to applications by venue operators for approval to operate new and additional EGMs at a venue. These include applications to add additional EGMs to a current gaming venue (sometimes referred to as 'top up applications') and applications to add EGMs to a non-gaming venue. EGM applications may take the form of a planning permit application to install or use EGMs at a venue ('planning approval') or an application to the VCGLR for approval to operate EGMs at a venue ('gaming approval').

Any application to Wellington Shire Council for a Planning Permit to install or use EGM's at a new venue or to increase EGM numbers in an existing venue will require the applicant to complete a robust impact assessment of the social and economic benefits and risks of the proposal.

Overall the outcome for the Economic and Social Assessments will need to:

- Ensure that the operation of gambling in Wellington Shire delivers a net community benefit;
- Ensure that the location and design of EGMs minimises the incidence of problem gambling. *This includes prohibiting venues in shopping centres or at strip shopping centres to minimise opportunities for convenience gambling (as stipulated in Clause 52.28 of the Wellington Planning Scheme);*
- Ensure gambling premises offer a range of non-gambling entertainment and recreation activities rather than being standalone gambling premises;
- Ensure that the operation, location and design of gambling premises does not have a negative impact on the amenity, character, community values and safety of the area.

Further points to be included in this assessment are outlined below:

Locational features:	Description of the gambling venue and its proposed location. Details about the existing and proposed distribution of EGMs in the municipality.
Patron profile:	Social and demographic profile of the current and/or anticipated patrons of the gambling venue including how the profile and conclusions about patrons were reached. Rationale for the patron catchment based on established patterns of movement by residents and visitors. Supporting evidence (such as attendance records) provided of patronage and anticipated patronage.
Social profile:	Detailed profile of the residential population in the catchment area (5km radius of venue). Include the Social and Economic Index for Areas (SEIFA) scope for the area, population profile and projected growth, level of housing affordability and housing stress, income levels, employment and unemployment rates, educational retention and attainment levels, social security recipients (if available), levels of demand for financial aid/social support services (if available). Appropriate comparative measures to be

	provided to assess the relative vulnerabilities and strengths of the local community.
Vulnerability and Supports:	Description of currently available support services including specific problem gambling support services, financial counselling, social and financial support services, general psychological support services and their location in relation to the anticipated patron catchment area. Level of current demand for gambling help services, financial counselling, material and financial aid (if available).
Community and Stakeholders:	Evidence of the community's attitude toward the application for increased EGMs in the municipality broadly and the local area more specifically. The Applicant needs to provide evidence of this attitude by conducting a technically sound and robust attitudinal survey of patrons of the premises and more broadly. Where the application concerns a club licence (as opposed to a hotel licence) evidence that the application has the support of most the club's members. This would ordinarily require a copy of a club resolution following full details of the application being conveyed to the club members and debated.
Community Benefit:	The Gambling Regulation Act 2003 determined that all venue operators who receive gaming revenue in a financial year must lodge a Community Benefit Statement (CBS) with the VCGR showing the application of gaming revenue to 'community purposes'. As part of the application process the Applicant must enclose a copy of the last 3 years CBS. In addition, details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community must be provided.
Alternate Entertainment:	Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities within the local area and, if it is being contended that those facilities are not satisfying the current or future needs of the community, provide evidence of the contended needs.
Expenditure:	<p>Details of existing gambling expenditure at the venue (over a 3-year period prior to the application) and a forecast of anticipated expenditure at the venue if the proposal was to be approved.</p> <p>If the Applicant contends that gambling expenditure is likely to be transferred from other venues (including venues in other municipalities), the Applicant is to provide:</p> <ul style="list-style-type: none"> • How the level of transfer has been calculated (including, but not limited to a comparison per machine expenditure at the venue prior to and after the additional machines, current usage levels of machines at the venue and projected usage level of machines at the venue after the additional machines). • The amount of transfer expenditure anticipated. • The resulting impact on revenue of the venue from where the expenditure is being transferred. • The resulting social and economic impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, and impact on ability to provide services). • The resulting social and economic impact on the local area within which those venues are located.

- Details of the relative social and economic differences between the two venue catchments (be measure by SEIFA indices, ABS data and other relevant data). An explanation as to why the EGMs are being transferred is to be provided.

This would ordinarily require a statement from the operators of other venues.

Harm prevention: Details of the design and layout of the premises (including gambling area) including all proposed and existing signage and evidence of compliance with any relevant gambling regulations concerning the premises' layout, design and operation. Details of any current or proposed measures by the applicant to minimise harms due to problem gambling that are additional to regulatory requirements.

Council will critically evaluate any 'planning approval' or 'gaming approval' applications for EGM venues in Wellington Shire in accordance with this Policy.

ADVOCACY AND COLLABORATION

Wellington Shire Council will support activities of Gamblers Help and other agencies to prevent and reduce gaming related problems.

Wellington Shire Council will work in partnership with the community, businesses and local organisations to research options available to reduce the ratio of EGMs per 1000 adults in Wellington Shire to be similar or lower than the state average.

Wellington Shire Council will advocate for changes to the Community Benefit Statement requirements that all club venues contribute to Wellington Shire Council Community Assistance Grant Scheme.

Wellington Shire Council will advocate to the State government *for a reduction in Municipal Cap (currently 318 EGMs)*.

Council will participate with other Councils in state wide and regional forums to exchange information and resources, advocate for gambling reform and collaborate to achieve regional reductions in gaming machines.

HUMAN RIGHTS

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

COUNCIL PROVISION OF RECREATION/COMMUNITY FACILITIES POLICY

Policy Number:	5.1.3
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Communities, Facilities and Emergencies Built Environment Leisure Services
Responsible Officer:	Manager Leisure Services Manager Communities, Facilities and Emergencies
Related Policies:	Committees Policy
Related Documents:	Risk and Maintenance Subsidy Payment Procedure Committees of Management Facilities Maintenance Procedure Seasonal and Casual Hire Agreements Procedure Alcohol and Council Owned Properties Know Your Obligations Land Use Agreements Procedure Community Managed Facilities Strategy 2020-25
Statutory Reference:	<i>Crown Land (Reserves) Act 1978</i> <i>Disability Discrimination Act 1992</i>

OVERVIEW

Wellington Shire Council recognises that facilities enable social inclusion, leisure and recreation opportunities and that the delivery of these services impacts on the quality of life enjoyed by residents and visitors to the region.

For this reason, Council may support recreation/cultural/community facilities where:

- Council owns or controls the land;
- Council owns or controls other assets on the land;
- In cases where it has specific legal agreements;
- Facilities are under control of Committee of Management appointed pursuant to the provisions of the *Crown Land (Reserves) Act 1978*; or
- It can be demonstrated that there is significant community use and value from a site that is owned by the community or privately.

THE POLICY

For the purposes of this policy, recreation and community facilities will include, but not be limited to, the following:

- public halls;
- galleries;
- recreation reserves;
- childcare centres

- kindergartens
- senior citizens centres
- libraries;
- museums
- neighbourhood/community houses
- playgrounds;
- stadiums;
- boating facilities;
- aquatic centres;
- other sporting and cultural facilities.

These facilities may be operated in the following ways:

- Council staffed (Council staff are fully responsible for management, operations and maintenance of the site and are located on site).
- Direct managed (Council staff are responsible for grounds and facility maintenance and taking booking but are not located on site).
- Committee managed (a volunteer committee of management operates the site and is responsible for management and maintenance). This committee may be appointed via the *Crown Land (Reserves) Act 1978* or they may be an independent association.

In all instances, facilities are expected to be offered to the community in a fair, accessible and safe manner.

Council provision for the support to recreation and cultural facilities is based on a four-tiered (or similar) hierarchy:

- Level 1 - regional, state significance facilities;
- Level 2 - district significance facilities;
- Level 3 - local significance facilities;
- Level 4 – local facilities;
- Level 5 – local passive facilities.

This policy is guided by the Wellington Shire Council Community Managed Facilities Strategy 2020-2025.

Facility usage

In determining uses for the facility, Council strongly encourages the Committee of Management and users/hirers of a facility to refer to the Healthy Wellington Plan 2021-2025, Link: [Strategies and Plans \(wellington.vic.gov.au\)](https://www.wellington.vic.gov.au)

Responsible Serving of Alcohol (liquor licensing requirements)

It is the responsibility of all users/hirers of a facility that they obtain the most appropriate liquor license from the Victorian Commission for Gambling and Liquor Regulation for the purpose for which alcohol is to be consumed and / or sold, whether that be directly, or indirectly.

The liquor license is to be provided by the hirer to the Committee of Management or relevant Council officer prior to any acceptance of booking.

Governance

Council will provide training and support to committees of management, clubs, and organisations managing such facilities to assist with the maintenance, management and programming of these facilities to ensure use is maximised for the community.

Risk & Maintenance subsidy

Council may provide an annual financial risk and maintenance subsidy to the management committee, club or organisation which must be used to go towards the costs of maintaining the facility and ensuring that risks are appropriately managed. Subsidies may be provided to recreation reserves, public halls, and indoor sports centres located on Council owned or managed land or crown land.

Direct management

In some instances, Council directly manages a recreational or cultural facility. In these cases:

- Council is either the land owner or the appointed land manager.
- Council is directly responsible for the maintenance and upkeep of community facilities to support the delivery of core services.
- Council promotes equitable use amongst groups/community through effective ongoing engagement of the key users.
- Council managed facilities can include leisure facilities, public space, galleries and libraries.
- Discounted hire fees apply for community groups

Accessibility

Council aims to ensure that everybody in the community has the same opportunities to access and use facilities. Where Council directly manages facilities, it will include improving accessibility of these facilities as a priority in planning and long term budgeting and will monitor progress through its audit program. Council will also support committee managed facilities to plan for improvements to accessibility of their facilities and will promote best practice for accessible buildings and facilities.

HUMAN RIGHTS

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

COMMITTEES POLICY

Policy Number:	5.1.4
Approved by	Council
Date Approved:	December 2021
Date of Next Review:	May 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	Manager Communities, Facilities and Emergencies
Related Policies:	Council Provision of Recreation/Community Facilities
Related Documents:	Community Managed Facilities Strategy 2020-25 New Agreement Development Procedure Agreement Renewal Procedure Section 86: Special Committees of Council Procedure
Statutory Reference:	<i>Associations Incorporation Reform Act 2012</i> <i>Crown Land (Reserves) Act 1978</i> <i>Local Government Act 2020</i> Local Laws

OVERVIEW

This policy establishes a framework for the guidance of Council in relation to:

- The appointment, roles and responsibilities of committees,
- The circumstances and purposes associated with the establishment and operation of committees.
- The enabling mechanism/s (legal basis), which are necessary and appropriate for the establishment and operation of committees in various circumstances.

THE POLICY

This policy recognises the important role that committees play in providing advice and/or services to Council; and establishes:

- The various forms of committee/s supported by Council.
- The guiding principles for the appointment of Committees.
- The relationship between Council and the different forms of Committees.

Definitions

Committee – can be:

- (a) An internal, informally established task force or general working group, made up of Council officers;
- (b) An external, unincorporated task force or general working group, containing representation from Council;
- (c) A “Friends of” volunteer group or tenant group; providing advice or a service to council;
- (d) A formal advisory committee or Community Asset Committee established by Council under the provisions of Section 65 of the *Local Government Act 2020*;
- (e) An independent body incorporated under the *Associations Incorporation Reform Act 2012*;

or

- (f) A committee appointed by the Crown under the *Crown Land (Reserves) Act 1978*.

Committee of Management – a volunteer committee that has been established with the primary role of managing a community facility for use by the public, representing equally the interests of the public and all regular user groups of the facility.

Community Facility – a physical property accommodating community infrastructure, such as public halls; Neighbourhood Houses, Childcares, Senior Citizen Centers or recreation facilities, which have broad or multi-purpose community use and are used for cultural, community or recreational purposes.

Council-owned property – real property to which the Council has title whether;

- (a) In fee simple estate;
- (b) By possession;
- (c) A restrictive Crown grant;
- (d) A restrictive, in fee simple Crown grant; or
- (e) An in fee simple Crown grant.

Council-controlled property – real property in which the Council has a major and controlling interest whether through:

- (a) A lease or licence;
- (b) As committee of management under the *Crown Land (Reserves) Act 1978*;
- (c) Some other grant, demise, gift, benefit or bequest; or
- (d) Specific legislation or law enacted by the Parliament.

Level 1, 2, 3, 4 or 5 Recreation and Cultural Facilities – A five-tiered hierarchy defined and established by Council to categorise the significance of individual community facilities and the appropriate levels of Council support.

Management – the maintenance, hire, control, operation, occupancy, use, conservation, promotion and/or development of property.

Guiding Principles

Council recognises the value volunteer committees offer to both the Shire and the community. The appointment of community-based committees allows and encourages:

- Networking and resource sharing between people working towards a common goal;
- A strengthened sense of community within the Shire;
- Channels of communication;
- Delegation of function, duties and powers to the community, providing direct community involvement, accountability and ownership for projects and properties.

The Wellington Shire Council Community Managed Facilities Strategy 2020-25 expands on these principles.

Establishment of a Committee

Committees are established or supported by Council on the following basis:

- *“Friends of” Group*: to operate as an informal/ unincorporated volunteer community group,

providing a valuable link between Council and the community for Council-controlled properties.

- *Tenants/ Advisory Group*: to operate as an unincorporated representative tenants/ advisory group, providing a valuable link between Council and tenants/ hirers who occupy Council-controlled properties.
- *External Working/ Advisory Group*: to provide a combination of Council and community input into matters which affect the community of the Wellington Shire.
- *Internal Working/ Advisory Group*: to provide a network between Council officers and ensure input from differing departments is received into matters effecting Council and/or council officers.
- *Section 65 Community Asset Committee*: to effectively operate as a branch of the Council as defined within the Instrument of Delegation.

To appoint a Community Asset Committee, the Council is bound by the provisions of Section 65 of the *Local Government Act 2020*. A Community Asset Committee, in effect operates as the Council so far as its delegated authority is concerned. The appointment of Community Asset Committees under Section 65 of the *Local Government Act 2020* will be limited to the following circumstances.

- a) Action Role – for specific projects (e.g. development of a facility, establishment of a regional festival/event).
 - b) Management Role – for the management of:
 - i) Council-controlled Crown-owned Level 2, 3 and 4 recreation, cultural and community facilities, which are used for multipurpose cultural, community or recreational purposes catering to active pursuits and organised cultural and sporting activities.
 - ii) Level 1 Council-owned community facilities where Council resolves exceptional circumstances so require.
- *Incorporated Committee*: to manage a facility and operate as its own independent body, within the provisions of a documented form of facility management agreement with Council. A Committee must be incorporated prior to any tenancy or management arrangement being implemented (i.e. lease, licence, service or funding agreement). Where there is an existing community committee, which is not incorporated, managing a Council owned or controlled community facility, Council may provide administrative assistance where required, in the preparation and lodgment of necessary documentation (e.g. Constitution, Statement of Purpose etc.). to ensure incorporation is attained under the *Associations Incorporation Reform Act 2012*.

Membership to an incorporated Committee is detailed within Committee's individual Rules, as approved by Consumer Affairs Victoria.

Committees of Management – Managing Community Facilities and Property

The Wellington Shire Community Managed Facilities Strategy 2020-25 aims to ensure that community facilities within the municipality continue to meet the expectations and needs of all current and future residents, both in terms of infrastructure requirements and service provision.

Council acknowledges the significant role that volunteer committees of management play in the provision of a range of services and facilities to the community and supports their continuation as largely autonomous, self-reliant bodies.

Council recognises three primary forms of community Committees of Management, based on property ownership, whose primary role is to manage, maintain and operate public facilities for use by the community.

- Committees of Management responsible for Council owned or controlled community facilities;
- Committees of Management responsible for Crown owned community facilities (Crown committees);
- Committees of Management or Trusts responsible for community facilities located on other property not owned by the Crown or Council.

a) Committees of Management (Council Owned or Controlled Community Facilities)

- i) The Council acknowledges and accepts it has, in equity, responsibility for Council owned and controlled property.
- ii) The Council's goal for its property is to deliver responsible resource management, supported by effective financial business strategies.
- iii) For management of any Council owned or controlled property, the Council may:
 - retain and have direct control and administration; or
 - under S65 of the *Local Government Act 2020* appoint community asset committees and delegate management responsibility; or
 - enter into a lease or licence agreement under the *Local Government Act 2020* or the provisions of the *Crown Land (Reserves) Act 1978* with any incorporated body.
- iv) The Council will determine at its absolute discretion whether it appoints a committee, enters into a lease, licence or a licence and service agreement or retains its own control for the management of property.

All committees, clubs or organisations which occupy or manage a Council owned facility, must have a current documented agreement in place with Council which formalises the arrangement and specifies the tenure and obligations of all parties. All agreements are to be based on Council's generic agreements, to ensure where possible, uniformity and equitability for all concerned, but which may vary slightly to contain conditions, specific to an individual property.

b) Committees of Management (NON-Council Owned or Controlled Community Facilities)

Council does not have the authorisation to implement a lease or licence over properties not controlled by Council. Council is not responsible for the management, operation or maintenance of any community facilities that are not Council owned or controlled (e.g. Crown, Trust or Committee owned hall). Council does however recognise the role these community facilities play within our society and is able to offer support to these Committees through the implementation of a generic Service or Funding Agreement.

Representative or Advisory Committees

Council recognises the vital community link that representative or advisory Committees offer to Council. As these forms of Committees do not have any associated facility management or operational responsibilities, these Committees do not receive recurrent financial support from Council. Representative or Advisory Committees are established as required, and can take the form of:

a) "Friends of" Groups.

The establishment of "Friends of" Groups are encouraged by Council. They have no management or tenancy rights over the property of interest, however the Group is encouraged to have an input into Council plans, works or projects relating to the property. It is essential that all work or projects undertaken by "Friends of" Groups are fully coordinated by the Council.

Council will provide Volunteer Insurance cover for all registered members of 'Friends of' Groups,

whilst engaged in approved projects or activities. Council does not, however, provide any direct financial or administrative support to “Friends of” Groups.,

b) Tenant Groups

The establishment of Tenant Groups promotes a consolidated voice and representation for official lease or licence holders or hirers of multi-use community or commercial facilities that are direct managed by Council.

Tenant Groups are generally established as an unincorporated advisory body, who will operate within the provisions of a documented Terms of Reference, as approved by Council. As a committee, Tenant Groups do not have a management right for their property, however they are able and encouraged to provide a representative view on matters of interest or concern, to Council.

Council does not provide any direct financial or administrative support to Tenant Groups.

c) External Working Advisory Groups

External Working Advisory Groups provide a combination of Council, organisation and community input into matters, which affect the community of the Wellington Shire.

Council can delegate Councilors or Officers to represent Council at any external Working Advisory Group that is considered appropriate.

HUMAN RIGHTS

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

COMMUNITY ASSISTANCE GRANTS PROGRAM POLICY

Policy Number:	5.1.5
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	May 2022
Applicable to Unit(s):	Communities, Facilities & Emergencies
Responsible Officer:	Manager Communities, Facilities & Emergencies
Related Policies:	Nil
Related Documents:	Community Assistance Grants Scheme Funding Guidelines and Assessment Criteria Quick Response Grants Scheme Funding Guidelines and Assessment Criteria
Statutory Reference:	Nil

OVERVIEW

To establish policy for the management of the Community Assistance Grants Scheme inclusive of the Quick Response Grant Scheme and Australia Day Grant.

THE POLICY

The aim of Council's Assistance Grants Scheme and Quick Response Grant Scheme is to encourage the development of community initiatives in line with our Council's Wellington 2031 Vision, Council Plan 2021-25 and Healthy Wellington 2021-25.

It aims to build community capacity by encouraging participation, promoting inclusion, growing partnerships, providing learning opportunities and supporting social connectedness by utilising and activating our open spaces, community, and cultural facilities.

Key concepts within the Wellington 2031 Vision that underpin the Community Assistance Grants Scheme are available in the Council Plan 2021-25 under Strategic Direction 3 Livability and Wellbeing.

The following strategic objectives and related strategies are noted in theme 1:

Council Plan Outcome: 3.1 *"An inclusive, diverse, and resilient community."*

Council Plan Initiative: 3.1.2 *"Facilitate activities and events that celebrate and promote inclusion and engagement of our culturally and socially diverse communities."*

Council Plan Outcome 3.3 *"Opportunities for everyone to work, learn, create, play, and share."*

Council Plan Initiative: 3.3.1 *"To assist in recovery from COVID-19, facilitate support for and capacity building of community volunteers in Committees of Management and other community groups that deliver community outcomes."*

Council Plan Initiative: 3.3.7 *"Establish partnerships that improve and grow access to cultural experiences and provide learning opportunities and social connectedness by utilising and activating our open space, community, and cultural facilities."*

An annual budgeted amount of funding as determined by Council is available to be applied for by not for profit groups for projects, events and facilities. Applications are received twice yearly under the Community Assistance Grants Scheme and all throughout the year under the Quick Response Grants Scheme and annually under the Australia Day Grants. Assessment panels review funding applications based on;

✓ The applicant' planning and capacity

Has the applicant:

- Provided clear details about the event/project?
- Is the project achievable?
- Demonstrated the ability to deliver the project?
- Provided promotion and marketing information and schedule?
- Provided evaluation details; schedule and information?
- Considered Access and Inclusion issues and considered the needs of all the community and user groups?
- Attached relevant support material?

✓ Community need and benefit outcomes

Has the applicant:

- Provided information relating to the community need for the event/project?
- Provided information relating to the community benefit for the event/project?
- Attached relevant support material?

There are times when Council may choose to vary the types of grants offered to support the response to a significant incident or event impacting on the community.

HUMAN RIGHTS

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

Any program guidelines and assessment criteria developed for the purpose of implementing this policy shall incorporate reference to and consideration of Council's Human Rights Policy and Human Rights Charter Checklist.

COMMUNITY ENGAGEMENT POLICY

Policy Number:	5.1.6
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	March 2022
Applicable to Unit(s):	Whole Organisation
Responsible Officer:	General Manager Community and Culture
Related Policies:	Nil
Related Documents:	Wellington Shire Council Community Engagement Strategy 2021
Statutory Reference:	<i>Local Government Act 2020</i>

OVERVIEW

The purpose of this policy is to establish the expectations on Wellington Shire Council staff in conducting effective community engagement during council planning, decision making and management of projects.

THE POLICY

Staff at Wellington Shire Council will conduct genuine and effective engagement that involves those who will be impacted by decisions and projects at the right level for the issue being engaged on.

Individual Responsibilities

It is the responsibility of all staff to follow appropriate processes for effective community engagement.

Responsibilities for Managers and Supervisors

It is the responsibility of Managers and Supervisors to ensure staff follow the appropriate processes and store community engagement plans for audit.

