



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

COUNCIL POLICY MANUAL 2019

Adopted 18 December 2018

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1. CEO UNIT

COUNCILLOR ENTITLEMENTS AND ADMINISTRATION

| | |
|---------------------------------|---|
| Policy Number: | 1.1 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Chief Executive Officer |
| Responsible Officer: | General Manager Corporate Services |
| Statutory Reference: | <i>Local Government Act 1989</i> ; Relevant Orders in Council |

OVERVIEW

Councillors are elected as the representatives of residents and ratepayers, to govern the Shire of Wellington in accordance with the *Local Government Act 1989*. 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.

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.

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.

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.

Legislative Framework

Section 74(1) of the *Local Government Act 1