The Community Engagement Process

The Wellington Shire Council approach to engagement is set out in the Community Engagement Strategy 2021 and associated processes.

The Community Engagement Strategy 2021 provides:

- meaning to the term community engagement
- meaning to the term deliberative engagement;
- the context in which community engagement is undertaken;
- core values in community engagement; and
- an explanation of why community engagement is an effective way of doing business leading to better outcomes for the organisation and the community.

Wellington Shire Council will update templates and resources to assist staff with delivering

community engagement plans that align with this policy and with the Community Engagement Strategy 2021. These resources will support an effective and consistent approach to community engagement across the organisation.

HUMAN RIGHTS

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

5.2 ARTS AND CULTURE ART GALLERY COLLECTION POLICY

Policy Number:	5.2.1
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Arts and Culture
Responsible Officer:	Art Gallery Director
Related Policies:	Nil
Related Documents:	Art Gallery Collection Procedures Arts and Culture Strategy 2017 - 21
Statutory Reference:	Nil

OVERVIEW

To establish a policy for the management and growth of the Gippsland Art Gallery permanent collection.

THE POLICY

The Art Gallery Collection Policy has been developed to provide guidelines for the management and acquisition of artworks for the Gippsland Art Gallery permanent collection.

The overarching objective in establishing, maintaining and building a collection of artworks is to enrich the community by promoting pride in its artistic and cultural heritage, past and present, and this objective should broadly inform all future acquisitions.

When selecting artworks for its permanent collection the Gallery should seek to acquire:

- Artworks that demonstrate artistic excellence in concept and/or execution.
- Artworks that enrich the broader understanding and appreciation of art, and the culture and history of Gippsland.
- Artworks that engage the themes of landscape and the natural environment.
- Artworks that promote a greater appreciation and understanding of First Nations art and culture, specifically of the Gunaikurnai Peoples of Gippsland, the Traditional Owners of the land on which the Gallery now stands.
- Destination artworks that contribute to the Gallery's effectiveness and vitality as a cultural tourism attraction.
- Artworks that promote and engage visitor curiosity from a young age to encourage lifelong learning through engagement with the visual arts.
- Artworks by artists who live in or are associated with Gippsland (and specifically with Wellington Shire), or that were created in or are about Gippsland.
- Artworks that increase the depth, breadth, and cohesion of the existing collection.

The acquisition of artworks should be carried out ethically and in accord with the core values of Wellington Shire Council and the Gippsland Art Gallery, and at all times should uphold the universal charters of human rights and child safety. De-accessioning of artworks may be undertaken provided measures are taken to avoid conflicts of interest and profiteering. The

permanent collection should seek to unify rather than divide the community of Wellington Shire, and demonstrate artistic, social or historical value as a means to promoting the virtues of inspired learning and cultural tolerance.

Items held or displayed outside of Gallery facilities will be subject to risk assessment (to the item and persons), preventative conservation assessment and a cycle of monitoring and reporting.

All public artworks in the Collection, located both on public and private land, will be subject to an annual inspection and approval by the Gallery Director as to the on-going siting of each artwork. This will also apply where items have been realised in partnership with other organisations. The Art Gallery Collection Policy should follow the Australian Best Practice Guide to Collecting Cultural Material from the Australian Government Ministry for the Arts. The Guide states that in acquiring or borrowing cultural material, Australian public collecting institutions should:

- I. Be committed to the principle that acquisitions whether by purchase, gift, bequest or exchange, and loans be made according to the highest standards of due diligence, including ethical and professional practice, and in accordance with applicable law.
- II. Not seek to acquire or knowingly borrow Aboriginal or Torres Strait Islander secret/sacred or culturally restricted material but acknowledge legal and ethical responsibility to accept or hold such material on occasion.
- III. Not acquire or knowingly borrow cultural material unless satisfied that it has not been acquired in, or exported from, the country of origin (and intermediate countries) in violation of that country's laws.
- IV. Not acquire or knowingly borrow cultural material where there are suspicions it was obtained through unauthorised or unscientific excavation of archaeological sites, the destruction or defacing of ancient monuments, historic places or buildings, or the theft from individuals, museums or other repositories.
- V. Not acquire or knowingly borrow biological or geological material that has been collected, sold or otherwise transferred in contravention of applicable national or international laws, regulations or treaties.
- VI. Be committed to review new information about an object in the institution's collection and undertake further investigations, including reviewing previous decisions about the object.
- VII. Be committed to transparency and accountability in relevant policies and procedures and in making information on acquisitions available to the public.

The above guidelines refer to all works of art in any medium that exists now or may appear in the future until such time as this policy is revised or rewritten.

The term 'artworks', for the purpose of this policy, also includes any item of decorative art, craft or design made using traditional processes or any art which is produced using the processes of contemporary technology. Photography and cinematography, digital video recording or the results of computer usage are valid acquisition categories.

Council has adopted detailed guidelines to give effect to its policy directions and these are contained within the Administrative Procedures Manual. The responsibility to ensure that the guidelines remain current and relevant is vested in the General Manager Community & Culture acting on advice from the Manager Arts & Culture. Any amendment to the guidelines will require approval from the Chief Executive Officer.

NATIONAL AND INTERNATIONAL AGREEMENTS AND LEGAL CONSIDERATIONS

- *Protection of Movable Cultural Heritage Act 1986*
- UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property 1970
- *Environment Protection and Biodiversity Conservation Act 1999*
- Convention on International Trade in Endangered Species of Wild Fauna and Flora 1975 (CITES Convention)
- *Historic Shipwrecks Act 1976*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Protection of Cultural Objects on Loan Act 2013*
- UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects 1995
- UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage
- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 – (The Hague Convention, First Protocol, 1954 and Second Protocol 1999)
- UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage 1972
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression 2005
- UN Declaration on the Rights of Indigenous Peoples 2007

HUMAN RIGHTS

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

ART IN PUBLIC PLACES POLICY

Policy Number:	5.2.2
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Arts and Culture Natural Environment and Parks
Responsible Officer:	Manager Arts and Culture
Related Policies:	Nil
Related Documents:	Art in Public Places Guidelines
Statutory Reference:	Nil

1. OVERVIEW

The Wellington Shire Council Art in Public Places Policy has been developed to assist in the achievement of the objectives of Wellington 2030 and the Arts and Culture Strategy.

2. GOAL

To enhance public places in Wellington Shire through the promotion and encouragement of engaging and appropriate public art.

3. AIMS

- 3.1 To enrich the lives of residents and visitors to Wellington Shire through the presence of high quality works of art and craft in the Shire's public spaces.
- 3.2 To integrate arts into the structure, fabric and daily life of the community.
- 3.3 To foster a sense of place, of community belonging and a sense of identity in residents of Wellington Shire.
- 3.4 To celebrate the cultural diversity of the Shire and wider community by the public display of arts including those that showcase our Indigenous First Nations heritage.
- 3.5 To enliven and enrich the public spaces of the Shire to achieve a rich and lively environment which goes beyond that which good urban planning and design can achieve on its own.
- 3.6 To realise the economic, health and wellbeing potential of the arts and crafts industry in Wellington Shire and to promote cultural tourism.
- 3.7 To encourage innovative linkages between the arts, education, business and tourist sectors.
- 3.8 To enhance the lifespan of the community's cultural heritage through a planned maintenance program and protection from vandalism.

4. UNDERLYING PRINCIPLES

- 4.1 Community engagement
- 4.2 Partnerships

4.3 Identity and sense of place

4.4 Cultural diversity

4.5 A creative and vibrant environment

5. DEFINITIONS

5.1 Public Place

In Wellington Shire this includes but is not necessarily limited to streets and laneways, footpaths and walkways, gardens, building exteriors, and open space.

5.2 Artists

All professional practitioners in the visual, literary and performing arts, including visual artists, designers, craftspeople, writers, poets, performers, composers, musicians, etc.

5.2 Arts

In the context of this policy, this refers to all visual and performing arts (permanent or ephemeral). This includes but is not necessarily limited to visual art, craft, sculpture, design, new media, sound, ephemeral art, performance, projections and collaborative art/urban design projects. The public art can be functional, decorative, iconic, integrated, site specific, interpretive, commemorative or temporary.

6. COUNCIL'S ROLE IN ART IN PUBLIC SPACES

6.1 Council's role in public art is that of:

- A planner for and provider of public art.
- A facilitator of arts development.
- A custodian and a partner in the management of the Shire's arts resources and assets.
- A designer of an environment that sustains a diverse artistic community.
- An advocate for public art.

7. PUBLIC ART PROGRAM

7.1 Public art projects can be initiated by Council, by artists, by organisations, or by the wider community and can be realised through the following processes.

- Acquisitions and long-term loans of public art.
- Commissions of contemporary art, both permanent and temporary.
- Acceptance of selected donations of art.
- Temporary placement of art in public places; exhibitions, art performances and site-based installations.
- Engagement of professional artists in specific projects - as consultants for specialist advice, concept development, planning, or as part of collaborative community-based projects.
- Engagement of arts practitioners from the region where appropriate.
- Artist-in-residence projects.

Council Policy Manual 2022 – Summary of Amendments

POLICY NUMBER	POLICY	UPDATE DETAILS
1.1	<p>Council Expense and Administration <i>The objective of this policy is to define and establish the administrative support, resources and facilities to be provided to Councillors and the entitlements for Councillors to have necessary out-of-pocket expenses incurred while performing their civic, statutory and policy making duties as a Councillor either reimbursed or paid direct by Council.</i></p>	Minor update: formatting only
1.2	<p>Provision of Motor Vehicles for Councillors Policy <i>This policy details Wellington Shire Council's position for the provision of motor vehicles for Councillors during their term of office as a Councillor</i></p>	No amendments made
1.3	<p>Media and Communications Policy <i>To manage the flow of information within the organisation and to the wider Wellington community</i></p>	No amendments made
1.4	<p>Social Media Policy <i>The objective of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by Councillors, Council staff, Council Volunteers and Contractors for the purpose of conducting Council business.</i></p>	Minor update: addition of specific networking sites/examples; two new dot points added to expectations for using social media; four new dot points added to content not permitted; minor formatting
2.1.1	<p>Equal Opportunity Anti-Discrimination and Harassment Policy <i>To ensure that Council effectively maintains an organisation that is committed to the ethos of equal opportunity to the prevention of unlawful discrimination and harassment</i></p>	Minor update: added Human Rights Policy to Related Policies; minor formatting
2.1.2	<p>Occupational Health and Safety Policy <i>The commitment to provide and maintain a healthy and safe work environment, and to protect the health, safety and welfare of staff, labour hire personnel, volunteers, contractors, customers and visitors.</i></p>	Significant update: significant update to ISO audit requirements and criteria throughout; minor formatting

2.1.3	<p>Human Rights Policy <i>Outlines the fundamental human rights of all people, including employees, councillors, contractors, customers and volunteers when making decisions, creating local laws, setting policies and providing services.</i></p>	Minor update: formatting updates only
2.2.1	<p>Bank Guarantees Policy <i>Outlines the management of bank guarantees for loans, whilst limiting Council's exposure to potential loss.</i></p>	No amendments made
2.2.2	<p>Investment Policy <i>The investment of Council's surplus funds.</i></p>	No amendments made at this review; reviewed by Manager Corporate Finance, GM Corporate Services and ARC; approved and adopted at 15 June 2021 Council meeting
2.2.3	<p>Debt Collection and Interest Charging Policy <i>Rates, Charges and Fire Services Property Levy - Provides a legislative framework for the raising and collection of annual rates and charges.</i></p>	Minor update: updated documents i.e. Revenue and Rating Plan 2021-2024; addition of clarification that references to the <i>Local Government Act 1989</i> will continue as a saved provision
2.2.4	<p>Procurement Policy <i>Guidance to allow consistency and control over procurement activities.</i></p>	Significant update: incorporating changes to Council's procurement and tendering processes as a result of changes to the <i>Local Government Act 2020</i> ; also being approved as a standalone Council report at the 21 December 2021 Council meeting
2.2.5	<p>Corporate Credit Card Policy <i>Provide understanding and guidance for staff who use a Corporate Credit Card.</i></p>	Minor update: addition of how awards cards and memberships are purchased; update made to positions reviewing CEO's credit card expenditure; minor formatting
2.2.6	<p>Best Value and Competitive Neutrality Policy <i>Outlines Councils approach to Best Value and Competitive Neutrality as per section 208D of the Local Government Act 1989.</i></p>	Minor update: change to <i>Local Government Act 2020</i> reference

2.3.1	<p>Privacy and Data Protection Policy <i>To assist Council in meeting the legislated requirements of the Privacy and Data Protection Act 2014 and to establish policy for the responsible management of personal information held and collected by Council.</i></p>	<p>Significant update: revised policy purpose and provided greater clarity and detail in the application of the <i>Privacy and Data Protection Act 2014</i>; definitions have been updated to provide greater detail; responsibilities have been clarified further to aid in easier understanding; new sections have been added to incorporate changes to FOI</p>
2.3.2	<p>Freedom of Information Policy <i>To ensure compliance with Council's obligations under the Freedom of Information Act 1982 and promote a consistent approach to the handling of applications under the Act.</i></p>	<p>Moderate update: various updates made relating to FOI; complaints section has been fully updated</p>
2.3.3	<p>Records Management Policy <i>Outlines accountabilities and responsibilities for the creation, capture, protection, control, management and disposal of Council's records in accordance with legislative requirement including consequences for non-compliance and or breaches.</i></p>	<p>Moderate update: paragraph included defining the purpose of the policy, paragraph included outlining responsibilities for Vic Govt agencies as detailed by the Public Record Office Victoria under the <i>Public Records Act 1973</i>; extra detail added to clarify processes around staff departure; two new policy statements have been added; two new detailed sections have been added - Storage and Security</p>
2.3.4	<p>Records Disposal Policy <i>Outlines Council's disposal management program</i></p>	<p>Minor update: formatting and clarification around the process for record disposal</p>
2.4.1	<p>Risk Management Policy <i>For the management of organisational risk.</i></p>	<p>Minor update: minor formatting</p>
2.4.10	<p>Election Period Policy <i>Outlines the conduct of Council during the Caretaker Period for Municipal General Elections.</i></p>	<p>No amendments made; only required for review 12 months prior to a local government election (incorporated into the Governance Rules)</p>

2.4.2	<p>Fraud Control Policy <i>To facilitate the development of controls which will aid in the prevention and detection of fraud against Council.</i></p>	<p>Moderate update: addition of Employee and Councillor Code of Conduct to Related Documents list; extra detail and clarity added to the Overview; cyber fraud added to external fraud examples as recommended by ARC; new element (Reporting) added to the Fraud Control Framework and Planning table; removal of elements in graphic format; Councillor category added to Appendix A</p>
2.4.3	<p>Public Interest Disclosures Policy <i>Provide guidance, encourage and facilitate the making of disclosures of improper conduct by Council, staff, employees and Councillors.</i></p>	<p>Minor update: formatting only</p>
2.4.4	<p>Declarable Associations Policy <i>A Declarable Association means any current association with a group or individual that is incompatible with the role of Council or the ability to uphold the function of council.</i></p>	<p>Minor update: declaration form has been added as an appendix and reference to the form has been enhanced with location of form on Governance intranet</p>
2.4.5	<p>Mandatory Notifications Policy <i>Provide guidance and awareness for staff and workplace protection against suspected or actual corrupt behaviour.</i></p>	<p>Minor update: updated legislative reference to <i>Local Government Act 2020</i>; minor formatting updates throughout.</p>
2.4.6	<p>Conflict of Interest Policy <i>To provide information and guidance to Councillors and staff in the identification, disclosure and management of actual, perceived or potential conflicts of interest.</i></p>	<p>Minor update: added clarity to "Responsibilities of Councillors/Committee Members" dot point two to require a brief and general summary rather than an example</p>
2.4.7	<p>Delegations Policy <i>To provide guidance for effective governance and management of Council delegations</i></p>	<p>Minor update: transition to <i>Local Government Act 2020</i>; all section references updated; inclusion of reference to Conflict of Interest Policy</p>
2.4.8	<p>Acceptance and Declaration of Gifts, Benefits and Hospitality Policy <i>Provide guidance to staff and Councillors relating to the acceptance of gifts and hospitality.</i></p>	<p>Minor update: some formatting updates only</p>

2.4.9	<p>Public Transparency Policy <i>This policy has been developed to ensure Wellington Shire Council gives effect to the Public Transparency Principles in the Local Government Act 2020. This policy describes what, and how, Council information is publicly and freely available to the community.</i></p>	No amendments made
3.1.1	<p>Heritage Policy <i>Manage heritage identification and protection.</i></p>	No amendments made
3.1.2	<p>Assessment of Development in Relation to Potential Sea Level Rise Policy <i>Establish appropriate sea level rise allowances to be applied in future planning permit decision making.</i></p>	Minor update: removed specific clause detail relating to the State Planning Policy Framework
3.2.1	<p>Car Parking - Off Street Car Parks Policy <i>For the management of vehicle parking in off street car parks and the enforcement of parking restrictions in privately owned car parks</i></p>	Minor update: change to <i>Local Government Act 2020</i> reference
3.2.2	<p>Street Raffles Policy <i>For the management of street raffles.</i></p>	Minor update: change to Community Local Law 2021 reference and clarity provided under 'Raffles'
3.2.3	<p>Building Policy <i>To ensure the protection of Council's existing and future assets situated within easements.</i></p>	No amendments made
3.2.4	<p>Infringement Review Policy <i>Provides an administrative framework that aims to deliver a clear, prompt and effective process for dealing with penalties for violations of State and Local Laws.</i></p>	Minor update: Act references only
3.2.5	<p>Swimming Pool and or Spa Safety Barrier Policy <i>To provide clarity and consistency around the provision of safety barriers around swimming pools and / or spas</i></p>	Minor update: change to Act references only

3.2.6	Customer Service Policy <i>Provide a framework for the continued development of a strong customer service ethos with Council.</i>	Minor update: updated Council Plan reference, change from Customer Service Charter to Customer Service Commitment
3.2.7	Complaints Handling Policy <i>To ensure that any concerns are treated seriously and are addressed promptly, fairly and equitably using the Complaint Handling Framework.</i>	New policy; being adopted by Council at 21 December 2021 Council meeting This policy has been created in conjunction with Council's existing Complaint Handling Framework and incorporates recommendations provided by the Victorian Ombudsman, Deborah Glass.
3.3.1	Major Events Policy <i>Outlines the support measures to Major events.</i>	Minor update: addition of COVID and sustainability references to tie in with current events. Also incorporates ARC recommendation to list CAG guidelines and criteria doc in the Related Documents
3.3.2	Roadside Tourism Directional Signs Policy <i>The management of tourism directional signage.</i>	No amendments made
3.3.3	Wood Encouragement Policy <i>Outlines the importance of the forest and wood products industry to Wellington and the broader Gippsland region.</i>	No amendments made
3.3.4	Rental and Leasing of Council Owned Properties Policy <i>Outlines how Council will manage its property asset responsibilities.</i>	Moderated update: legislative references to <i>Local Government Act 2020</i> ; provision of more detailed commentary around legislative requirements including extra section references
3.3.5	Sale, Exchange and Acquisition of Land Policy <i>Outlines how Council deals with land transactions to ensure compliance with legislative provisions and other obligations.</i>	Minor update: updated section references under <i>Local Government Act 2020</i> and detailing specific sections of legislation
4.1.1	Waste Collection Policy <i>To outline the properties to which a garbage service is provided as per the Council declared areas defined by the Waste Collection Maps.</i>	Minor update: updated various Act references although associated content remains correct as is

4.1.10	Climate Change and Sustainability Policy <i>Policy supports the environmental objectives of the Municipal Strategic Statement of the Wellington Planning Scheme.</i>	Significant update per the adopted Council report from the 21 September 2021 Council meeting
4.1.11	Rates Rebate on Land For Conservation Purposes Policy <i>Manage rates rebates for conservation purposes</i>	Significant update per the adopted Council report from the 21 September 2021 Council meeting
4.1.2	Naturestrip Maintenance Policy <i>To establish the amenity maintenance of urban nature strips.</i>	No amendments made
4.1.3	Open Space Policy <i>Management of open space under Council jurisdiction.</i>	Minor update: additional dot points throughout to better reflect the Council Plan and Sustainability Strategy initiatives
4.1.4	Litter Bins Policy <i>Outlines the management of litter bins.</i>	No amendments made
4.1.5	Playgrounds Policy <i>Outlines the management of playgrounds</i>	No amendments made
4.1.6	Public Open Space Contribution - Subdivisions Policy <i>Provides guidelines for the receipt of any land or cash contributions as part of any proposed land development.</i>	No amendments made
4.1.7	Public Toilets Policy <i>Outlines the mechanisms for, the establishment, management and operation of public toilets, including but not limited to proposed new facilities, upgrades of existing facilities, retirements of existing facilities and establish a standard.</i>	Minor update: change of Strategy to Plan under Provision Objectives
4.1.8	Significant Tree Protection Policy <i>To protect significant trees and remnant vegetation located in urban areas from negative impacts of land development (sub-divisions)</i>	Minor update: change to Responsible Officer (Open Space Planning Officer)
4.1.9	Urban Forest Policy <i>Provides a framework of reference in relation to the management of trees in urban areas throughout Council.</i>	Minor update: updated Responsible Officer

4.2.1	<p>Asset Management Policy <i>To give direction for the effective management of Council's Infrastructure Assets.</i></p>	Minor update: formatting and grammar, diagram showing representation of the corporate context of asset management at Council has been removed
4.2.2	<p>Place and Feature Naming Policy <i>To give direction for the naming localities, roads and other features that are owned or maintained by Council, where Council has been asked to become involved in naming a feature.</i></p>	<p>Moderate update: minor formatting; inclusion of more detailed requirements around processes for naming and inclusions/exclusions</p> <p>Approved by Council at 7 December 2021 Council meeting</p>
4.2.3	<p>Subdivision Infrastructure Development Policy <i>To give direction for property owners, developers and contractors in the development of land for residential, commercial, industrial and other purposes.</i></p>	No amendments made
4.2.4	<p>Special Charge Schemes - Roads, Street and Drainage Development Policy <i>To facilitate the development of road, street and drainage infrastructure for the management of special charge scheme.</i></p>	No amendments made
4.2.5	<p>Disposal of Surplus Council Equipment Policy <i>For the management of disposal of surplus Council equipment.</i></p>	Minor update: per recommendation of Audit & Risk Committee, clarification of class of equipment added
4.2.6	<p>Cattle Underpasses Policy <i>To ensure a uniform and acceptable standard of construction of cattle underpasses that allow for the daily management of cattle beneath Council (local) roads including ongoing maintenance of the facility.</i></p>	No amendments made
4.3.1	<p>Fencing Policy <i>The management of fencing costs on boundaries adjoining Council controlled land.</i></p>	Minor update: minor formatting; addition of some clarity in terms used
4.3.2	<p>Roadside Memorials Policy <i>To establish a framework for the installation, construction and placement of roadside fatality memorials on roads for which Council is the Coordinating Authority.</i></p>	Minor update: extra paragraph added under Design & Construction Standard detailing extra criteria

4.3.3	<p>CCTV Policy <i>This policy provides guidance to Council and the public on the installation, use and management of electronic surveillance technology at council managed facilities and places. This policy also ensures Council meets legislative and regulative requirements surrounding all forms of electronic surveillance.</i></p>	No amendments made
5.1.1	<p>Encouragement Awards Year 11 & 12 Policy <i>Guide for the funding of local year 11 & 12 Encouragement Awards</i></p>	Minor update: Responsible Officer title and applicable units updated
5.1.2	<p>Electronic Gaming Machine Policy <i>Outline Councils' position on Electronic Gaming Machines and Framework to assist with applications within the municipality.</i></p>	Minor update: updated division, updated reference to Wellington Municipal Public Health and Wellbeing Plan 2021-25; updated details in the Wellington Shire Gaming Profile
5.1.3	<p>Council Provisions of Recreation / Community Facilities <i>Outlines Councils support to recreation / cultural / community facilities within the Municipality</i></p>	Moderate update: updated division details; new related document added (Risk & Maintenance Subsidy); formatting; new paragraph added in relation how facilities may be operated; updated reference to the Community Managed Facilities Strategy 2020-2025; change Operating Subsidy paragraph title to Risk & Maintenance Subsidy
5.1.4	<p>Committees Policy <i>Establish a framework for the guidance of Council in relation the appointment, roles and responsibilities of committees.</i></p>	Significant update: responsible officer title change; updated references to Community Asset Committees from advisory/special committees as established under section 86 of the <i>Local Government Act 1989</i> (the Act); Act references update; addition of new definitions - community facility, levels of recreation and cultural facilities; updated processes for establishing a committee; other minor amendments
5.1.5	<p>Community Assistance Grants Program Policy <i>For the management of the Community Assistance Grants Scheme inclusive of the Quick Response Grant Scheme</i></p>	Moderate update: application criteria details have been added; responsible officer/applicable unit updated; sections relating to Council Plan and Healthy Wellington updated with new and relevant detail/references; inclusion of Australia Day grants

5.1.6	<p>Community Engagement Policy <i>To establish the expectations of Council for staff in effective community engagement during council planning, decision making and management of projects.</i></p>	<p>No amendments made</p> <p>Approved by Council on 2 March 2021 in conjunction with the updated Community Engagement Strategy as required by the <i>Local Government Act 2020</i></p>
5.2.1	<p>Gippsland Art Gallery Collection Policy <i>To clarify Council's intent in relation to the purchase and management of the works of art acquired for the art gallery collection.</i></p>	<p>Minor update: extra detail added relating to items held/displayed outside of gallery facilities; addition of an inspection and approval protocol</p>
5.2.2	<p>Art in Public Places Policy <i>To assist in the achievement of the objectives of Wellington 2030 and the Arts and Culture Strategy.</i></p>	<p>Minor update: goal has been updated</p>

15. GENERAL MANAGER DEVELOPMENT

15.1. QUARTERLY BUILDING REPORT - JULY TO SEPTEMBER 2021

ACTION OFFICER: MANAGER MUNICIPAL SERVICES

PURPOSE

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 July 2021 to 30 September 2021, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report of building permits issued from 1 July 2021 to 30 September 2021.

BACKGROUND

Building permits are issued by private building surveyors, and copies of permits are provided to Council. The permits, plans and other documents, are filed by Council and recorded on a register of building permits. Building permits are issued for a range of developments, including dwellings, extensions and fences, as well as commercial and industrial buildings.

Attachment "Wellington Permits Issued" to this report provides an overview by township, of the number of permits issued along with the estimated value of construction, for the three-month period ending 30 September 2021.

Attachments "Graph 1 - Number of Building Permits and Graph 2 - Value of Building Works" provides an historical representation of the number and value of permits issued in Wellington Shire and compares this data against the broader Gippsland region.

For the period 1 July 2021 to 30 September 2021 there were 358 permits issued with an estimated value of work at \$50,088,552.

The major projects include:

- **Loch Sport:** Construction of commercial buildings and multi-unit development in Lake St. (supermarket completed in 2020)
- **Sale:** Multi-unit development – CGHS

Stephenson Park Upgrade - Alterations to existing changerooms and construction of new changerooms.

Commercial developments - Warehouse developments in Wellington Park Way, New Truck centre on Princes Highway.

- **Yarram:** Shade structure over Yarram pool
- New land estate areas in Longford, Maffra, Sale and Stratford are continuing to show elevated levels in residential development

In the previous quarter, 1 April 2021 to 30 June 2021, there were 341 permits issued with an estimated value of work at \$55,587,267.

ATTACHMENTS

1. Wellington Permits Issued [**15.1.1** - 3 pages]
2. Graph 1 - Number of Permits [**15.1.2** - 1 page]
3. Graph 2 - Value of Permits [**15.1.3** - 1 page]

OPTIONS

Council has the following options available:

1. Receive this Building Permits report; or
2. Not receive this Building Permits report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report on building permits issued within Wellington Shire from 1 July 2021 to 30 September 2021.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

The quarterly report provides information on the number of building permits, and cost of development per town, within the Wellington Shire. Gippsland-wide building activity is also provided, to demonstrate how the Wellington Shire area performs in comparison.

LEGISLATIVE IMPACT

Building permits are issued in accordance with *Building Act 1993*, Building Regulations 2006 and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All building permits issued by private building surveyors are registered and filed as per the timelines set out in the Municipal Services Business Plan.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.3: *“Wellington Shire is well planned, considering long term growth and sustainability.”*

Strategy 2.3.1: *“Continue to provide strategic planning to encourage long term growth and sustainability in Wellington Shire.”*

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

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

WELLINGTON PERMITS ISSUED
Number of Applications and their Estimated Value Each Month

	July	August	September	Total
AIRLY	0 \$0	1 \$15,392	0 \$0	1.00 \$15,392
ALBERTON	1 \$109,000	1 \$15,945	1 \$17,860	3.00 \$142,805
ALBERTON WEST	1 \$5,000	1 \$24,000	0 \$0	2.00 \$29,000
BINGINWARRI	0 \$0	0 \$0	1 \$59,276	1.00 \$59,276
BOISDALE	4 \$317,148	1 \$300,000	2 \$329,500	7.00 \$946,648
BRIAGOLONG	2 \$63,850	5 \$388,780	0 \$0	7.00 \$452,630
BUNDALAGUAH	3 \$101,765	3 \$79,099	0 \$0	6.00 \$180,864
COBAINS	0 \$0	2 \$20,900	2 \$399,457	3.00 \$420,357
COONGULLA	3 \$395,000	4 \$168,008	1 \$10,195	8.00 \$573,203
COWWARR	1 \$283,190	1 \$42,899	0 \$0	2.00 \$326,089
DARGO	0 \$0	0 \$0	3 \$548,985	3.00 \$548,985
DAWSON	0 \$0	1 \$60,000	0 \$0	1.00 \$60,000
DEVON NORTH	1 \$242,850	0 \$0	3 \$330,012	4.00 \$572,862
EAST SALE	1 \$5,000	0 \$0	0 \$0	1.00 \$5,000
FULHAM	0 \$0	0 \$0	1 \$265,446	1.00 \$265,446
GIFFARD	0 \$0	1 \$226,817	0 \$0	1.00 \$226,817
GIFFARD WEST	1 \$32,150	1 \$63,079	0 \$0	2.00 \$95,229
GLENGARRY	1 \$132,850	0 \$0	0 \$0	1.00 \$132,850

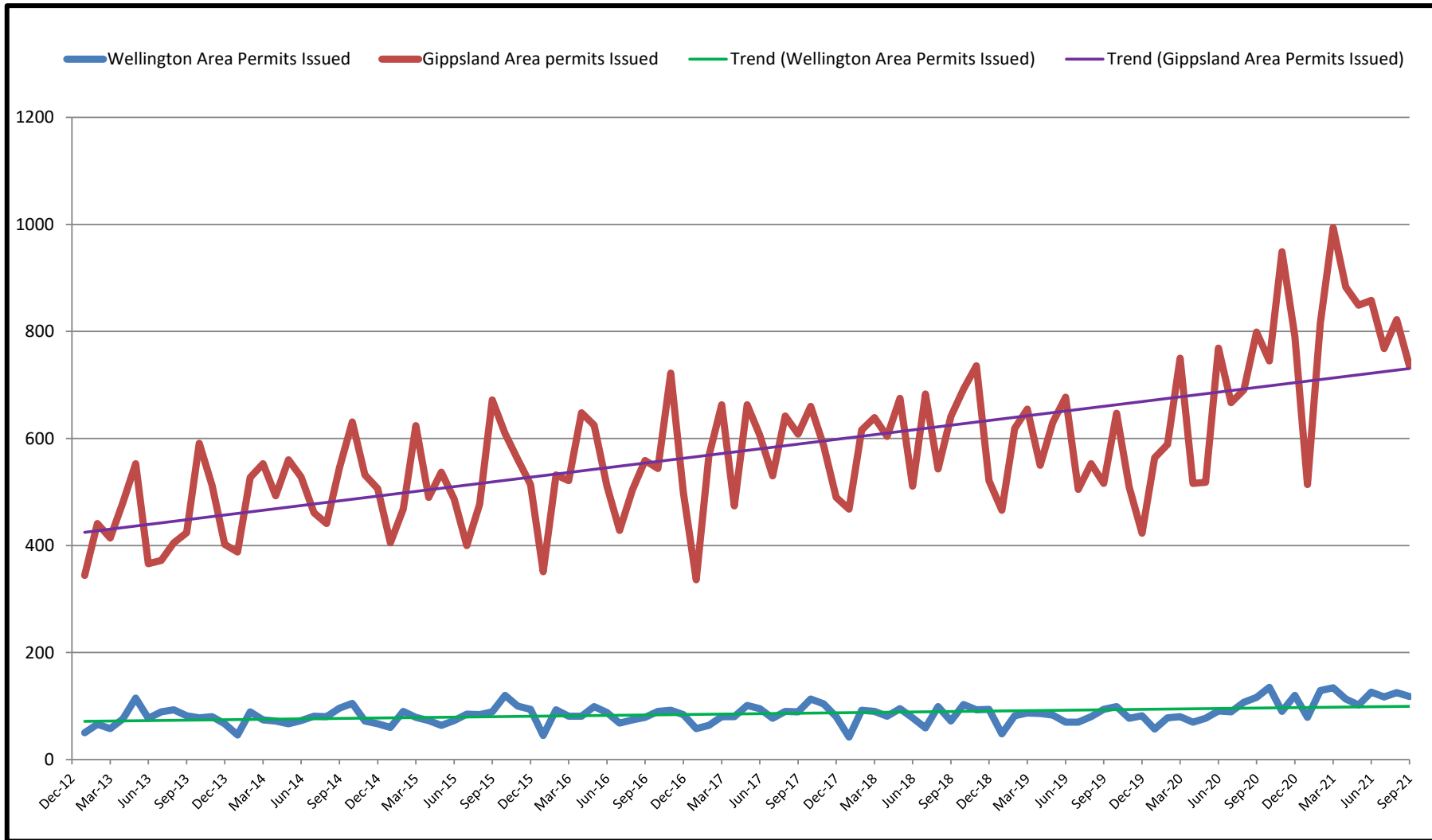
ATTACHMENT 15.1.1

	July	August	September	Total
GLENMAGGIE	0 \$0	3 \$49,845	0 \$0	3.00 \$49,845
GOLDEN BEACH	5 \$692,566	3 \$335,350	2 \$148,919	10.00 \$1,176,835
GORMANDALE	1 \$449,807	0 \$0	0 \$0	1.00 \$449,807
HEYFIELD	5 \$1,186,232	10 \$1,076,696	5 \$478,476	20.00 \$2,741,404
HOLLANDS LANDING	1 \$200,000	0 \$0	0 \$0	1.00 \$200,000
JACK RIVER	2 \$65,050	1 \$262,800	2 \$164,000	5.00 \$491,850
LLOWALONG	0 \$0	0 \$0	1 \$73,150	1.00 \$73,150
LOCH SPORT	6 \$5,375,741	1 \$7,200	6 \$477,140	13.00 \$5,860,081
LONGFORD	7 \$1,059,122	12 \$1,078,140	6 \$403,095	24.00 \$2,540,357
MAFFRA	6 \$969,472	9 \$123,619	7 \$155,223	22.00 \$1,248,314
MAFFRA WEST UPPER	1 \$37,700	0 \$0	0 \$0	1.00 \$37,700
MCLOUGHLINS BEACH	0 \$0	0 \$0	1 \$15,500	1.00 \$15,500
MUNRO	1 \$156,300	0 \$0	1 \$255,835	2.00 \$412,135
MYRTLEBANK	0 \$0	0 \$0	1 \$40,650	1.00 \$40,650
NAMBROK	0 \$0	1 \$28,250	1 \$88,000	2.00 \$116,250
NEWRY	0 \$0	1 \$9,000	2 \$404,943	3.00 \$413,943
PARADISE BEACH	1 \$418,161	1 \$50,500	2 \$316,545	4.00 \$785,206
PORT ALBERT	1 \$241,345	2 \$24,850	1 \$317,205	4.00 \$583,400
ROSEDALE	6 \$443,378	2 \$228,430	6 \$461,065	14.00 \$1,132,873
SALE	38 \$7,884,171	27 \$4,348,227	28 \$4,635,851	93.00 \$16,868,249

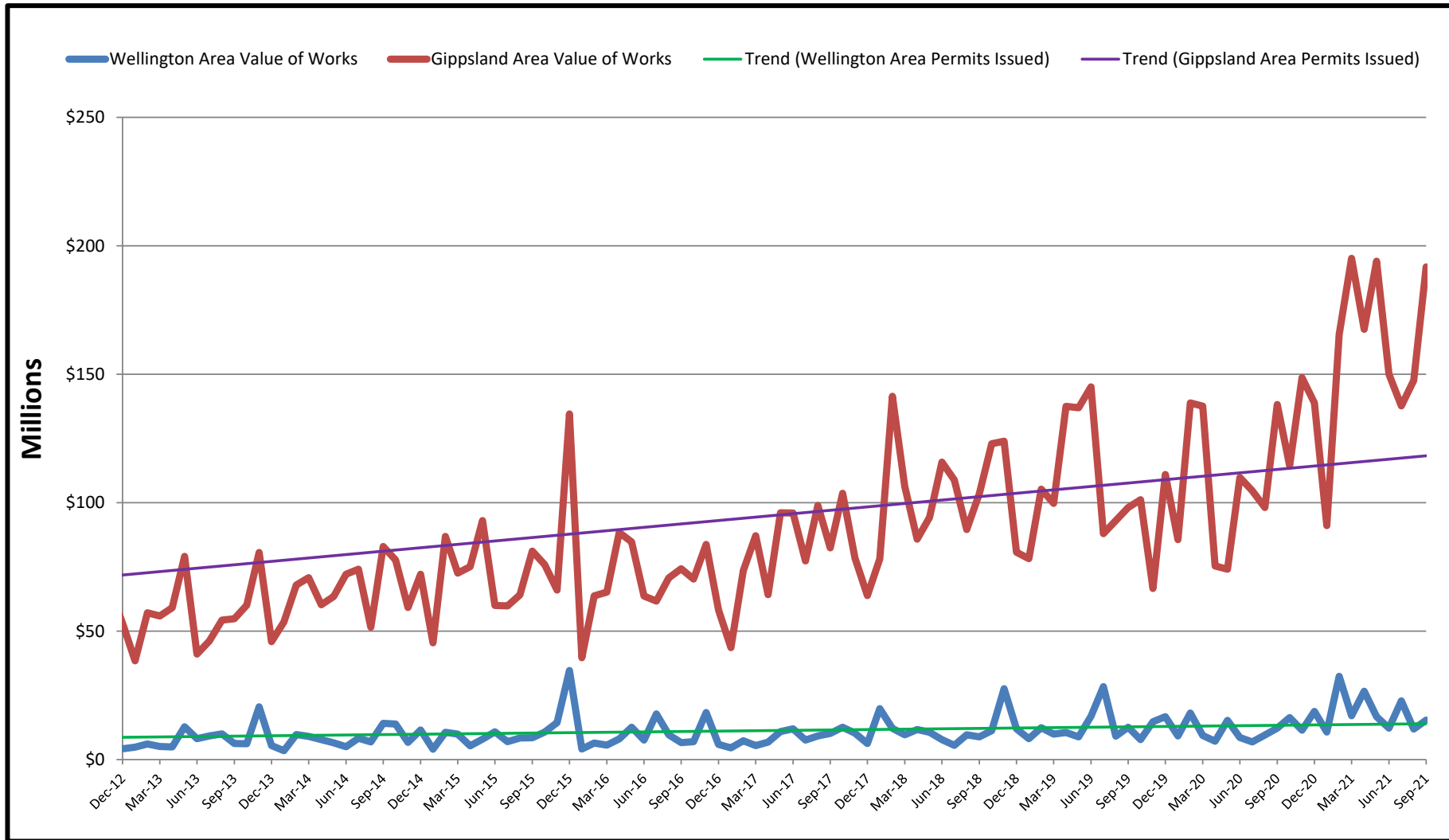
ATTACHMENT 15.1.1

	July	August	September	Total
SEASPRAY	2 \$96,300	2 \$60,661	6 \$1,093,861	10.00 \$1,250,822
SEATON	1 \$5,000	1 \$60,000	1 \$83,760	3.00 \$148,760
STRATFORD	8 \$1,056,865	13 \$1,462,692	12 \$1,603,513	33.00 \$4,123,070
TARRA VALLEY	0 \$0	1 \$51,700	0 \$0	1.00 \$51,700
TARRAVILLE	0 \$0	1 \$22,277	0 \$0	1.00 \$22,277
THE HEART	0 \$0	0 \$0	1 \$11,300	1.00 \$11,300
THE HONEYSUCKLES	0 \$0	1 \$441,280	0 \$0	1.00 \$441,280
TINAMBA	0 \$0	1 \$31,350	1 \$9,000	2.00 \$40,350
TOONGABBIE	1 \$115,200	0 \$0	0 \$0	1.00 \$115,200
VALENCIA CREEK	1 \$8,000	1 \$15,000	0 \$0	2.00 \$23,000
WILLUNG	0 \$0	0 \$0	1 \$20,500	1.00 \$20,500
WON WRON	0 \$0	2 \$52,000	0 \$0	2.00 \$52,000
WOODSIDE	0 \$0	1 \$145,000	0 \$0	1.00 \$145,000
WOODSIDE BEACH	0 \$0	0 \$0	1 \$414,000	1.00 \$414,000
WURRUK	3 \$672,487	3 \$121,300	4 \$830,930	10.00 \$1,624,717
YARRAM	1 \$13,046	3 \$408,675	5 \$891,853	9.00 \$1,313,574
Total	117.00 22,833,746	125.00 11,899,761	118.00 15,355,045	358.00 50,088,552

GRAPH: NUMBER OF BUILDING PERMITS



GRAPH: VALUE OF BUILDING WORKS



15.2. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE - Q4 2021

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the fourth quarter October to December 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive the fourth quarterly update on the strategic land use planning work program (included in Attachment Planning Project and Amendments to this report).

BACKGROUND

The strategic land use planning work program is regularly reviewed by Council's Strategic Land Use Planning Projects Review Group (Review Group), which was appointed by Council at the Special Council meeting of 7 December 2021.

The Review Group considered it beneficial to provide Council and the community with a quarterly update of the strategic land use planning work program, which comprises various prioritised projects and planning scheme amendments as outlined in Attachment Planning Project and Amendments.

ATTACHMENTS

1. Current Strategic Land Use Planning Projects and Amendments [15.2.1 - 5 pages]

OPTIONS

Council has the following options available:

1. Receive the fourth quarterly update on the strategic land use planning work program;
or
2. Not receive the fourth quarterly update on the strategic land use planning work program and seek further information for consideration at a future Council meeting.

PROPOSAL

To receive the fourth quarterly update on the strategic land use planning work program.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

All strategic land use planning matters are considered in accordance with the *Planning and Environment Act 1987* and/or any relevant legislation.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.3: *"Wellington Shire is well planned, considering long term growth and sustainability."*

Strategy 2.3.1: *"Continue to provide strategic planning to encourage long term growth and sustainability in Wellington Shire."*

Strategy 2.3.2: *"Ensure sufficient land supply to provide for a range of lifestyle."*

Strategy 2.3.3: *"Recognise and advocate for best practice land development which considers energy efficiency and sustainability for housing."*

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

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

ATTACHMENT 1

Planning Projects and Amendments

Current Strategic Planning Projects

<p>North Sale Developer Contributions Plan Priority: High Anticipated completion: 21/22</p>
Status
<p>The <i>'North Sale Development Plan'</i> (Development Plan) was formally adopted by Council at its meeting of 17 April 2018 and facilitates the coordinated and integrated growth of 294 hectares of land within the nominated growth area to the north of Sale over the next 15-20 years.</p> <p>The adopted Development Plan is available to view electronically on Council's website and in hard copy at the Shire offices at 18 Desailly Street, Sale.</p> <p>A detailed, 'Infrastructure Funding Arrangement' (IFA) has now been prepared to accompany the Development Plan. The IFA seeks to equitably apportion the costs associated with the key infrastructure required to service new development, across all the developable land within the growth area.</p> <p>Feedback on the recommendations of the IFA is currently being sought from landowners within the growth area, prior to the formal consideration by Council in the New Year.</p>
<p>West Sale and Wurruk Industrial Land Strategy – Technical Report Preparation Priority: High Anticipated completion: 22/23</p>
Status
<p>The <i>'West Sale and Wurruk Industrial Land Supply Strategy (April 2018)'</i>, (the Strategy) was formally adopted by Council at its ordinary meeting of 19 June 2018. A recommended action of the Strategy was the preparation of several detailed technical reports to address issues relating to cultural heritage, vegetation, drainage and traffic matters and required to be addressed prior to the development of 55Ha of industrial land (to the east of the West Sale Airport).</p> <p>With funding from the Victorian Planning Authority via the <i>'Streamlining for Growth'</i> program, consultants Urban Enterprise have been preparing the technical report, which will ultimately support the detailed master planning of the land.</p> <p>A suite of draft technical reports has been completed and reviewed by Council Officers. The recommendations of the draft reports have identified several matters that continue to be investigated and are required to be resolved. Officers are currently working with the relevant (statutory) authorities to address these issues, prior to finalising the reports.</p>
<p>Port of Sale East Bank Redevelopment Study Priority: High Anticipated completion: 22/23</p>
Status

The 'Port of Sale East Bank Redevelopment Study', (the Study) aims to investigate the strategic land use opportunities and associated planning provisions required to guide the redevelopment of land located on the eastern side of the Port of Sale, being land formerly occupied by the Sale High School and Specialist School.

Following a period of community consultation, Ratio planning consultants prepared draft planning scheme provisions to facilitate appropriate uses and development on the site, the details of which are currently being reviewed for future Council consideration.

The Study will also inform and complement work currently being finalised as part of the 'Port of Sale Precinct Masterplan Review'.

Maffra Structure Plan
Priority: High Anticipated completion: 22/23

Status

As a key strategic land use planning project, the Structure Plan will focus on the growth needs of Maffra and establish a direction as to how and where it should develop into the future. The Structure Plan will, amongst other things:

- provide an up-to-date and relevant strategic land use planning framework for Maffra;
- facilitate the coordinated and integrated growth of the township over the next 20 years;
- provide an informed direction for the future supply of land for residential, commercial and industrial uses, and
- review associated drainage and infrastructure issues holistically.

A draft Maffra Structure Plan is currently on public exhibition until 17 January 2022. All feedback received during the exhibition will be considered, and where appropriate, used to inform the final Structure Plan.

It is anticipated that the final Maffra Structure Plan will be presented to Council for formal adoption early in the New Year.

Review of Planning Controls - RAAF Base East Sale
Priority: Low/Medium Anticipated completion: 22/23

Status

Following significant upgrades at RAAF Base East Sale to accommodate expanded officer training and facilitate the use of new aircraft, background work is now underway to review and assess updated noise contour mapping to support the on-going operation of the airfield.

Officers initiated dialogue with the Department of Defence (Defence) in October 2019 to discuss the best approach to the development of updated planning controls. Consultation with Defence will continue to allow for the finalisation of preferred planning controls, which will also need the support of the Department of Environment, Land, Water and Planning.

A future Planning Scheme Amendment will be undertaken to formally incorporate new controls into the Wellington Planning Scheme.

<p>Port of Sale Precinct Masterplan - Review and Revision Priority: High Anticipated completion: Completed</p>
Status
<p>The need to update and formally adopt the Port of Sale (POS) Masterplan was identified as a key project in mid-2020. The subsequent review process built on earlier master planning work, involved detailed consultation with a broad range of stakeholders and provided concepts and options for the management and redevelopment of the Port Precinct.</p> <p>The Port of Sale Precinct Masterplan was formally adopted by Council at its ordinary meeting of 19 October 2021. The Precinct Masterplan provides a refreshed approach to the future (re)development of the Precinct, based on a new vision, which is:</p> <p><i>'To develop a vibrant precinct that attracts residents, welcomes visitors, provides an attractive setting for businesses, and celebrates the culture and heritage unique to the precinct.'</i></p> <p>As a recommendation of the Masterplan, a 'Precinct Steering Group', supported by a 'Stakeholder Reference Group', will be established in due course, to guide the implementation of the Precinct Masterplan.</p>
<p>Residential Land Supply Stocktake Priority: High Anticipated Completion: 21/22</p>
Status
<p>In mid-2020, strong and consistent feedback received from key stakeholders within the development sector highlighted the limited availability of lots to purchase for residential development within a number of the Shire's the key townships, as a priority issue. Relieving the residential lot shortage is a key to increasing population growth, improving economic prosperity, and reducing the residential rental shortage.</p> <p>Following engagement with a broad range of development industry professionals and statutory agencies earlier in the year, a draft <i>'Residential Stocktake and Facilitation Strategy'</i>, has now been prepared.</p> <p>Feedback on the strategy from within the development industry is currently being sought, with a final report and recommendations anticipated to be considered by Council in early 2022.</p> <p>It is expected that the report will provide the basis required for the preparation of a policy designed to assist in the facilitation of development across the Shire.</p>
<p>Wellington Growth Management Strategy Priority: Medium Anticipated completion: 22/23</p>
Status
<p>Growth Management Strategies (GMS) provide an overarching plan for future growth across the Wellington Shire, as well as to plan for future service and infrastructure provision to facilitate such growth.</p>

Key elements of a GMS include:

- Planning for "natural" rates of growth.
- Planning for the delivery of new houses.
- Planning for a range of different housing types to meet the needs of our future communities.
- Planning for a range of new employment opportunities so that residents have greater opportunities for working locally and within the region.
- Acknowledging and seeking to protect the Shire's rural and resource land because of their special economic, environmental and cultural values.
- Encouraging sustainable growth, which supports existing key townships.
- Making the provision of services and infrastructure deliverable, efficient and viable.

The GMS does not rezone land but provides overarching policy to guide decisions as to where future growth should be best directed.

As a major Shire-wide strategic land use planning exercise, initial background research and analysis for the GMS will occur in due course.

Current Council Planning Scheme Amendments

<p>C99: Updated Flood Mapping Priority: High Anticipated Completion: To be confirmed</p>
<p>Status</p>
<p>Amendment C99 proposes revisions to the Wellington Planning Scheme to incorporate up-to-date, Shire-wide flood mapping and associated revised local planning policy to mitigate against potential flood hazards.</p> <p>The Amendment will be further considered by Council once a State-wide policy and strategy response to coastal flooding and coastal climate change adaptation is finalised by the State Government.</p>
<p>C109: Implementation of Smart Planning and Planning in the Economic Growth Zone Recommendations Priority: Medium Anticipated completion: 22/23</p>
<p>Status</p>
<p>In conjunction with the state government, Council has completed several planning studies as part of the 'Planning in the Economic Growth Zone' (PEGZ) initiative. The objectives of PEGZ is to streamline the provisions of the Wellington Planning Scheme (WPS) to make it more efficient and user-friendly through a reduction in the number of triggers for planning permits and stronger planning policy guidance.</p>

The work of the PEGZ initiative has also been complemented by the completion of the state government's, '*Smart Planning Program*', which facilitates the restructure of **all** Planning Schemes across Victoria to provide greater consistency and streamlining. This has been achieved through the deletion of redundant provisions, repetition, and the closer realignment of state/regional/local planning policy.

Amendment C109 seeks to implement and formalise the recommendations of both initiatives into the WPS.

At the meeting of 2 June 2020, Council resolved to seek Authorisation from the Minister for Planning to proceed with Amendment C109.

A request for Authorisation will be formally sought in due course - subject to consideration against other key project priorities.

Current Private Planning Scheme Amendments

C94: Rezoning of the former Sale Police Station Site
Priority: High Anticipated completion: Completed

Status

At the request of the Department of Justice, the former Sale Police Station (located on the South Gippsland Highway) was rezoned from the Public Use Zone to the Residential Growth Zone to facilitate its sale as a surplus asset to the Department's needs.

A formal Notice of Approval of the rezoning appeared in the Government Gazette on 14 January 2016.

Work continues to resolve the (complex) issue of Native Title on the site, which currently prevents the sale of the land for redevelopment purposes.

15.3. ADOPTION OF THE WELLINGTON SHIRE COMPLAINT HANDLING POLICY 2021

ACTION OFFICER: MANAGER MUNICIPAL SERVICES

PURPOSE

For Council to adopt the Wellington Shire Council Complaints Handling Policy 2021 as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the Wellington Shire Council Complaints Handling Policy 2021.

BACKGROUND

The *Local Government Act 2020* (The Act) requires that all Councils develop and maintain a complaints policy. The *'Victorian Ombudsman Councils and Complaints – A good practice guide'* together with the Australian Standard 'AS/NZS 100-2:2014 Guidelines for complaints management have been used to develop the attached policy.

The attached version is the Victorian Ombudsman second edition which was released in July 2021. The first edition was released in February 2015. It provides best practice guidance and useful advice to assist councils in ensuring that our complaint handling systems are effective, efficient, promote fairness, integrity, respect for human rights and administrative excellence in the local government sector.

ATTACHMENTS

1. Complaints Handling Policy_December 2021 [15.3.1 - 5 pages]
2. Councils and Complaints - A good practice guide 2nd edition [15.3.2 - 51 pages]

OPTIONS

Council has the following options available:

1. Adopt the Wellington Shire Council Complaints Handling Policy 2021; or
2. Not to adopt the Wellington Shire Council Complaints Handling Policy 2021 and request further information.

PROPOSAL

That Council adopt the Wellington Shire Council Complaints Handling Policy 2021 as attached.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMPLAINTS HANDLING POLICY

Policy Number:	3.2.7
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	Manager Municipal Services
Related Policies:	Complaints Handling Framework.
Related Documents:	Building Control Intervention Filter Criteria Customer Service Charter 2017
Statutory Reference:	<i>Local Government Act 2020</i> <i>Public Disclosures Act 2012</i>

OVERVIEW

The *Local Government Act 2020* (the Act) advises that all Council staff, in the course of their employment, are required to provide a responsive service when responding to complaints. The '*Victorian Ombudsman Councils and Complaints – A good practice guide*' together with the Australian Standard 'AS/NZS 100-2:2014 Guidelines for complaints management have been used to develop this policy and the associated procedure.

PURPOSE

The complaints handling policy is designed to ensure that any concerns are treated seriously and are addressed promptly, fairly and equitably. This policy is implemented using the Complaint Handling Framework.

THE POLICY

Any person has a right to complain to Council, as a result of a decision, action or inaction that has impacted them. The provisions of this policy apply to the decision, actions and inaction of all Councillors, Council employees, volunteers and contactors of Council.

Complaints must relate to matters, products or services for which Council has authority or responsibility.

This policy does not apply to the following matters or complaints, which are managed through other statutory processes.

- complaints alleging fraud or corrupt conduct;
- complaints about alleged privacy breaches;
- complaints about Councillors;
- complaints about matters for which there is process, review, appeal or objection prescribed by legislation; and
- complaints that are claims against Council for personal injury or property damage or other loss or damage.

Definitions:

A complaint is an expression of dissatisfaction with:

- the quality of an action, decision or service provided by council staff or a Council contractor;
- a delay by Council staff or a Council Contractor in taking an action, making a decision or delivering a service; or
- a policy of decision made by the Council, Council staff or a Council contractor.

A complaint is not:

- a request for service;
- reports concerning neighbors or neighboring property, e.g. noise or unauthorised building works;
- anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue’;
- the lodging of an appeal or a submission in accordance with council procedure or policy;
- reports of hazards, e.g. fallen tree branch or road pot hole’;
- reports of damaged or faulty infrastructure;
- matters where statutory submission, hearing, review or appeal processes exist; or
- a matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal.

The guiding principles of complaint handling will be based on the following principles:

Commitment

Wellington Shire Council is committed to resolving complaints. We respect people’s right to complain and consider complaints handling to be an important part of improving service delivery.

Accessibility

We will seek to have a greater focus on human rights and accessibility for people with different communication needs, particularly in the context of dealing with challenging behavior when people complain.

Transparency

In conjunction with the State Government’s performance reporting framework for local councils, we will continue to report publicly on our performance via the Know your Council website.

Independent review

The staff member completing the investigation, or the review of the complaint must not be the person who took the action, made the decision, or provided the service that is being complained about.

Objectivity and Fairness

Wellington Shire Council will continue to act impartially and neutrality in all aspects of complaint handling to ensure the best outcomes for our customers.

Confidentiality

All information will be used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

Accountability

We will strive to inform customers of the reasons we have made decisions and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We will regularly analyse complaint data to find ways to improve how we operate and how we continue to deliver high level services.

Complaints Handling Approach

Council will take a four-level approach to complaints handling which are defined as follows:

1. Frontline Complaint resolution – The Customer Service team can resolve the complaint without it being referred to a staff member
2. Investigation if required – The Customer Service team cannot resolve the issue and the complaint is forwarded onto the relevant division for further investigation
3. Internal Review (peer review) – if the complainant is still not satisfied a peer review can occur where a manager from another area can complete a review of the matter.
4. Access to an external review – Complaint cannot be resolved at a Council level, and it needs to be referred onto an external agency e.g. VCAT

Complaint level as defined above	The information that will be required for these complaints.
Levels 1, 2 and Level 3	<p>Complaints must be recorded and classified as a 'Complaint' in Council's Record Management System and must include the following:</p> <ul style="list-style-type: none"> • Complainant details • How the complaint was received • A description of the complaint • The complainant's desired outcome (if stipulated) • The Council Staff member responsible for handling the complaint • Any action taken, including contact with the complainant, response times and the outcome • Any recommendations for improvement, and who is responsible for implementing them • Internal Records Management System ID set for any documentation correspondence relating to this complaint.
Level 4	Complaints classified at Level 4 are those that cannot be resolved at Council level and/or received via other avenues such as the Victorian Ombudsman.

Unreasonable conduct

We are committed to being accessible and responsive to people who lodge a complaint. On occasion, the timeliness of our response depends on our ability to perform our functions in the most effective and efficient way possible to allocate our resources fairly across all the requests for service and complaints we receive.

We will act to manage any conduct that negatively and unreasonably affects us, in a fair, ethical and reasonable way, and will support our staff to do the same. We have no tolerance towards any harm, abuse of threat directed towards our staff, Councillors or other customers.

Unreasonable conduct will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to an individual by restricting who they have contact with, what they raise with Council, when they can have contact, where they can make contact or how they can make contact. In extreme cases, and as a last resort when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely terminate all contact with an individual.

In applying restrictions to customers, we recognise that discretion will need to be used to adapt them to suit a person's personal circumstances and also recognise that more than one strategy may need to be used.

Complaints that will not be investigated

An internal review may determine that a complaint will not be investigated where the complaint:

- Relates to a decision of Council
- Relates to a matter awaiting determination by the Council
- Relates to matters under investigation by the Minister for Local Government, the Victorian Ombudsman Officer, a Minister of the Crown or government department or the Victorian Police
- Involves a matter where a remedy or right of appeal already exists, whether or not the complainant used the remedy or right of appeal
- Involves a matter before a court, coroner or tribunal
- Relates to a decision, recommendation, act or omission which is more than one year old.

Resolution

Council will endeavor to resolve all complaints within 28 days of receipt.

Procedure on how to make a complaint

A person can make a complaint in several ways.

Mail: Wellington Shire Council
PO Box 506
SALE VIC 3850

Telephone: 1300 366 244

Email: enquiries@wellington.vic.gov.au

Website: www.wellington.vic.gov.au

In person: Wellington Shire Council
Sale Service Centre – Council Headquarters
18 Desailly Street, Sale VIC 3850
Operating Hours: Monday to Friday 8.30am – 5.00pm

Yarram Service Centre
156 Grant Street, Yarram VIC 3971
Operating Hours: Monday, Tuesday, Thursday, Friday 10.00am to 2.00pm

After Hours: In an emergency call: 1300 366 244

HUMAN RIGHTS

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

VICTORIAN ombudsman

Councils and complaints – A good practice guide
2nd edition

July 2021

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Accessibility

If you would like to receive this publication in an alternative format, please call 9613 6222, using the National Relay Service on 133 677 if required, or email vocomms@ombudsman.vic.gov.au.

The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria. This respect is extended to their Elders past, present and emerging. We acknowledge their sovereignty was never ceded.

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Introduction

Councils are an integral part of Victorians' lives. They provide community services; manage recreation facilities; construct and maintain local roads and essential infrastructure; support business and economic development; regulate planning and land use; and enforce various State and Federal laws.

Purpose of this Guide

Of the three tiers of government, Councils often have the most direct contact with the public. It is unsurprising that Councils deal with high numbers of complaints. Complaints are 'free feedback' for Councils about their services and can highlight needs for improvement.¹ The new *Local Government Act 2020* (Vic) ('the 2020 Act') now requires Councils to have a complaints policy and process.²

We have developed this standalone guide to help Victorian Councils to deal with complaints.

Complaint handling is core business for Councils.

There is no single effective approach to managing complaints.

A complaint handling system is the sum of many parts – legislative requirements; executive leadership and organisational culture; case and data management systems; and training and support for staff. Different combinations of these parts will work better in different contexts.

This Guide aims to provide practical advice for building a positive culture around complaints and good complaint handling practices and systems that can be adapted to suit local contexts.

The Guide looks at the elements of a good complaint handling system, and uses real examples so that Councils can learn from one another. Other service sectors can also benefit from the Guide.

We use symbols in the Guide to show:



Practical tip



Example of good practice



Trap to avoid



Information



Template letter

¹ Victorian Ombudsman, *Councils and complaints - A report on current practices and issues* (2015).

² *Local Government Act 2020* (Vic) Part V Division 1.

History of the Guide

The Ombudsman first published a ‘good practice guide’ for Councils in February 2015. This accompanied *Councils and complaints – A report on current practices and issues* which looked at complaint handling practices across all 79 Councils.

Five years later, the Ombudsman re-examined Councils’ complaint handling practices in the 2019 *Revisiting Councils and complaints* report. We noted that Councils had, by and large, improved their complaint handling processes. But we identified inconsistencies between Councils, including how they define and record a ‘complaint’. We also found there were still some areas of complaint handling that could benefit from attention.

The Ombudsman made recommendations to the Minister for Local Government and Local Government Victoria to improve the sector’s approach to complaints. These took effect in the 2020 Act. The Ombudsman’s recommendation for public reporting of Councils’ operations and performance will be introduced through subordinate Regulations.

At the same time, the Ombudsman undertook to update the 2015 Guide.

Structure of the Guide

This 2021 Guide is structured around three basic concepts of good complaint handling. The three concepts are recognised under Australia/New Zealand standards,³ and are implicit in International standards.⁴ They are:



³ Standards Australia, *Guidelines for complaint management in organizations* (AS/NZS 10002:2014) (2014).

⁴ International Organization for Standardization, *Quality management – Customer satisfaction – Guidelines for complaints handling in organizations* (ISO 10002:2018) (2018).

At the end of the Guide, we include the following resources for Councils to use and adapt:

- Appendix A: Additional resources
- Appendix B: Model complaints policy for Councils
- Appendix C: Self-assessment tool for Councils
- Appendix D: Model wording for written outcomes to investigations

What is a 'complaint'?

The 2020 Act defines 'complaint' (section 107(3)):

For the purposes of the complaints policy, **complaint** includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with –

- (a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or
- (b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or
- (c) a policy or decision made by a Council or a member of Council staff or a contractor.

This definition aligns with the Australian/New Zealand Standard definition.⁵

In simple terms, a complaint to a Council is any communication which involves the following:

- an expression of dissatisfaction
- about an action, decision, policy or service
- that relates to Council staff, including the CEO, a Council contractor, or the Council as a decision-making body (not individual Councillors, who are subject to different processes).

The definition of complaint does not take into account:

- the merit of the complaint or issue complained about
- how the matter will be resolved or responded to
- the complainant's motivations.



Supporting a broad definition of 'complaint': Warrnambool City Council

Warrnambool City Council's *Feedback and Complaints Resolution Centre* brochure defines a complaint consistently with the Local Government Act definition.

What is a Complaint?

You may make a complaint if you are dissatisfied with the service we provide or when we have failed to comply with our policies or procedures. You can also make a complaint if we may be liable for property damage or loss, or you are unhappy by the actions of Council (representatives, employees or contractors) including allegations of misconduct or abuse.

Source: Warrnambool City Council, Contact Us - Feedback and Complaints Resolution Centre <https://www.warrnambool.vic.gov.au/sites/warrnambool.vic.gov.au/files/documents/Council/general/feedback_complaints.pdf>

⁵ Standards Australia, above n 3.



Complaints about individual Councillors

The 2020 Act's definition of 'complaint' does not include complaints about Councillors.

Councillor conduct is dealt with in another part of the Act (Part VI). Councils must have processes in place to manage complaints about Councillors. These should set out:

- information about your Council's *Councillor Code of Conduct*
- what Council staff and Councillors do if they receive a complaint about a Councillor
- roles of the Council's CEO and Mayor in managing complaints about Councillors
- a pathway for complaints to be referred to a Councillor, group of Councillors or the Council, to consider if an application for internal arbitration should be initiated⁶
- processes for engaging internal or external investigators
- information about how people can complain to the Local Government Inspectorate and the Independent Broad-based Anti-corruption Commission ('IBAC').

⁶ *Local Government Act 2020* (Vic) ss 141, 143.

‘Complaint’ versus ‘service request’

The Ombudsman’s 2019 *Revisiting Councils and complaints* report noted that Councils classified complaints and service requests inconsistently.

Differentiating between a ‘complaint’ and ‘service request’ may not seem important if the problem is fixed. However, if Councils do not properly record complaints, they cannot accurately measure their performance and use that information to improve services.

One way to distinguish a service request from a complaint is to look at whether a person is:

- requesting something additional or new (**a service request**)
- reporting what they believe to be a failing or a shortfall (**a complaint**)
- complaining about a Council’s response to a service request (**a complaint**).

Table 1: Complaint / Service request examples

Complaint	Service request
<ul style="list-style-type: none"> • My bin was out but wasn’t collected this morning. Can you pick it up? <i>(complaining that the Council didn’t provide a service)</i> 	<ul style="list-style-type: none"> • I forgot to put my bin out, can someone collect it? <i>(requesting a service because of their own mistake)</i>
<ul style="list-style-type: none"> • You haven’t sent out my rates notice. 	<ul style="list-style-type: none"> • Can you tell me when my next rates payment is due?
<ul style="list-style-type: none"> • The Council shouldn’t have approved a development on Main Road. 	<ul style="list-style-type: none"> • What is the process for objecting to the development on Main Road?
<ul style="list-style-type: none"> • The Council’s website doesn’t have enough information about when a planning permit is needed for a pool. 	<ul style="list-style-type: none"> • Can you tell me whether a planning permit is required for a backyard pool?
<ul style="list-style-type: none"> • Council’s investigation into noise from a business wasn’t rigorous, and didn’t look at peak times. More investigation is needed. 	<ul style="list-style-type: none"> • My neighbour’s business is very noisy. Can you make it stop?
<ul style="list-style-type: none"> • A pothole I reported to Council two months ago hasn’t been fixed, and is getting worse. 	<ul style="list-style-type: none"> • Could Council fill in a pothole in my street?

A complaint may lead to a service request being lodged. For example, a complaint about a missed bin might result in a service request for the bin to be collected – however, it should still be counted as a complaint.



Recording a 'complaint' as a 'service request'

Some Councils tell us:

- When residents say their bins have not been collected, the Council sees this as a 'service request' and not a 'complaint'.
- Residents often fail to put their bins out prior to collection, and then contact the Council to falsely report that the collection didn't happen.
- Recording this as a complaint misrepresents what the Council believes, and can sometimes prove, to be false.

This approach raises a number of issues:

- It fails to take the complaint at face value, and makes an assumption about the complainant's motivation.
- It is not consistent with the 2020 Act's definition of 'complaint'.
- Councils commit to providing services such as rubbish collection. If that service is not provided, people have the right to complain.
- It misses an opportunity to identify potentially systemic problems with the bin collection service.
- It obscures the fact that the Council might be responding to and resolving these complaints.

The 2020 Act implies complaints should be taken at face value.

Describing a 'complaint' as a 'service request' undermines data collection and analysis. Opportunities to improve customer service will be missed.

1. Enabling complaints

Enabling people to complain is not just about making it easy for a person to lodge a complaint. The concept includes a reasonable assumption that members of the public expect that when they complain, their Council will properly consider and respond to their concerns. This can only be achieved through a combination of established systems for receiving and managing complaints, and a positive organisational culture that sees complaints in a constructive light.

Councils can enable complaints by:

- 1.1 fostering a collective commitment to complaint handling
- 1.2 applying a consistent, Council-wide approach to complaint handling
- 1.3 creating transparent processes and publicising 'how to complain'
- 1.4 ensuring the complaint process is accessible and easy to understand.



Making a strong statement of commitment: Mansfield Shire Council

Mansfield Shire Council publishes information about complaints in its Customer Service Charter. This includes a broad definition of a complaint, a positive perspective on the value of complaints, and information about where people can find more information about the Council's complaint process.

Complaints

If you are not entirely satisfied with the service you have received from Council, or you wish to air a concern, you are invited to put your complaint in writing and forward to Council.

Council welcomes feedback and sees it as an opportunity to improve its service to the community. Council continues to monitor its performance and aims to improve as much as possible.

Your written complaints, concerns or feedback can be posted to:

*Mansfield Shire Council
Private Bag 1000, Mansfield,
VIC 3722*

*Or emailed to:
council@mansfield.vic.gov.au*

Wherever possible, Council will aim to resolve a customer's complaint at the customer's first point of contact with Council. All complaints received are managed in accordance with Council's Complaint Resolution Policy and Procedure.

Source: Mansfield Shire Council, About Us - Customer Service Charter and complaints resolution <<https://www.mansfield.vic.gov.au/my-Council/customer-service-charter>>

1.1 Fostering a collective commitment to complaint handling

Committing to complaint handling means welcoming complaints as ‘free feedback’. This means being interested to find out what complainants are telling your Council about its services, and acting to resolve their concerns at an individual and systemic level.

All Council staff, including contractors and Councillors have a role to play.

Leaders and managers set a positive tone by:

- talking with staff about the benefits of complaints
- appointing frontline staff who are skilled in customer service
- ensuring all staff who deal with complaints have adequate training and support
- delegating authority to staff to make decisions to resolve complaints
- establishing processes for analysing and reporting complaint data, and acting on trends.

All Council staff, including contractors, and Councillors contribute to a culture that is receptive to complaints, by:

- familiarising themselves with their Council’s complaints policy and process
- helping people to complain and to understand the complaint process
- treating members of the public respectfully and professionally.

Councils can increase awareness of the complaint process by including it in induction programs and regular refresher training.



Skilled customer service and complaint handling officers

Skilled complaint handlers rely on technical expertise and interpersonal skills to resolve complaints, and will have or develop the following attributes:

Technical expertise

- understanding Council’s services and complaint process
- ability to solve problems
- case and time management
- ability to act impartially and fairly.

Personal qualities

- empathy and patience
- ability to adapt communication to suit different people
- resilience.

Dealing with complaints can be difficult and tiring. Complaint handlers need support to maintain a positive attitude to their work. This can be provided through:

- guidance materials and a functioning complaint management system
- training in good decision making and in responding to challenging behaviour by complainants
- debriefing with a manager or other staff, and access to employee assistance programs and professional support.

1.2 Applying a consistent, Council-wide approach to complaint handling

An established consistent process for complaints helps both Council officers and the public understand what to expect. Your Council's complaints policy must,⁷ at a minimum, set out steps for:

- dealing with complaints
- conducting internal reviews
- deciding when to refuse to deal with a complaint because it is otherwise subject to review under other legislation.



The discretion to refuse to deal with a complaint which is otherwise subject to statutory review

The 2020 Act gives Councils a discretion to refuse to deal with complaints that can otherwise go through a statutory review process.⁸

This means complaints where there is a review or appeal to a tribunal, eg the Victorian Civil and Administrative Tribunal ('VCAT') or a court, under an Act or regulation. Complaints of this type usually concern a particular subject matter, such as infringements, planning, or public health.

Councils can still deal with these complaints through their general complaints process. However, the discretion ensures the supremacy of statutory review processes in most cases.

Council's reasons for refusing to deal with a complaint which is otherwise subject to statutory review might include:

- the statutory review process is already underway
- it is reasonable in the circumstances to expect the complainant to go through that review process

- a tribunal or court will settle or determine the matter faster
- the complaint relates to a specialised area, and it is proper that a tribunal or court make a binding determination on the matter (noting the determination's possible precedential effect).

Where the discretion to refuse these complaints is exercised, Councils provide their reasons.

Councils can also decide not to exercise this discretion. In some circumstances, it can be better for both the Council and complainant to deal with a complaint outside the statutory review process. An example is where a satisfactory resolution can be achieved faster and at lower cost.

A Council decision not to exercise the discretion does not waive the complainant's right to access the statutory review process.

⁷ Section 107(4) of the *Local Government Act 2020* (Vic) requires this to be done within 6 months of 1 July 2021.

⁸ *Local Government Act 2020* (Vic) s 107(1)(c).

A complete complaints policy covers the full life-cycle of a complaint, including:

- how and when a complaint can be made
- who is responsible for managing the complaint as it moves through different processes (eg triage, investigation, remedy)
- expected response times
- references to related processes or policies (such as a public interest disclosure procedure)
- how complaint data will be stored and used
- avenues of internal and external review.

Each Council can tailor its policy to suit its capacity and the needs of its community. For example, a large Council with a dedicated complaint or customer services team will have different processes from a small Council where complaints are dealt with by a manager of the relevant area.

A model complaints policy for Councils is provided at Appendix B.



When a Councillor receives a complaint

Councillors are often the ‘face’ of their Council. Residents can see them as having the means and power to fix Council’s problems. As a result, Councillors do receive complaints from their constituents. But often their role in handling these complaints is misunderstood.

Setting out steps in your Council’s complaint handling procedures will help both Councillors and Council staff manage complaints consistently. For Councillors, these steps include:

- referring complaints about Council operations to the CEO or a designated officer
- writing to the complainant to tell them their complaint has been referred to Council administration for response
- following protocols for interacting with Council staff.⁹ These include not seeking to influence or direct Council staff on how to deal with a complaint.¹⁰

Council staff dealing with a complaint referred from a Councillor:

- deal with the complaint in accordance with the Council’s complaints policy
- communicate with the complainant, including providing and signing the response
- inform the Councillor of the outcome, after the complaint is finalised.

⁹ As established by the CEO under section 46(3)(c) of the *Local Government Act 2020* (Vic).

¹⁰ *Local Government Act 2020* (Vic) s 123(3)(c).



Complaints about the CEO, decisions at Council meetings and contractors

There are some people and decisions in Councils that stand outside usual oversight and reporting lines – the CEO, Council contractors and decisions made at Council meetings. Councils should develop specific procedures for managing complaints about the CEO, Council contractors and decisions made at Council meetings, such as:

- where the complaint should be directed
- who will deal with the complaint and in what circumstances
- what measures are in place to protect the integrity of any investigation
- how to document the complaint process and the outcome
- when complaints might be referred to the Local Government Inspectorate, the Victorian Ombudsman or IBAC.

1.3 Creating transparent processes and publicising how to complain

Council transparency ensures accountability and creates public trust. A transparent complaint process means people know what to expect when they complain.

Your Council can make it easy for people to complain by publishing information about how to complain and your complaint process. Simple steps include:

- publishing your complaints policy on your website,¹¹ and making it available in hard copy
- making sure your website's search function leads people to your complaints policy and related information when a person keys in 'complain', 'complaint' or 'complaints'
- including a prominent link on your homepage, or contact page, to information about making a complaint
- providing information on your website about common complaints, and how they might be resolved.

¹¹ Publishing your Council's complaints policy, and information about the complaints process, aligns with the transparency principles set out under section 58 of the *Local Government Act 2020* (Vic).



Publicising how to complain: Banyule City Council

On its website, Banyule City Council lists 'Making a complaint' as the top option under its 'Contact Us' menu. Its 'Making a complaint' page provides information about how a person can complain through multiple channels, what they can expect in response, and what the investigation and review processes entail. It also contains a link to its complaints policy.

The screenshot shows the Banyule City Council website. The navigation menu includes: About us, Planning & building, Waste & environment, Community services, Parking & roads, For business, Events & activities, and Contact us. The 'Contact us' dropdown menu is open, showing options: Making a complaint, Newsletter subscription, Media enquiries, and Ivanhoe Library and Cultural Hub. The main content area has a 'Making a complaint' section with the following text:

Making a complaint

A complaint is a way to let us know that you are unhappy with:

- the quality of an action we have taken
- a decision that we (or service provider engaged by us) have made
- a delay or our failure in taking an action, making a decision or providing a service
- a policy we (or service provider engaged by us) have made.

Complaints and resolution process

Provide us with as much information as possible so we can address your concern. We respect the need to manage and protect your privacy.

Buttons: [Submit a complaint](#) and [Investigation and review](#)

Our policy

Be sure to read our [Banyule Customer Complaint Management Policy](#) (PDF 24KB)

Additional help

[Know your Council](#) is a Victoria Government resource that provides information about other groups that can help you resolve a matter with us.

Source: Banyule City Council, Home - Contact us <<https://www.banyule.vic.gov.au/Home>>

1.4 Ensuring the complaint process is accessible and easy to understand

Some people face barriers to complaining, such as trouble speaking English, having a disability, being homeless or being employed in shift work. A person's age, level of literacy, cultural background or personal circumstances may also influence how they contact the Council.

State and Federal laws protect individuals in certain circumstances from discrimination based on a 'personal attribute' – even where the discrimination occurs unintentionally. These laws also place a positive duty on organisations, including Councils, to eliminate discrimination and take reasonable steps to enable people to access and participate in services.¹²

Victorian Councils must also act in a way that is compatible with a person's human rights.¹³ In relation to complaints, this can be achieved by ensuring a person can engage meaningfully with the Council.

Your Council can promote accessibility by:

- accepting complaints through multiple channels, including telephone, letter, email, online and in person
- offering free access to a translation and interpreter service
- using the National Relay Service, communication boards, Auslan interpreter services and other aids to communicate with people with hearing or speech difficulties
- providing information in accessible formats¹⁴

- using text to speech web functionality (websites that work with specialised software that reads the text aloud)
- providing fact sheets in Easy English, which combines short, simple sentences with pictures for people who have difficulty reading
- actively helping people to complain, if needed
- offering 'reasonable adjustments' to complainants to assist them to communicate with Council and access Council's services¹⁵
- accepting complaints from an authorised third person if a person has trouble complaining.

Test the success of your system by comparing your Council's community profile with the people who complain. This can help find out whether some groups are under-represented. Ways to improve engagement with under-represented groups include connecting with community leaders and advocacy groups, or consulting community services such as schools, clubs, and places of worship.

¹² Victoria's anti-discrimination laws are set out in the *Equal Opportunity Act 2010* (Vic) and the *Gender Equality Act 2020* (Vic). The Commonwealth's anti-discrimination laws are set out in the *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth) and *Sex Discrimination Act 1984* (Cth).

¹³ *Charter of Human Rights and Responsibilities Act 2006* (Vic).


¹⁴ Web Accessibility Initiative, *Web Content Accessibility Guidelines (WCAG)* (11 December 2008) <<https://www.w3.org/TR/WCAG20/>>

¹⁵ Organisations, including Councils, must afford reasonable adjustments to people with a disability under the *Equal Opportunity Act 2010* (Vic) and *Disability Discrimination Act 1992* (Cth).




Information in Easy English: Maroondah City Council

Maroondah City Council has published information in Easy English to help people understand the services that are available to them. These pages use pictures and short sentences.




Council has services to help older people.

Services include:




meals




helping


You have 3 bins




A bin for rubbish with a **green** lid.
Use this for your rubbish and food scraps.




A bin for garden rubbish with a **red** lid.
Use this for garden trimmings, leaves and grass.





A bin for recyclables with a **blue** lid.
Use this for newspapers, bottles and plastic items.



Source: Maroondah City Council, Contact Us - Easy English <<https://www.maroondah.vic.gov.au/Customer-service/Contacts/Easy-English>>

2. Responding to complaints

Responding effectively to complaints involves investing time and resources. While the benefits may not be immediately evident, recent research shows it can increase public trust, staff productivity and wellbeing, and compliance with the Council's laws and processes. This in turn can lower Council costs.¹⁶

Although there is no 'one-size-fits-all' approach to responding to complaints, effective complaint handling processes have the following elements:

- 2.1 Timeliness
- 2.2 Triage and initial assessment
- 2.3 Tiered approach to managing complaints
- 2.4 Explaining complaint processes to manage expectations
- 2.5 Treating complaints fairly
- 2.6 Evidence-based and objective decision making
- 2.7 Communicating outcomes effectively
- 2.8 Confidentiality and privacy
- 2.9 Providing internal and external review options

2.1 Timeliness

Timely communication with members of the public is a cornerstone of a responsive complaints system.

Timeliness can also influence a person's perception of fairness and their satisfaction.¹⁷ Delays can frustrate people, particularly where penalties or interest continue to build while the complaint is being considered. Delays can also lead people to escalate complaints to the Ombudsman or other oversight bodies.

Set clear timeframes for contacting complainants during the complaint process, such as:

- acknowledging the complaint within five business days (some complaints may be acknowledged even faster eg online complaints may be acknowledged immediately through automated processes, and voicemail messages can be returned within two business days)
- providing Council's decision within 30 calendar days
- advising if the response will take longer, and updating the complainant at least every 30 calendar days
- applying the same timeframes to the internal review process.

¹⁶ See Tania Sourdin, Jamie Carlson, Martin Watts and Christine Armstrong, *Return on Investment of Effective Complaints Management* (SOCAP and University of Newcastle, 2018).

¹⁷ Tania Sourdin, *Consumer Experience on Complaints Handling and Dispute Resolution - A Research Study Undertaken in Victoria, Australia* (La Trobe University, 2007).



Setting service delivery timeframes: Whitehorse City Council

Whitehorse City Council provides clear timeframes for responding to all types of contacts, including complaints, in its Customer Service Charter. It sets specific timeframes for acknowledging in-person, telephone and written contacts. It says it will provide a resolution within 30 calendar days and inform people where this timeframe cannot be met.



Communicating with Council

We are committed to:

- Responding promptly to your enquiries, including*:
 - Answering 80% of all calls within the first 20 seconds or placing you on hold within 30 seconds when all lines are busy
 - Responding to your phone messages as soon as possible, no longer than 48 hours
 - Acknowledging your presence at our Customer Service Centres within three minutes
 - Answering your query at the first point of contact. If we are unable to do so, we will research your request and respond to you within three working days
 - Acknowledging your correspondence (letter, email, fax or online request) within seven days
 - Providing a resolution to your correspondence within seven to 30 days. If we are unable to provide a resolution to your correspondence within these timeframes, we will communicate this to you

Source: Whitehorse City Council, Contact Us - Customer Service Charter <<https://www.whitehorse.vic.gov.au/sites/whitehorse.vic.gov.au/files/assets/documents/Customer%20Service%20Charter.pdf>>



Why acknowledging complaints is important

Acknowledging a complaint is a statement of commitment. It confirms receipt of the complaint, but also says to the complainant that a Council officer will take time to consider their concerns and respond. It is often a person's introduction to the complaint process, and can set the tone for future contact.

The best acknowledgements explain what will happen next and by when, and who to contact with further queries. It is helpful to provide a reference number.



Model wording for a tailored written acknowledgement

Dear ...

Thank you for your email about [describe what it is about, eg works to repair the footpath on High Street]. Your complaint reference number is 21/2341.

We are currently assessing your complaint and will contact you again by [date] to give you an update.

If you have any questions in the meantime, please contact [name of responsible officer] on [direct email and/or telephone contact details].

Yours sincerely

...

2.2 Triage and initial assessment

Resources available to Councils are finite. Early assessment of a complaint helps Councils prioritise and allocate resources fairly. It is also the most efficient way of producing a prompt and proportionate response for every complaint.

A triage process looks at what the complaint is about, and determines how, who and when to respond. It takes into account the seriousness and urgency of the issues and the risks. Factors to consider when triaging complaints include:

- What is the complaint about? Some complaints can be dealt with quickly, whereas others may need expert consideration.
- Is there any urgency, such as an immediate risk to the safety or wellbeing of a person, or security of property?
- How serious or complex are the issues?
- Does the complainant have communication needs or personal circumstances that require careful management?
- Are there statutory processes that must be followed? eg complaints about infringements through the review processes under the *Infringements Act 2006* (Vic).
- Should the complaint be handled by an independent person? It may be more appropriate for an independent officer to deal with it to manage any perceived bias.
- Does the complaint indicate a systemic failing which might affect the broader community?
- What are the prospects of meaningfully investigating or resolving the complaint? The issues may be too old, the person complaining may not be directly affected, or they may want a resolution that Council cannot achieve. There may be a different, more relevant, complaint process available to the person.

If more information is needed to triage the complaint, contact the complainant to clarify their complaint and find out what outcome they are seeking.



Model for triaging complaints: Keep, Transfer or Decline

The 'Keep', 'Transfer' or 'Decline' model can be used as a framework for triaging complaints. In this model, frontline line staff are delegated to decide whether to:

- **Keep** and resolve the complaint. This requires triage officers to have the necessary delegation to resolve the complaint.

Example: A customer service officer 'keeps' a complaint about a missed bin because they can resolve the complaint - by lodging a service request on behalf of the complainant.

- **Transfer** the complaint to a particular team or person, if it requires specialist expertise, advice or investigation.

Example: A customer service officer 'transfers' a complaint about lack of enforcement action in relation to a business's overflowing rubbish bins to the Council's Public Health Unit, because it has the expertise to investigate and provide advice to the complainant.

- **Decline** the complaint if there is a more appropriate pathway the complainant should use.

Example: A customer service officer declines a complaint from an objector to the Council's decision to grant a planning permit, because they have a right of statutory review at VCAT.

2.3 A tiered approach to managing complaints

A tiered approach to managing complaints provides a pathway for a complaint, with each tier representing an escalation point. The Ombudsman recommends a four-tier model:

Tier 1: First-contact complaint resolution

The aim of tier 1 is to resolve most complaints at the time a person first contacts your Council – through quick and mutually acceptable solutions. It relies on complaint handlers having the necessary skills to understand the complaint and the power to create a solution. If a solution cannot be immediately found, then the officer needs to be able to explain what will happen next, and why.

Tier 2: Investigation (if required)

If a complaint needs further consideration, it moves to tier 2. An investigation is usually carried out by an officer with specialist expertise. They gather additional information and make an evidence-based decision. Generally, they will communicate with the complainant throughout the investigation, and provide a written outcome that explains the Council's decision.

Tier 3: Internal review

If a complainant believes the Council has made a wrong decision, they can request an internal review. This moves the complaint to tier 3. A senior officer conducts an independent internal review and looks at whether the complaint should have been dealt with differently. This can lead to the original decision being upheld or overturned.

Tier 4: External review

Where a complainant still believes your Council has made a wrong decision, provide information about how to seek an external review. Tier 4 generally involves a complaint being escalated to an oversight body such as the Ombudsman or the Local Government Inspectorate, or to a tribunal or court. Councils contribute to tier 4 by participating in and cooperating with the external review process.

Figure 1: Four-tier model for complaint management





When is a complaint 'resolved'?

It is not always possible to resolve complaints to the satisfaction of the complainant. Councils are bound by legislation and the public interest when identifying a remedy to a complaint.

For Councils, a complaint can be 'resolved' where:

- the complainant is satisfied with the action taken by the Council
- the issue identified by the complainant has been fixed
- further action is unnecessary and unjustifiable because reaching a mutually agreeable solution would disproportionately consume Council resources, and/or
- the Council is confident that should their response to a complaint be considered through an external review, it would likely be upheld.

2.4 Explaining complaint processes to manage expectations

Explaining your Council's role and complaint process at the outset helps people understand how their complaint will be handled. This manages their expectations.

When a person contacts their Council, they may expect an instant response or feel entitled to get what they want as a resident or ratepayer. They may also have unrealistic views about the remedies you can provide, such as compensation or having someone fired.

When explaining your complaint process, communicate:

- Council's role in relation to the issues
- what issues you will and will not be considering
- what you will do to consider the complaint
- how the complainant will be involved in the complaint process
- expected timeframes for a response
- possible or likely outcomes.

2.5 Treating complaints fairly

Fairness in complaint handling involves giving people an opportunity to be heard and responding to their complaint in an even-handed way. Councils can build fair systems through transparent processes, acting without bias or a conflict of interest, and protecting people from detriment when they complain.

Fairness is further promoted by:

- giving people sufficient opportunity to present their view
- making sure you properly consider, understand and engage with the concerns
- assessing any new issues
- deferring associated decisions, such as regulatory or enforcement action, until the complaint is finalised.

If someone complains about a Council officer, that officer is also entitled to be treated fairly. Subject to any legislative restrictions such as those in the *Public Interest Disclosures Act 2012* (Vic), Councils:

- inform the officer of the complaint
- give the officer an opportunity to respond
- keep the officer informed of progress of any investigation and the final result, with reasons.

The focus of the complaint handling process is about resolving the problem, and continuous improvement.

If the Council determines that a disciplinary process is warranted, it should be dealt with separately from the complaint handling process.

2.6 Evidence-based and objective decision making

Relying on evidence and exercising objectivity are also essential to a fair complaint handling process.

While all investigations are a fact-finding process, they can vary depending on:

- the seriousness and extent of the issues
- the availability of relevant information or evidence
- the degree of certainty required to determine what action (if any) to take
- the outcome sought and potential for a satisfactory resolution.

Every investigation involves:

- Considering the complaint impartially. Conflicts of interest must be avoided, or declared and managed to remove any actual or perceived bias.
- Gathering information from a range of sources. This commonly includes the complainant and Council systems or resources. Information may also be sourced from Council staff, experts, third parties and external resources.
- Critically analysing the evidence. Take into account the different perspectives, and the reliability and relevance of the information. Then decide whether, on balance, the evidence tends to support the complaint or not.
- Examining not only whether the Council followed legislation or policy, but also whether its actions were fair and reasonable.
- Focussing on whether a solution can be reached.
- Forming conclusions that are rational and logical, supported by evidence and reasons, and can stand up to external scrutiny.
- Keeping good records of what was investigated, the steps taken in the investigation, the evidence, decisions and associated reasons, and any remedial action.

The nature of an investigation will vary. For example, an investigation of a complaint about the Council not repairing a pothole may look at the Council's service request and road maintenance logs, and involve a site inspection. However, a complaint about a Council officer behaving inappropriately may involve appointing an independent investigator to interview witnesses and staff, review CCTV footage and incident reports, obtain legal and HR advice and prepare a formal investigation report.



Finding a solution

When attempting to find a solution, your Council can look beyond what the complainant says they want, to what action would be practical and proportionate.

Solutions may be:

- providing a better explanation for the Council's decision or actions
- reversing a decision
- acknowledging and apologising for an error, and explaining what the Council is doing to prevent it from happening again
- providing redress, through an ex gratia payment as a gesture of goodwill, or compensation where appropriate.

2.7 Communicating outcomes effectively

Often an outcome to a complaint is best communicated through a conversation. Conversations gives complainants an opportunity to ask further questions. They also give the complaint handler a chance to check they have not misunderstood or overlooked important parts of the complaint.

Where the Council has conducted a substantial assessment or investigation, provide the outcome in writing. A written outcome sets out how the decision was reached, as well as what the Council or complainant can do next. However, it is almost always helpful to have a conversation first.

This 'foreshadowing' conversation can ensure disagreements are addressed before the complaint is finalised. They make it less likely that the complainant will escalate the matter further. A written outcome should:

- use plain English, and avoid bureaucratic jargon
- explain the steps the Council took to investigate or resolve the complaint
- state the relevant evidence and conclusions of the investigation, and set out the reasons
- openly identify, admit and apologise for any mistakes or deficiencies
- set out any remedies
- include information about internal or external review options
- be translated, or copied to an advocate, where the complainant confirms that it will help with their understanding.

The Council officer who dealt with the complaint should provide their contact details, should the complainant have any further questions. Where it is necessary to withhold the Council officer's identity to protect their safety, use a specific identifying reference to ensure decisions can be traced.

A model template for writing outcomes to investigations is at Appendix D.



Avoiding bureaucratic responses

Councils make decisions under legislation and policies. Template outcome letters that simply refer to the legislative or policy basis for a decision, without a plain English explanation, can appear bureaucratic.

Bureaucratic example:

- ✘ Your application does not meet the eligibility criteria for a financial hardship plan, pursuant to clause 6(a)(iii) of the Council's Financial Hardship policy.
- ✘ Your claim for compensation for damage caused to your vehicle is declined in accordance with section 102(1) of the Road Management Act which provides that a road authority [the Council] is not liable in any proceedings for damages, whether for breach of the statutory duty imposed by section 40 or for negligence, in respect of any alleged failure by the road authority to remove a hazard or to repair a defect or deterioration in a road. This decision is not reviewable.

Plain English example:

- ✓ Under our Financial Hardship policy, we are unable to accept your application and offer you a payment plan. This is because your income (which includes assets such as your residential and your investment property), is above the threshold set out in the policy.
- ✓ We have not accepted your claim for compensation. In your claim, you said your car was damaged after driving over a large pothole on Main Street at 2.15am on Tuesday 7 June. The pothole was created as a result of heavy rain after 10pm on Monday 6 June. Our records show that until now, there have been no reports of potholes or similar defects in Main Street.

Under section 102(1) of the Road Management Act, the Council is not liable for the damage to your car, because we were not aware of the pothole hazard at the time the damage occurred. If you have car insurance, you may wish to contact your insurer to make a claim under your insurance policy.



Dealing with 'challenging' vs 'unreasonable' behaviour

The reality is that sometimes complainants to a Council will be frustrated, distressed or simply communicate in ways that some Council staff find confusing or confronting. The Ombudsman defines 'challenging behaviour' as any complainant behaviour that your staff find difficult.¹⁸ Often the behaviour is not 'unreasonable' – that is, the behaviour does not raise health, safety, resource or equity issues – and there are practical steps complaint handlers can take to effectively respond.

The Ombudsman recognises the impact of challenging behaviour. We developed a *Good Practice Guide to Dealing with Challenging Behaviour* (2018) which sets out a strategy, tools and tips for complaint handlers. The framework below outlines the strategy. Including this framework in your complaint handling process or establishing your own standalone policy, can help minimise the occurrence and impact of challenging behaviour on business and staff wellbeing.

Stage 1 – Prevent

Use good complaint handling techniques. When a complainant sees your processes are fair and reasonable, they are more likely to engage with you and accept outcomes.

From the outset, ask the complainant if they have any communication or other assistance needs that your Council can accommodate.

Be aware of your own expectations and avoid making assumptions about the motivations behind someone's behaviour. The way a person communicates can be influenced by a range of factors, including some mental illnesses, disability, cultural background, previous experiences, and personal circumstances. What you perceive from a person's tone, words or gestures may not be the same as what was intended. Adapt your communication style so your conversation is productive.

Stage 2 – Respond

If someone is very emotional about their complaint, you need to deal with that before you can talk about the issues:

- Take control of your own emotions and the situation, and stay professional.
- Acknowledge how the person feels and give them a chance to talk about how they feel.
- Refocus the discussion on their complaint, once their emotions have settled.

Stage 3 – Manage

Where you consider a person's behaviour is 'unreasonable', you can take steps and implement strategies to manage it. The strategy you use will depend on the behaviour. It may involve 'calling out' the behaviour, asking them to 'stop', and explaining the consequences if their unreasonable behaviour continues.

¹⁸ Victorian Ombudsman, *Good Practice Guide to Dealing with Challenging Behaviour* (2018).

Stage 4 – Limit: a last resort

There may be times when nothing you try works and your Council needs to limit a person's access to your services to protect staff wellbeing and resources. Any limits to a person's access to your complaints process, or services, must be:

- the least restrictive possible and, in all cases, provide an avenue through which the person can continue to raise concerns
- proportionate to the risk posed by the behaviour
- compliant with your Council's obligations under anti-discrimination legislation and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- made or endorsed at a senior level (eg a manager)
- reviewed frequently, depending on the nature of the behaviour and the limitations.¹⁹

You must also inform the person about these limits, and give them an option to request a review of your decision.

When does behaviour become 'unreasonable'?

'Unreasonable' conduct is behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for complaint handlers.²⁰ It can include:

- persistent, unrelenting and incessant attempts to raise issues that have been comprehensively dealt with
- making demands for unattainable or constantly changing outcomes
- a continual unwillingness to cooperate
- constant and repeated arguments that are not based on reason
- acts of aggression, threats, verbal abuse, derogatory, racist or defamatory remarks.

Managing 'unreasonable' conduct requires direct intervention (recommended at stages 3 and 4 in the framework) because of the negative impact it has on resources, staff wellbeing and the broader community.

The Ombudsman's *Good Practice Guide to Dealing with Challenging Behaviour* (2018) and the New South Wales Ombudsman's *Managing unreasonable conduct by a complainant: A manual for frontline staff, supervisors and senior managers* (2021) include strategies for reducing the impact of unreasonable conduct while preserving access to services.

¹⁹ Also see *Slattery v Manningham City Council* [2013] VCAT 1869 (30 October 2013) (Senior Member Nihill).

²⁰ New South Wales Ombudsman, *Managing unreasonable conduct by a complainant - A manual for frontline staff, supervisors and senior managers* (2021).

2.8 Confidentiality and privacy

Councils receive personal information about individuals and businesses in the course of carrying out their functions. Councils have an obligation to responsibly collect, handle and protect personal information under privacy and information laws. They must also tell individuals about why they are collecting their information and how it will be handled and used.²¹

Personal information gathered from a complainant during complaint handling must only be:

- used to deal with the complaint or for a reasonable secondary purpose, such as monitoring complaint trends
- disclosed in a de-identified format where data is publicly released. Data may only be released publicly if it cannot be re-attributed to a person.
- accessed by Council staff where necessary to deal with the complaint, or for a related secondary purpose (eg to identify systemic trends).

Ensuring that personal information is stored securely helps prevent unauthorised access, modification or disclosure of the information.

Establishing information governance ensures your Council meets its obligations to protect privacy while also allowing it to analyse and use information to improve Council services.

2.9 Providing internal and external review options

Under the 2020 Act, Councils must include in their complaints policy a process for dealing with internal reviews.²² An internal review looks at whether a complaint was managed appropriately, and whether the decisions were sound. Internal reviews should be undertaken by a senior officer who has not been involved in the original complaint.

Internal reviews follow good complaint handling steps, including:

- acknowledging the review request
- explaining the process, including the timelines for conducting the review, what it will and will not look at, and the possible outcomes
- providing the complainant and any other parties with an opportunity to present their case
- providing a written outcome, together with reasons, and detail any remedies
- offering external review options, if parties are dissatisfied with the outcome.

²¹ *Privacy and Data Protection Act 2014 (Vic)* and *Health Records Act 2001 (Vic)*. Also see the Office of the Victorian Information Commissioner's information for Councils at ovic.vic.gov.au/privacy/local-government-and-privacy.

²² *Local Government Act 2020 (Vic)* ss 107(1)(e) and 107(2).



'Internal Ombudsman'

The term 'Ombudsman' is of Swedish origin and refers to an independent office, which provides a free and impartial means for resolving disputes between the citizen and their government.²³

Some Councils appoint an 'Internal Ombudsman' to deal with complaints. In most cases, the Internal Ombudsman performs an internal review function for the Council.

Referring to a Council officer as an 'Internal Ombudsman' is problematic because they are not, and cannot be, independent of the Council. Essentially, the term 'Internal Ombudsman' is an oxymoron. It is also confusing for complainants. The Victorian Ombudsman discourages its use and recommends Councils use terms such as 'Internal review officer' instead.

²³ The Australian and New Zealand Ombudsman Association (ANZOA) promotes the correct use of the term 'Ombudsman' and campaigns for stronger controls for the use of the term, refer to <www.anzoa.com.au/about-ombudsmen.html>.

3. Learning and improving

Learning from complaints requires Councils to systematically record complaints and their outcomes. A complaint needs to be recorded in sufficient detail to enable your Council to analyse the data and identify thematic trends and issues.

Publicly reporting on the number of complaints your Council receives, as well as what the Council has done in response, enhances transparency. It shows to the community the Council's commitment to improving its services.

To be able to learn from complaints, Councils need to be:

- 3.1 recording complaints systematically
- 3.2 analysing complaint data
- 3.3 continuously improving complaints systems
- 3.4 reporting on complaint data and outcomes.

3.1 Recording complaints systematically

All complaints need to be recorded in a systematic way before they can be analysed for trends and issues.

Not all Councils have standardised or central systems for recording complaints. Some have different approaches to managing complaints in different areas. **But Councils can get good insights from their complaint data by recording the following complaint details:**

- The complainant's name, contact details and communication needs. Demographic data, such as age, disability, language or cultural needs or whether a person identifies as Aboriginal or Torres Strait Islander can be helpful to improve services to groups. This information can be collected with the complainant's consent.
- The substance of the complaint according to a list of categories. Complaints can be categorised:
 - o by service (eg waste collection, property valuation, rates, parking permits, library services)
 - o by issue (eg failure to provide a service, unreasonable cost, excessive enforcement, delay with communicating or making a decision)
- Who provided the service (eg name of officer, responsible team)
- How the complaint was dealt with (eg through early intervention or investigation)
- The outcomes of the complaint (eg whether the complaint was sustained, the problems identified, and any action taken)
- Remedies
- The name of the officer who determined the outcome of the complaint
- Whether there was an internal review, and its outcome (eg whether the original decision was upheld or overturned).



Simple system for recording complaint data systematically

While some Councils have dedicated complaint management systems, others rely on separate systems that may not be integrated.

To learn from your complaint data, we suggest your Council record basic information consistently, regardless of how the complaint is received, and who manages the complaint. The database fields and examples provided below offer a basic structure:

The data needs to be of sound quality. Train staff on using your complaint management system and recording complaint information consistently; audit data quality; and ensure errors are corrected.

COMPLAINANT DETAILS									
First name	Surname	Phone	Email	Address					
John	Br...	041...	Johnno@...						
Diedra	Ch...	961...		1/25 Bourke Clo...					
Wei	Ch...	043...	Wtc672@...		COMPLAINT DETAILS				
Houma	Ab...	581...			Reference no.	Date received	Summary	Service	Issue
Jim	O'C...	N/a	James.OC@...		20/2494	14-Oct-20	Recycling bin missed during morning collection	Waste collection	Failure to provide service
					20/2495	14-Oct-20	Limit on number of residential parking permits available per household is unfair	Parking	Unfair policy
RESPONSE DETAILS									
Officer	Team	Stage	Outcome	Remedy					
Clive Ar...	Customer Service Team	Early resolution	Direct action taken	Service request lodged	Library not open during hours advertised on council website				
Peter LI...	Regulatory Services	Investigation	Complainant not entitled to permits	Further explanation of policy	Community not consulted, and views not taken into account, in relation to converting parkland to hockey field with clubrooms				
Natalia PL...	Customer Service Team	Early resolution	Direct action taken	Website details updated	Refusal to remove street tree that is damaging drainage on property. Seeking compensation for resulting flood damage.				
Sue PL...	City Development and Strategy	Investigation	Neighbouring residents not consulted. Further consultation required.	Apology. Additional round of consultation.	Road maintenance				
Kim Ng...	Planning Services	Investigation	Met with complainant and reached agreed solution.	Root barrier installed by council.	Wrong decision; compensation				

3.2 Analysing complaint data

Sometimes individual complaints can point to a systemic problem; but generally this only becomes clear when looking at complaint data as a whole. Bear in mind:

- the overall number of complaints received can indicate community satisfaction or dissatisfaction
- changes in the number of complaints over time can indicate that satisfaction is improving or dropping
- high numbers of complaints about particular services, issues or teams may suggest systemic concerns that warrant further attention, regardless of whether the complaints are substantiated
- complaints can be driven by a range of factors, other than poor performance, such as:
 - o changes in community expectations
 - o increased engagement with the Council and its services (which can be a positive sign)
 - o inadequate information about a service or barriers to accessing a service or process
- internal review outcomes can be a sound measure of performance and quality of decision-making.

To get the most out of your data:

- spend time thinking about the purpose of your analysis
- plan what are you trying to find out
- what measures you will look at
- how you will validate your analysis.

Regular reporting on complaint data to Council committees or senior leaders can help direct your approach to data analysis. They can provide a useful forum for discussing complaint trends and further action.

3.3 Continuously improving complaints systems

Complaint data analysis provides an empirical basis for improving services, preventing future complaints and driving a continuous improvement mindset.

Conducting a 'health-check' of your complaint system is a good way to check you are handling complaints effectively.

The self-assessment tool at Appendix C can be used to check how well your Council's complaint system is operating against good practice criteria.

3.4 Reporting complaint data and outcomes

Sometimes the public, media and others cast public information about complaints in a negative light. However, demonstrating transparency around your Council's operations is valuable.

Performance indicators are a good way to measure and monitor your Council's performance. They also demonstrate your commitment to improving your complaint handling practices and Council's services.

Useful performance indicators include:

- complaint numbers, categories and outcomes
- timeframes
- service changes or remedies resulting from complaints
- internal review outcomes (eg upheld, partially upheld or overturned)
- the number of complaints escalated to external review.²⁴

Publishing this data, and including it in your Council's annual report, shows accountability and benefits the community. It also enables Councils to compare their performance and learn from each other.

²⁴ The Ombudsman publishes information about complaints received about each Victorian Council in our annual report <www.ombudsman.vic.gov.au/about-us/annual-reports-and-policies/annual-reports>. We can be contacted for more information.



Appendix A

Additional resources

Australian and New Zealand standards

- Standards Australia, *Guidelines for complaint management in organizations* (AS/NZS 10002:2014), Standards Australia Limited, Sydney, 2014
- International Organization for Standardization, *Quality management – Customer satisfaction – Guidelines for complaints handling in organizations* (ISO 10002:2018), Standards Australia Limited, Sydney, 2018

Complaint handling guides

- Commonwealth Ombudsman, *Better practice complaint handling guide*, 2021
- NSW Ombudsman, *Effective complaint handling guidelines*, 3rd edition, 2017
- Victorian Ombudsman, *Complaints: Good Practice Guide for Public Sector Agencies*, 2016
- Victorian Ombudsman, *Managing Complaints Involving Human Rights*, 2017
- Victorian Ombudsman, *Apologies*, 2017
- Ombudsperson British Columbia, *Complaint handling guide: Setting up Effective Complaint Resolution Systems in Public Organizations*, 2020

Dealing with challenging behaviours

- Victorian Ombudsman, *Good Practice Guide to Dealing with Challenging Behaviour*, 2018
- NSW Ombudsman, *Managing unreasonable conduct by a complainant: A manual for frontline staff, supervisors and senior managers*, 2021

Appendix B

Model complaints policy for Councils

This model complaints policy is intended as a guide only. Tailor your Council's policy to reflect your organisational capacity and the needs of your community.

The following is intended to help you meet your obligation to have a complaints policy, as required by section 107 of the 2020 Act, and to support your staff to deal with complaints in accordance with the requirements of the Act and good practice promoted in the Ombudsman's *Councils and Complaints - A Good Practice Guide* (2nd edition).

How to use this document

- Recommended inclusions are in standard type
- Suggested wording is in 'quotation' marks.
- Suggestions for drafting the policy and additional guidance are in [blue and in square brackets]

Complaints policy

Name of council	
Title and version number	[Review complaint handling system every four years, including procedures and key performance indicators]
Record number	
Effective date	
Responsible officer	
Date of approval	
Review date	[Review your complaint handling system every four years, including procedures and performance indicators]
Relevant legislation	<i>Local Government Act 2020</i> (Vic) <i>Public Interest Disclosures Act 2012</i> (Vic)
Related policies and procedures	[Insert all related policies & procedures with dates eg: <ul style="list-style-type: none"> • Customer service charter • Complaint handling procedure • Record keeping policy • Instrument of Delegation • Public interest disclosure procedure • Employee code of conduct • Council employee conflict of interest • Infringements policy etc.]
	[List compliance obligations in relation to specific legislation eg: <ul style="list-style-type: none"> • <i>Local Government Act 2020</i> (Vic) • <i>Gender Equality Act 2020</i> (Vic) • <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic) • <i>Equal Opportunity Act 2010</i>(Vic) etc.]

Scope

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies. We are committed to:

- enabling members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

Our complaints policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings. This policy does not apply to complaints about individual Councillors.

What is a 'complaint'?

A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

- the quality of an action, decision or service provided by Council staff or a Council contractor
- a delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service
- a policy or decision made by the Council, Council staff or a Council contractor.

In this policy:

'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.

'Council contractor' is any third-party engaged by the Council to carry out functions on the Council's behalf.

'the Council' means the body of elected Councillors.

[In this section, you could include:

- any other key terms your Council uses, including those closely related to 'complaint', such as a 'request for service', 'feedback' or 'staff grievance'.
- communications that your Council considers are outside the definition of 'complaint'. These exclusions must remain consistent with the definition of 'complaint' in the 2020 Act.]

How to make a complaint

Any member of the public can make a complaint. Complaints can be made by:

Telephone: [Insert telephone number]

Online: [Insert web address. If you have an online complaint form, include instructions on how to access it from the home page, eg From www.Councilwebsite.vic.gov.au. Click on 'Contact us', then go to 'Make a complaint']

Email: [Insert email address]

Post: [Insert name of Council and postal address]

In person: [Insert location/s]

[In this section, include additional information that will help to resolve a complaint:

- Advising a complainant to try and raise their concerns directly with the Council staff member or contractor involved in the first instance. If the complaint is not resolved, the complaint can be escalated to a complaint handler or more senior officer.
- Listing what information is helpful for a complainant to provide to the Council:
 - o 'name and contact details. You can complain anonymously, but this may limit how the Council responds to you
 - o identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
 - o give us relevant details, such as dates, times, location or reference numbers, and documents that support your complaint
 - o the outcome you are seeking from making your complaint
 - o whether you have any communication needs:']

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- using an assistance service, such an interpreter or TTY (for free)
- talking with you if you have trouble reading or writing
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

Our complaints process

When you complain to us, we will record and acknowledge your complaint within five business days. We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

[In this section, you can include details of your tiered approach to complaint handling, what first-contact resolution looks like, and what might not be amenable to first-contact resolution. Eg:

- ‘Early resolution of a complaint may involve arranging for the Council to give you advice or explaining why we are not going to take action on your complaint.
- It may not be possible to resolve your complaint when you first contact us if your complaint requires deeper consideration or investigation by a particular team or officer, or needs to follow a statutory process or cannot be resolved satisfactorily.’

You can also include in this section information about specific processes in place for dealing with complaints about the CEO or Council contractors, including who is responsible for considering and responding to these complaints.]

If we cannot resolve your complaint quickly, we will refer it to the relevant team or manager to investigate. We will tell you who you can contact about the investigation.

We aim to complete investigations within 30 calendar days, and will tell you if the investigation will take longer. We will update you every 30 calendar days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

[In this section, include details about your investigation process:

- ‘As part of our investigation we will:
 - o assess the information against relevant legislation, policies and procedures
 - o refer to Council documents and records
 - o meet affected parties to consider possible solutions
 - o advise you in writing of the outcome and our reasons ...

If your Council does not have a standalone policy on dealing with ‘behaviour which Council staff find challenging or unreasonable’, you can also include in this section:

- We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff.
- We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.’]

How to request an internal review

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a senior Council officer who has not had any prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days of the date of this letter.

How to request an external review

There are external bodies that can deal with different types of complaints about us.

You can request an external review from the following organisations.

Complaint	Organisation to contact for external review
<p>Actions or decisions of a Council, Council staff and contractors.</p> <p>This includes failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)</p>	<p>Victorian Ombudsman www.ombudsman.vic.gov.au</p>
Breaches of the Local Government Act	<p>Local Government Inspectorate www.lgi.vic.gov.au</p>
<p>Breach of privacy.</p> <p>Complaint about a freedom of information application</p>	<p>Office of the Victorian Information Commission www.ovic.vic.gov.au</p>
Corruption or public interest disclosure ('whistleblower') complaints	<p>Independent Broad-based Anti-corruption Commission www.ibac.vic.gov.au</p>
Discrimination	<p>Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au</p>
Council elections	<p>Victorian Electoral Commission www.vec.vic.gov.au</p>

How we learn from complaints

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data including in our annual report.

Your privacy

We keep your personal information secure. We use your information to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information is removed.

[In this section, also include specific details about how you record or use complaint data. Eg 'When you complain to us we ask you to provide and will record:

- your name and contact details
- whether you have any communication or assistance needs that can be reasonably accommodated
- demographic information to help us understand the needs of our community (if you consent to giving us this information)
- what you are complaining about
- what outcome you are seeking.]

Responsibilities

All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process.

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints. Supporting service improvements that arise from complaints. Reviewing and publishing complaint data.
Senior leaders and managers	<ul style="list-style-type: none"> Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the Council's policies and procedures. Managing conflicts of interest in the complaint process. Reporting on and identifying improvements from complaint data. Supporting staff who deal with complaints.
All Council staff	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council's complaint process. Assisting members of the public to make a complaint. Treating members of the public respectfully and professionally.
Councillors	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council's complaint process. Referring complaints to Council staff to be dealt with in accordance with our processes.
Contractors	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council's complaint process. Cooperating with the Council's complaint handling processes.

Appendix C

Self-assessment tool for Councils

This tool can be used to assess whether your Council is implementing good practices to enable, respond to and learn from complaints. The **targets** in this Guide reflect the three concepts which are fundamental to complaint handling. The **focus areas** represent the core elements of a good practice complaint process as set out in the Victorian Ombudsman's *Councils and Complaints - A Good Practice Guide* (2nd edition).

Target	Focus area	Indicators	Rating (Met / Not met)	Evidence	Improvements	Action item / Responsibility	
Enabling complaints	Commitment	Organisational culture that views complaints positively					
		Oversight and leadership from CEO and managers					
		All staff aware of Council's complaint process and their individual responsibilities					
	Consistent approach	Approved Council-wide complaints policy					
		Clear approach for handling complaints to or about the Council, Council staff, CEO and contractors					
		Councillors, Council staff and contractors are provided training appropriate to their role and likely level of interaction with complainants					
		Information about complaint process, including internal reviews and external review is published on website, together with Council's complaints policy. Information can be provided in hard copy					
	Transparency	Website includes prominent links to complaint information					

<p>Responding to complaints</p>	<p>Accessibility</p>	<p>Complaints can be made through multiple channels, and outside business hours</p> <p>Information is published in accessible formats</p> <p>There is an option for complaints to be made on behalf of another person</p> <p>Complainants' communication needs are reasonably accommodated without charge</p>					
	<p>Timeliness</p>	<p>Acknowledgement, progress and response time targets meet minimum standards:</p> <ul style="list-style-type: none"> • five business days (or less) for acknowledgement • 30 calendar days (or less) for response • for longer investigation, updates provided at least once every 30 calendar days 					
	<p>Triage</p>	<p>Processes support early intervention and resolution of complaints</p> <p>A tiered approach to complaint escalation is used</p> <p>Officers handling complaints have delegated authority to resolve them</p>					
	<p>Managing expectations</p>	<p>Complaint process is communicated early</p> <p>Realistic outcomes are outlined</p>					

Fairness	All parties are provided a fair opportunity to be heard					
	Complaints are considered individually on their merit					
	Conflicts of interests are declared and managed					
	In responding to complaints, regard is given to human rights under the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)					
Evidence and objectivity	Information from multiple sources is gathered and taken into account					
	Complaints are assessed against relevant legislation, policies and guidelines					
	Consideration is given to whether discretionary powers have been appropriately exercised to produce fair and reasonable outcome					
Communicating effectively	Decisions are logical and based on the evidence					
	Complainants' communication needs and preferences are taken into account and reasonably accommodated					
	Communications are in plain English and always tailored to the circumstances					

	Written outcomes are provided where a substantial investigation is conducted				
	Reasons for decisions are communicated by an identifiable officer or team				
Personal Privacy	Personal information is stored securely				
	Access to personal information is controlled				
	Personal information is only used for the purpose it was collected, and consent obtained before information is used for any other purpose				
	Information that is published is de-identified (and cannot be re-attributed to a person)				
Review options	Internal review process is established, which: <ul style="list-style-type: none"> • is conducted by an independent senior officer • is independent of the original complaint process • can result in decisions being upheld, overturned, or improvements made 				
	Complainants routinely offered internal and external review options				
	External review options are published on Council's website				

Learning and improving	Systematic recording	All complaints are recorded in a systematic way					
		Leaders are responsible for auditing the quality of complaint data					
	Analysis	Complaint data is regularly reviewed to identify trends and opportunities to improve					
		Trends and systemic issues are reported to and discussed with senior leaders					
	Improvements	Complaint data is used to drive continuous improvement					
		Health-check of complaint system is scheduled and undertaken regularly					
	Reporting	Complaint statistics, trends and related initiatives are reported to senior leaders					
		Complaint data and outcomes are published in annual report					

Appendix D

Model wording for written outcomes to investigations

[Date]

[Address/Email]

Dear ...

Thank you for your complaint which I received on 23 February 2020, and for discussing your concerns with me.

As you are aware, I have investigated your complaint about ...

[Refer to the issues identified by the complainant, and what they believed went wrong. For example, 'our decision not to waive your waste collection charge'.]

My investigation involved ...

[Describe what steps were taken as part of the investigation. For example, 'considering the Council's policies, reviewing our service arrangements and the outcome you are wanting, bearing in mind the broader impact on our service and the community as a whole'.]

As a result of my investigation, I have decided that ...

[Explain what your conclusions are, and support them with reasons and evidence. If the Council is taking remedial action, explain what it is and how it addressed the issue. For example, 'I have found that we did not consider your personal circumstances, and we should have given you extra time to pay the registration fee for your cats when you requested a payment extension before the due date.

We have reminded staff to be more flexible in answering similar requests in the future, and we have updated our policies to support this approach. Nonetheless, I am sorry you did not have a positive experience in this instance, and hope that the changes we have made give you some confidence that we are trying to improve our services.']

If you are dissatisfied with the outcome of your complaint, you can request an internal review of the handling of your complaint by ...

[Explain what the complainant needs to do to request an internal review. For example, 'writing to review@CouncilEmail, and outlining how you believe the decision was wrong'.]

You may also have an option to seek a review of your complaint by contacting ...

[Explain how a person can request an internal review. If you are providing an outcome to an internal review, include information about external review options available, including details of the relevant oversight/review body. For example '... the Victorian Ombudsman, which can deal with complaints about actions and decisions of Councils and other Victorian public bodies'.]

If you would like to discuss your complaint further, you are welcome to contact me by calling ... or emailing

Yours sincerely

[Name of responsible officer and title]

...

Victorian Ombudsman
Level 2, 570 Bourke Street
Melbourne VIC 3000

Phone 03 9613 6222
Email complaints@ombudsman.vic.gov.au
www.ombudsman.vic.gov.au

15.4. OCTOBER 2021 MONTHLY PLANNING DECISIONS

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of October 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2021.

BACKGROUND

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme, including the issue of planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 October and 31 October 2021 is included in Attachment *October 2021 Planning Decisions Report*.

Attachment *October 2021 Planning Trends Report* provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

ATTACHMENTS

1. October 2021 Planning Decisions Report [**15.4.1** - 5 pages]
2. October 2021 Planning Trends Report [**15.4.2** - 3 pages]

OPTIONS

Council has the following options available:

1. Receive the October 2021 planning decisions report; or
2. Not receive the October 2021 planning decisions report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report of recent planning permit trends and planning application determinations between 1 October and 31 October 2021.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

The monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits, and notices of decision to grant a planning permit.

LEGISLATIVE IMPACT

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy, and the requirements of the Planning Policy Framework in the Wellington Planning Scheme.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.3: *"Wellington Shire is well planned, considering long term growth and sustainability."*

Strategy 2.3.2: *"Ensure sufficient land supply to provide for a range of lifestyle."*

Strategy 2.3.3: *"Recognise and advocate for best practice land development which considers energy efficiency and sustainability for housing."*

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

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

**PLANNING APPLICATION DETERMINATIONS
BETWEEN 1/10/2021 AND 31/10/2021**

Application No/Year	Date Received	Property Title & Address	Proposal	Status
343-2.00/2019	25/08/2021	Assessment No. 319236 LOT: 2 LP: 144644 1 MACFARLANE ST HEYFIELD	Use and development of the land for a dwelling.	Permit Issued by Delegate of Resp/Auth 1/10/2021
488-2.00/2020	29/09/2021	Assessment No. 106716 LOT: 3 PS: 66964 SALE-HEYFIELD RD FULHAM	Use/development of the land for a dwelling in assoc with calf rearing.	Permit Issued by Delegate of Resp/Auth 7/10/2021
539-1.00/2020	22/12/2020	Assessment No. 55632 CA: 6 SEC: E1 53-59 STEPHENSON ST SALE	Use and development of the land for a warehouse.	Permit Issued by Delegate of Resp/Auth 13/10/2021
260-2.00/2021	5/10/2021	Assessment No. 263160 LOT: 14 PS: 144854 27 BYRNES RD WOODSIDE BEACH	Buildings and works associated with an outbuilding.	Permit Issued by Delegate of Resp/Auth 12/10/2021
265-1.00/2021	29/06/2021	Assessment No. 299552 CA: 40 BEAGLEYS RD DEVON NORTH	Use and development of the land for a dwelling.	Permit Issued by Delegate of Resp/Auth 25/10/2021
288-1.00/2021	13/07/2021	Assessment No. 108670 CA: 1 SEC: 5 18-20 CHURCH ST COWWARR	Buildings & works associated with construction of a dwelling.	No Permit Required 5/10/2021
293-1.00/2021	14/07/2021	Assessment No. 21808 LOT: 1 TP: 385099 95 DUNDAS ST SALE	Buildings & works for development of 2 dwellings & 2 lot subdivision.	Permit Issued by Delegate of Resp/Auth 8/10/2021
301-1.00/2021	16/07/2021	Assessment No. 279125 CA: 1 SEC: 11 170 YARRAM-PORT ALBERT PORT ALBERT	Buildings and works for the development of an outbuilding.	Permit Issued by Delegate of Resp/Auth 27/10/2021
302-1.00/2021	16/07/2021	Assessment No. 450015 PC: 375550H 14-16 CALLADALE CT GORMANDALE	Buildings & works/construction of a dwelling and outbuilding.	Permit Issued by Delegate of Resp/Auth 21/10/2021
312-1.00/2021	20/07/2021	Assessment No. 316372 CA: 43B SEC: B 1A MACFARLANE ST HEYFIELD	Buildings and works associated with construction of viewing platforms.	Permit Issued by Delegate of Resp/Auth 8/10/2021
318-1.00/2021	26/07/2021	Assessment No. 16634 PC: 371694A 212-220 YORK ST SALE	Buildings and works associated with a replacement pole sign.	Permit Issued by Delegate of Resp/Auth 13/10/2021

ATTACHMENT 15.4.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
319-1.00/2021	26/07/2021	Assessment No. 233700 LOT: 209 LP: 50201 44 LAKE ST LOCH SPORT	Buildings&works associated with construction of a dwelling and fence.	Permit Issued by Delegate of Resp/Auth 22/10/2021
329-1.00/2021	30/07/2021	Assessment No. 16543 PC: 369469Y 186-188 YORK ST SALE	Use of land for restricted recreation facility (martial arts studio).	Permit Issued by Delegate of Resp/Auth 1/10/2021
336-1.00/2021	11/08/2021	Assessment No. 9357 LOT: 1 TP: 130320 61 MARLEY ST SALE	Buildings and works associated with an extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth 2/10/2021
337-1.00/2021	11/08/2021	Assessment No. 436162 LOT: 2 TP: 424558T LICOLA RD GLENMAGGIE	Use and development of land with a dwelling.	Permit Issued by Delegate of Resp/Auth 26/10/2021
354-1.00/2021	20/08/2021	Assessment No. 437145 LOT: 14 PS: 736776F 108D GOLF COURSE RD HEYFIELD	Buildings & works associated with a dwelling and shed.	Permit Issued by Delegate of Resp/Auth 15/10/2021
360-1.00/2021	23/08/2021	Assessment No. 325928 LOT: 1 TP: 387964 91 GOLF COURSE RD HEYFIELD	Use of the land to sell or consume liquor.	Permit Issued by Delegate of Resp/Auth 15/10/2021
361-1.00/2021	23/08/2021	Assessment No. 197657 LOT: 1 PS: 94988 15B BARKERS RD WILLUNG	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 4/10/2021
363-1.00/2021	24/08/2021	Assessment No. 451583 LOT: 2 TP: 175105 39-41 PALMERSTON ST SALE	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth 19/10/2021
371-1.00/2021	27/08/2021	Assessment No. 34926 LOT: 1 LP: 18518 40-42 BARKLY ST SALE	Buildings and works associated with a carport.	Permit Issued by Delegate of Resp/Auth 15/10/2021
373-1.00/2021	30/08/2021	Assessment No. 182121 PC: 353090 2,386-2,390 SHORELINE DR THE HONEYSUCKLES	Buildings and works associated with a dwelling and 1.2m high fence	Permit Issued by Delegate of Resp/Auth 25/10/2021
378-1.00/2021	1/09/2021	Assessment No. 234583 LOT: 909 LP: 55692 39 LEON ST LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 8/10/2021
385-1.00/2021	2/09/2021	Assessment No. 183012 LOT: 97 LP: 82059 12 MANDALAY DR THE HONEYSUCKLES	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 15/10/2021

ATTACHMENT 15.4.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
386-1.00/2021	2/09/2021	Assessment No. 218016 LOT: 738 LP: 52648 32 PACIFIC CT GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 8/10/2021
390-1.00/2021	3/09/2021	Assessment No. 306977 LOT: 1 TP: 146720L 117 JOHNSON ST MAFFRA	Use of the land to sell or consume liquor (takeaway liquor licence).	Permit Issued by Delegate of Resp/Auth 19/10/2021
397-1.00/2021	6/09/2021	Assessment No. 182501 PC: 355210W 27 MANDALAY DR THE HONEYSUCKLES	Buildings and works associated with a dwelling.	Permit Issued by Delegate of Resp/Auth 29/10/2021
398-1.00/2021	6/09/2021	Assessment No. 323113 LOT: 1 TP: 323017T 1 TEMPLE ST HEYFIELD	Subdivision of the land into two lots and removal of an easement.	Permit Issued by Delegate of Resp/Auth 26/10/2021
401-1.00/2021	7/09/2021	Assessment No. 347062 LOT: 1 PS: 124276 490 STRATFORD-MAFFRA MAFFRA	Subdivision of the land into 2 lots.	Withdrawn 5/10/2021
412-1.00/2021	10/09/2021	Assessment No. 452144 LOT: 22 PS: 736786C 33-45 WELLINGTON PARK SALE	Subdivision of land into 3 lots.	Permit Issued by Delegate of Resp/Auth 13/10/2021
417-1.00/2021	15/09/2021	Assessment No. 363606 LOT: 2 PS: 422484V 256 MONTGOMERY RD BUNDALAGUAH	Use and development of a second dwelling.	No Permit Required 29/10/2021
419-1.00/2021	16/09/2021	Assessment No. 427559 LOT: 2 PS: 713657T 222 BALGONIE LANE STRATFORD	Buildings & works for construction of shedding for board kennels.	Permit Issued by Delegate of Resp/Auth 29/10/2021
424-1.00/2021	21/09/2021	Assessment No. 238543 LOT: 698 LP: 53109 19 NATIONAL PARK RD LOCH SPORT	Buildings & works associated with construction of a carport.	Permit Issued by Delegate of Resp/Auth 1/10/2021
426-1.00/2021	27/09/2021	Assessment No. 292250 LOT: 2 PS: 98165 460 COMMERCIAL RD YARRAM	Buildings and works associated with construction of a shed.	Permit Issued by Delegate of Resp/Auth 8/10/2021
428-1.00/2021	27/09/2021	Assessment No. 83196 CA: 4 SEC: 1A 37 FITZPATRICK RD MONTGOMERY	Buildings & works associated with extension to an existing dwelling.	Permit Issued by Delegate of Resp/Auth 7/10/2021
429-1.00/2021	29/09/2021	Assessment No. 248864 LOT: 1031 LP: 55692 43 WILHELM ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 14/10/2021

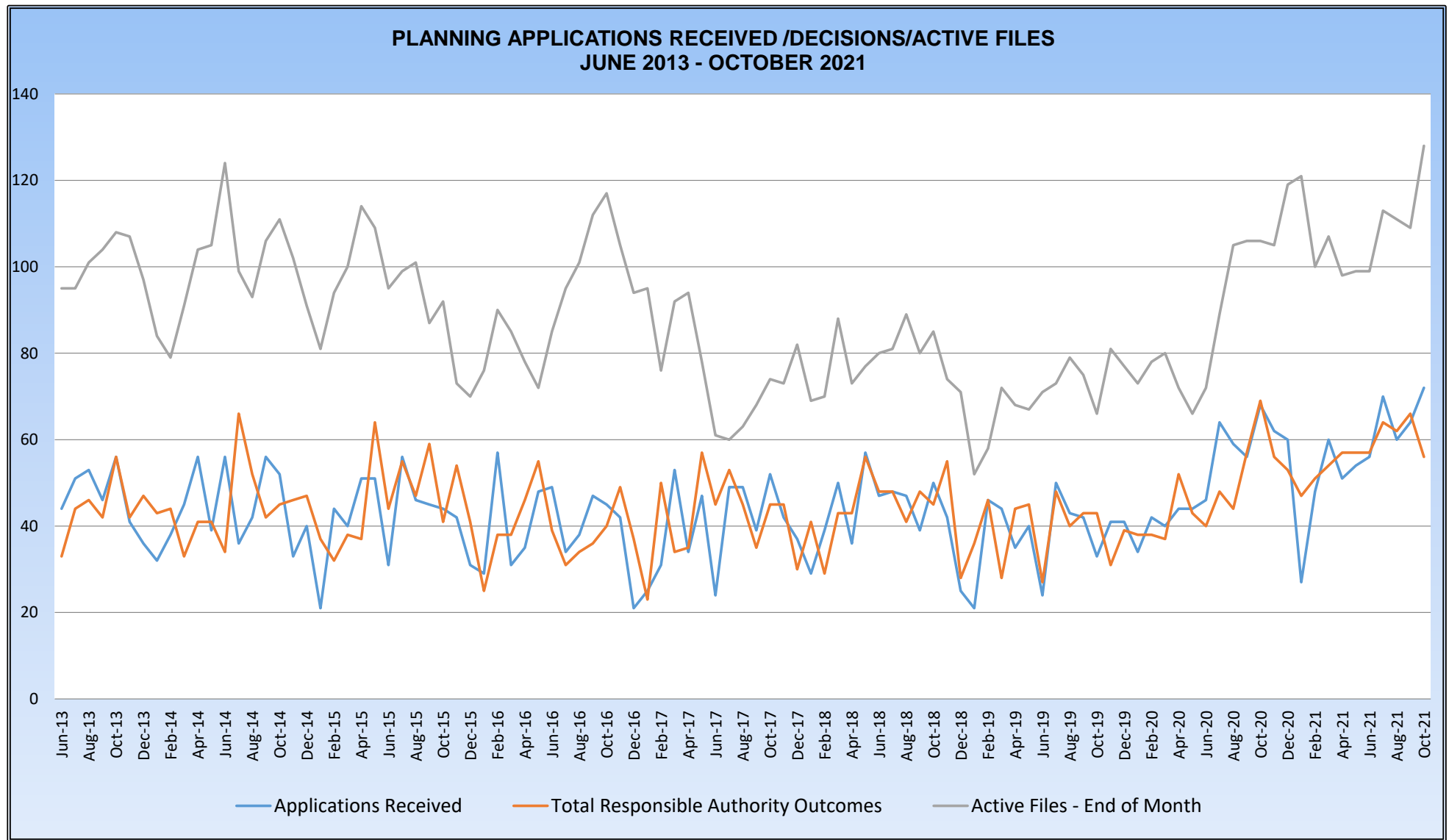
ATTACHMENT 15.4.1

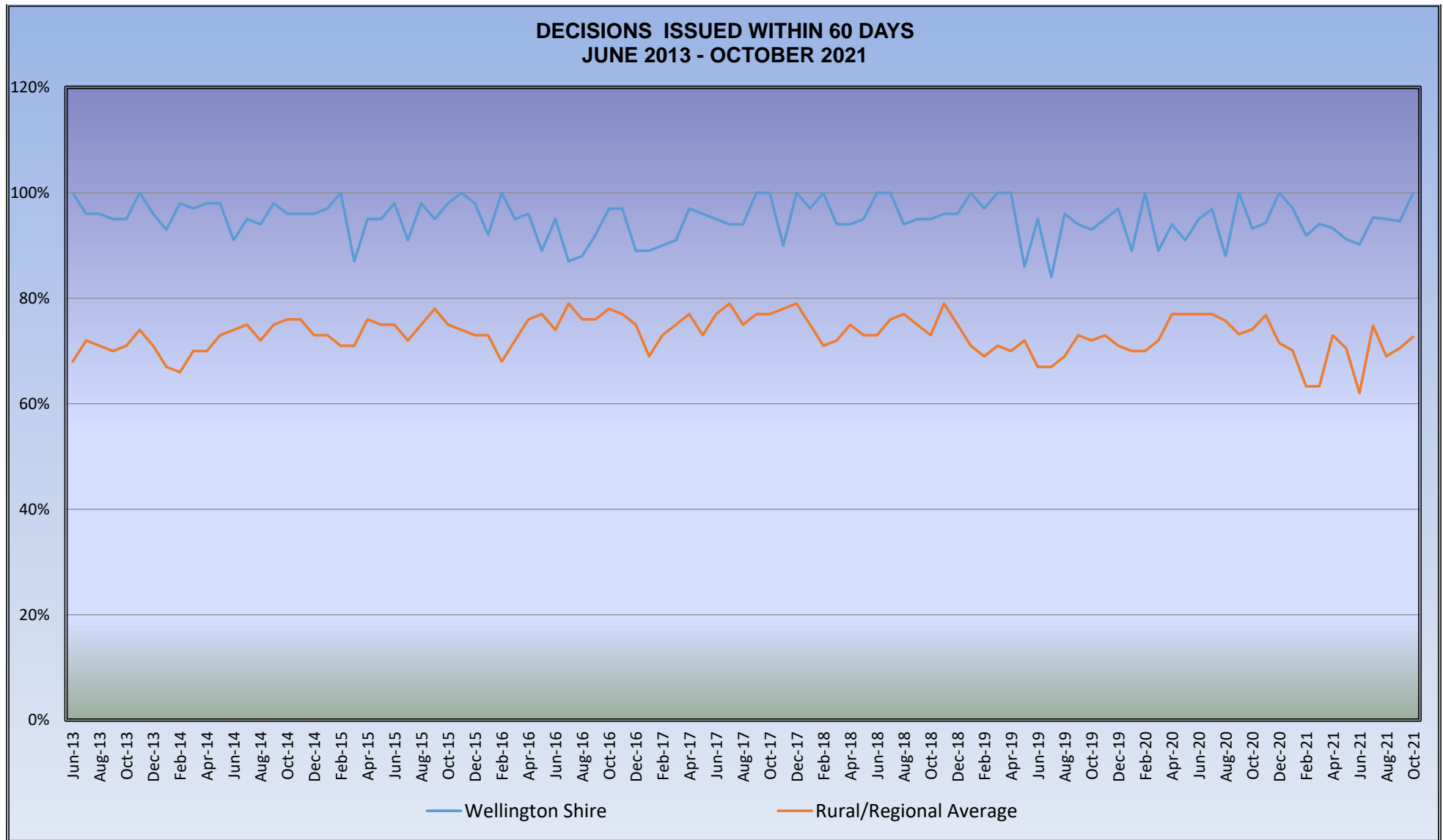
Application No/Year	Date Received	Property Title & Address	Proposal	Status
432-1.00/2021	30/09/2021	Assessment No. 116491 PC: 361622M 340 SHORELINE DR GOLDEN BEACH	To remove a drainage easement (E1).	Permit Issued by Delegate of Resp/Auth 29/10/2021
435-1.00/2021	1/10/2021	Assessment No. 346593 LOT: 1 PS: 607833S 276 MAFFRA-BRIAGOLONG MAFFRA	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 6/10/2021
438-1.00/2021	28/09/2021	Assessment No. 451112 LOT: 3 TP: 22335G 8,659 SOUTH GIPPSLAND ALBERTON	Buildings and works associated with a dwelling.	Permit Issued by Delegate of Resp/Auth 12/10/2021
439-1.00/2021	4/10/2021	Assessment No. 83691 LOT: 2 PS: 124118 141 HAGANS RD AIRLY	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 12/10/2021
441-1.00/2021	5/10/2021	Assessment No. 299636 CA: 44B 373 TARRA VALLEY RD DEVON NORTH	Works associated with construction of a dam.	Permit Issued by Delegate of Resp/Auth 15/10/2021
444-1.00/2021	6/10/2021	Assessment No. 382960 PC: 363600M 387-389 RAGLAN ST SALE	Buildings & works associated with extension to an existing building.	Permit Issued by Delegate of Resp/Auth 18/10/2021
453-1.00/2021	12/10/2021	Assessment No. 36889 LOT: 2 TP: 251212 28 DESAILLY ST SALE	Buildings & works/construction of a carport and garage.	Permit Issued by Delegate of Resp/Auth 22/10/2021
454-1.00/2021	12/10/2021	Assessment No. 42077 LOT: 1 TP: 223153S 6-8 MACALISTER ST SALE	Buildings and works associated with construction of a front fence.	Permit Issued by Delegate of Resp/Auth 19/10/2021
456-1.00/2021	13/10/2021	Assessment No. 348615 CA: 30E 113 CEMETERY RD BRIAGOLONG	Buildings and works associated with a car port.	Permit Issued by Delegate of Resp/Auth 22/10/2021
457-1.00/2021	13/10/2021	Assessment No. 16675 PC: 378199B 232-240 YORK ST SALE	Buildings and works associated with a cylinder filling station.	Permit Issued by Delegate of Resp/Auth 25/10/2021
458-1.00/2021	13/10/2021	Assessment No. 446062 LOT: 1 PS: 536489Y 208 GRIMMES RD DENISON	Buildings and works associated with an outbuilding.	Permit Issued by Delegate of Resp/Auth 20/10/2021
464-1.00/2021	13/10/2021	Assessment No. 367250 LOT: 1 PS: 603024A 82 MASONS LANE MAFFRA WEST UPPER	Buildings and works associated with an extension to an outbuilding.	Permit Issued by Delegate of Resp/Auth 27/10/2021

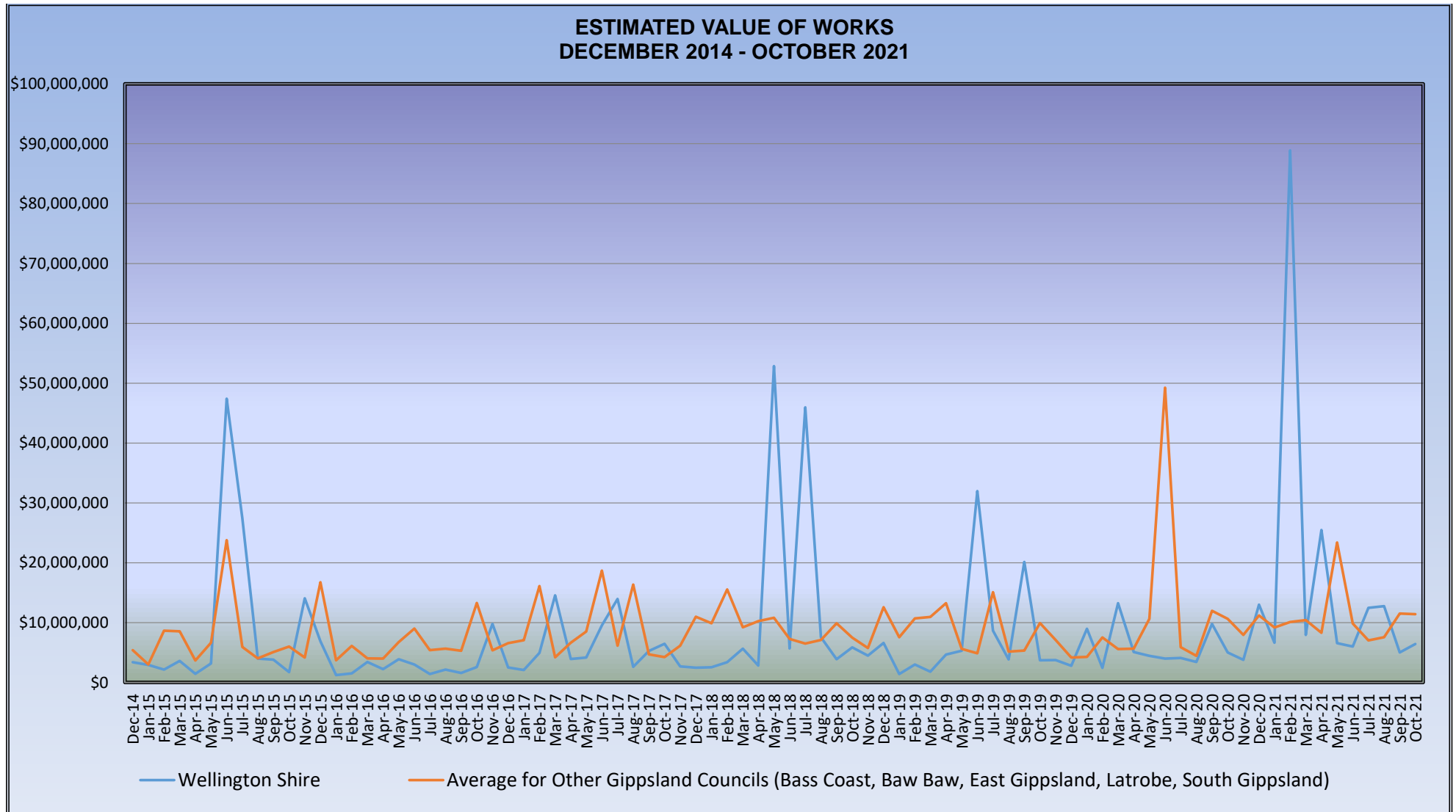
ATTACHMENT 15.4.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
465-1.00/2021	13/10/2021	Assessment No. 243352 PC: 109625 6 TOORAK AVE LOCH SPORT	Buildings & works associated with extension to dwelling & car port.	Permit Issued by Delegate of Resp/Auth 20/10/2021
467-1.00/2021	18/10/2021	Assessment No. 445890 CA: 30 SEC: B HOWLETT RD BRIAGOLONG	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 28/10/2021
469-1.00/2021	18/10/2021	Assessment No. 450007 PC: 375548T 6-8 CALLADALE CT GORMANDALE	Removal of a tree.	Permit Issued by Delegate of Resp/Auth 26/10/2021
470-1.00/2021	19/10/2021	Assessment No. 446583 LOT: 4 PS: 713416S 82 STEVENS ST SALE	Buildings and works associated with a domestic swimming pool.	Permit Issued by Delegate of Resp/Auth 20/10/2021
472-1.00/2021	19/10/2021	Assessment No. 299859 LOT: 2 TP: 345745J 786 YARRAM-MORWELL RD JACK RIVER	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 28/10/2021
473-1.00/2021	19/10/2021	Assessment No. 75044 LOT: 1 TP: 820717R 13 HOBSON ST STRATFORD	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 27/10/2021
480-1.00/2021	19/10/2021	Assessment No. 346775 LOT: 2 LP: 135138 1,916 MAFFRA-BRIAGOLONG BRIAGOLONG	Buildings & works associated with construction of an agricultural shed	Permit Issued by Delegate of Resp/Auth 27/10/2021
484-1.00/2021	22/10/2021	Assessment No. 218214 LOT: 758 LP: 52648 6 BEACHCOMBER RD GOLDEN BEACH	Buildings and works associated with an outbuilding.	Permit Issued by Delegate of Resp/Auth 28/10/2021
486-1.00/2021	25/10/2021	Assessment No. 258277 LOT: 1091 PS: 40160 144 SEVENTH AVE PARADISE BEACH	Buildings and works associated with construction of a fence.	Permit Issued by Delegate of Resp/Auth 27/10/2021

Total No of Decisions Made: 56







15.5. PROPOSED PURCHASE OF 107 FLAMINGO DRIVE, GOLDEN BEACH

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council to authorise the acquisition (purchase by agreement) of property located at 107 Flamingo Drive, Golden Beach.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council authorise the Chief Executive Officer to acquire (purchase by agreement) property described as 107 Flamingo Drive, Golden Beach more specifically referred to as Lot 2982 LP56682 Volume 8391 Folio 589 for the amount determined by the independent assessment of the market value following consolidation.

BACKGROUND

Wellington Shire Council has been approached by the legal representatives of the owner of 107 Flamingo Drive, Golden Beach requesting that Council consider purchasing a vacant parcel of land (see Confidential Attachment). They are aware that Council is owner of the other parcels within the same restructure lot.

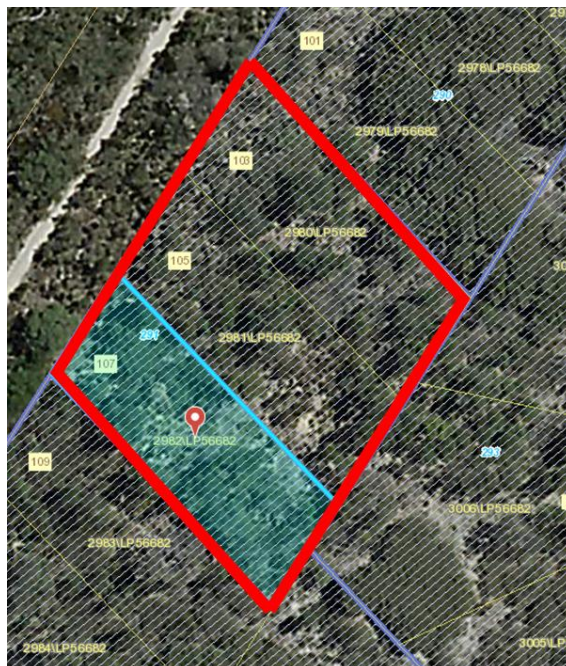


Figure 1 – 107 Flamingo Drive, Golden Beach

Noting previous investigations, advice has been obtained from the Victorian Ombudsman that in certain circumstances, namely where justification exists, Council can acquire land to facilitate parcels being consolidated for the purpose of future sale and development. This

advice was obtained following receipt of this request for Council to purchase the vacant land and provides an exception to a previous recommendation made by the Ombudsman (refer Confidential Attachment).

Given the current owners personal circumstances and the specific request for Council's intervention, it is considered that the only course of action in this instance is for Council to acquire the lot.

An assessment of market value has been conducted (refer Confidential Attachment) with the valuation considering two scenarios: the land "as is" and secondly as part of a consolidated restructure lot.

It is considered that the higher "following consolidation" value should be adopted as the purchase price on the basis Council would have ownership of the remaining restructure lots which may be sold in the future and considering the views of the Ombudsman around Council not being perceived as profiteering.

ATTACHMENTS

1. Confidential Header Proposed Purchase of 107 Flamingo Drive, Golden Beach [**15.5.1** - 1 page]
2. CONFIDENTIAL REDACTED - ECM 2828588 - 107 Flamingo Drive Golden Beach - Original Letter [**15.5.2** - 1 page]
3. CONFIDENTIAL REDACTED - 29 September 2021 - Ombudsman letter to CEO Wellington Shire Council [**15.5.3** - 2 pages]
4. CONFIDENTIAL REDACTED - Valuation - 107 Flamingo Drive, Golden Beach [**15.5.4** - 3 pages]

OPTIONS

Council has the following options available:

1. Progress with an acquisition by agreement; or
2. Not progress any acquisition.

PROPOSAL

That Council authorise the Chief Executive Officer to acquire (purchase by agreement) property described as 107 Flamingo Drive, Golden Beach more specifically referred to as Lot 2982 LP56682 Volume 8391 Folio 589 for the amount determined by an independent assessment of the vacant land's market value.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This report recommends an acquisition of property at market value. Completing the acquisition will result in a minor financial impact for Council. It is also noted there will be some minor costs associated with the acquisition e.g. legal.

COMMUNICATION IMPACT

It is anticipated that this purchase may generate interest from other owners of parcels within the coastal restructure lot overlay area.

LEGISLATIVE IMPACT

The acquisition of this land will comply with relevant legislative requirements including the *Local Government Act 2020* (Vic) and the *Land Acquisition and Compensation Act 1986* (Vic).

COUNCIL POLICY IMPACT

Wellington Shire Council's Policy for the Sale, Exchange and Acquisition of Land accords with best practice guidelines. It states that transactions should be in the best interests of the community and provide the best result (financial and non-financial) for Council and the community.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.1: *"Develop asset management plans in conjunction with service level plans for all council facilities and infrastructure."*

Strategy 2.2.2: *"Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents."*

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

RESOURCES AND STAFF IMPACT

This matter is being addressed within the existing resources of the Economic Development Business Unit.

COMMUNITY IMPACT

Progressing this acquisition will likely result in a higher and better use of the site.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This reports recommendation has been considered in light of further advice received by the Victorian Ombudsman who completed an investigation regarding Council's handling of Ninety Mile Beach Land Sales. In supporting the recommendations Council has established improved processes to allow the exchange of information between land owners within the restructure overlay area. Ongoing engagement will continue with the Ombudsman and with other stakeholders within the Ninety Mile Beach area.

RISK MANAGEMENT IMPACT

The recommendation within this report is considered to have addressed any risk management impacts.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING
7 December 2021

On this day, 12 December 2021, in accordance with Section 3(1) Confidential Information of the *Local Government Act 2020*; I, Brent McAlister, General Manager Development declare that the information contained in the attached documents

- **ECM 2828588 - 107 FLAMINGO DRIVE GOLDEN BEACH - ORIGINAL LETTER**
- **29 SEPTEMBER 2021 - OMBUDSMAN LETTER TO CEO WELLINGTON SHIRE COUNCIL**
- **VALUATION – 107 FLAMINGO DRIVE, GOLDEN BEACH**

is confidential because it relates to the following grounds:

- (a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*

A handwritten signature in red ink, appearing to be 'Brent McAlister', is written over a horizontal dotted line.

BRENT McALISTER, GENERAL MANAGER DEVELOPMENT

16. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.1. SLOPING BRIDGE WIDENING - POUND ROAD WEST

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the widening of Sloping Bridge on Pound Road West, Alberton West.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West; and***
- 2. The information contained in the confidential attachment Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 5 November 2021 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

Sloping Bridge is a single lane bridge crossing the Albert River on Pound Road West, Alberton West. The works involved in this contract are to widen the bridge structure to two trafficable lanes and to widen, construct and seal the bridge approaches.

Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header Contract 2022-049 Sloping Bridge Widening Pound Road West Alberton West [**16.1.1** - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2022-049 Sloping Bridge Widening Construction - Tender Evaluation Report [**16.1.2** - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West; or
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

These works have been budgeted for under the 2021-2022 capital works program.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.3: *"Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability."*

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

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact as Sloping bridge is currently a single lane bridge. After these works are completed, it will be a dual lane bridge which will provide for improved usability and safety.

ENVIRONMENTAL IMPACT

This project will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

ORDINARY COUNCIL MEETING
21 December 2021

On this day, 5 November 2021, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT AWARD 2022-049 SLOPING BRIDGE WIDENING – POUND ROAD WEST ALBERTON WEST** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

A handwritten signature in blue ink, appearing to be 'CHAS', is written over a light blue circular stamp.

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.2. ANNUAL KERB AND CHANNEL PROGRAM

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the annual kerb and channel replacement program.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-056 Annual Kerb and Channel Program; and***
- 2. The information contained in the confidential attachment Contract 2022-056 Annual Kerb and Channel Program and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

The kerb and channel renewal program is an annual program that is used to maintain Wellington Shire Council's kerb and channel assets in a good condition. Sections of kerb and channel within Maffra, Sale, Stratford and Wurruk that have been identified for renewal due to their condition. Their replacement will result in improved amenity of these urban areas.

Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header Contract 2022-056 Annual Kerb and Channel Program [**16.2.1** - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2022-056 Annual Kerb and Channel Program - Tender Evaluation Report [**16.2.2** - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2022-056 Annual Kerb and Channel Program;
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2022-056 Annual Kerb and Channel Program.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

These works have been budgeted for under the 2021-2022 capital works program.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.3: *"Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability."*

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

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

ORDINARY COUNCIL MEETING
21 December 2021

On this day, 9 December 2021, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT AWARD 2022-056 ANNUAL KERB AND CHANNEL PROGRAM** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

A handwritten signature in blue ink, appearing to be 'CHASTIE', is written over a dotted line.

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.3. DELEGATED AUTHORITY: DUKE STREET ROAD AND DRAINAGE CONSTRUCTION, YARRAM / MCMILLAN STREET RECONSTRUCTION WORKS, STRATFORD / ABELS AND BOYLES ROAD, LONGFORD

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider delegating to the Chief Executive Officer to enter into contracts for the for following works:

- Duke Street Road and Drainage Construction Yarram; and
- McMillan Street Construction Stratford; and
- Abels and Boyles Road Construction – Longford; and

report back to Council on the details when awarded.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council delegate authority to the Chief Executive Officer to enter into contracts for the following projects subject to the tendered price being within budget:***
 - ***2022-063 Duke Street Road and Drainage Construction - Yarram; and***
 - ***2022-064 McMillan Street Construction Special Charge Scheme – Stratford; and***
 - ***2022-070 Abels / Boyles Road Construction Special Charge Scheme – Longford.***
- 2. The Chief Executive Officer provide details to Council of the contracts awarded under this delegation.***

BACKGROUND

Duke Street, between Commercial Road and Grouse Street, Yarram is due for reconstruction due to its failing pavement. It is intended that the existing kerb and channel will be replaced, and the gravel shoulders will be sealed and the pavement reconstructed. Street trees will also be planted as part of this project.

McMillan Street, Stratford between Davis Street and Thompson Street is to be reconstructed as part of the Residential Road and Street Construction Special Charge Street Construction Program and has been the subject of previous reports to Council when the scheme was proposed and later adopted.

Abels Road and Boyles Road, Longford between the South Gippsland Highway and Boggy Creek Road is to be reconstructed as part of the Residential Road and Street Construction Special Charge Street Construction Program and has been the subject of previous reports to Council when the scheme was proposed and later adopted.

Tender documents have been prepared and advertised and tenders closed for all three projects on 20 December 2021. This has not allowed enough time for submissions to be evaluated and included in this report. The next meeting of Council will be on 1 February 2022 and if this contract is awarded under delegation by the Chief Executive Officer, then contractors can be appointed and can commence their planning to start onsite as soon as possible. Alternatively, Council may decide to wait until a future meeting to award these contracts.

ATTACHMENTS

Nil

OPTIONS

Council has the following options available:

1. Delegate to the Chief Executive Officer to enter into contracts for the following projects:
 - 2022-063 Duke Street Road and Drainage Construction, Yarram within budget and to provide details to Council on the contract awarded; and
 - 2022-064 McMillan Street Construction Special Charge Scheme – Stratford within budget and to provide details to Council on the contract awarded; and
 - 2022-070 Abels / Boyles Road Construction Special Charge Scheme – Longford within budget and to provide details to Council on the contract awarded; or
2. Not delegate authority to enter into a contract at this time.

PROPOSAL

That Council delegate authority to the Chief Executive Officer to enter into contracts for the following projects:

- 2022-063 Duke Street Road and Drainage Construction, Yarram; and
- 2022-064 McMillan Street Construction Special Charge Scheme – Stratford; and
- 2022-070 Abels / Boyles Road Construction Special Charge Scheme – Longford;

and that the Chief Executive Officer provide details to Council on the contracts awarded.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

These projects have been budgeted for in the 2021/2022 Capital Works Program.

COMMUNICATION IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the Victorian *Local Government Act 1989* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.3: *"Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability."*

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

RESOURCES AND STAFF IMPACT

These projects will be undertaken with the resources of the Assets & Projects unit.

COMMUNITY IMPACT

The Longford community and in particular the residents of Ables and Boyles Roads, the Stratford community in particular the residents of McMillan Street and the Yarram community in particular the residents of Duke Street will greatly benefit in having their streets reconstructed and brought up to a modern standard.

ENVIRONMENTAL IMPACT

The proposed works will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.

17. FURTHER GALLERY AND ONLINE COMMENTS

Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.

This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.

If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.

ONLINE COMMENTS –

FURTHER GALLERY COMMENTS –

Meeting declared closed at:

The live streaming of this Council meeting will now come to a close.

18. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:

- a) Council business information***
- b) Security information***
- c) Land use planning information***
- d) Law enforcement information***
- e) Legal privileged information***
- f) Personal information***
- g) Private commercial information***
- h) Confidential meeting information***
- i) Internal arbitration information***
- j) Councillor Conduct Panel confidential information***
- k) Information prescribed by the regulations to be confidential information***
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989***

IN CLOSED SESSION

COUNCILLOR

That Council move into open session and ratify the decision made in closed session.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

ORDINARY COUNCIL MEETING
21 December 2021

On this day, 13 December 2021, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Arthur Skipitaris, General Manager Corporate Services declare that the information contained in the attached documents

- **GIPPSLAND BUSINESS INITIATIVE - PATHWAY REPLACEMENT**
- **EAST GIPPSLAND CIVICA SAAS CONTRACT**
- **EAST GIPPSLAND SHIRE COUNCIL AND WELLINGTON SHIRE COUNCIL_ SHARED BUSINESS SYSTEMS AGREEMENT 27 SEPT 2021- FINAL**

is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- (a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and*
- (g)(ii) *private commercial information, being information by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

.....
ARTHUR SKIPITARIS, GENERAL MANAGER CORPORATE SERVICES

18.2 PROPOSED LEASE



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 21 December 2021

On this day, 13 December 2021, in accordance with Section 3(1) Confidential Information of the *Local Government Act 2020*; I, Brent McAlister, General Manager Development declare that the information contained in the attached document **PROPOSED LEASE** is confidential because it relates to the following grounds:

- (a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*
- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

.....
BRENT MCALISTER, GENERAL MANAGER DEVELOPMENT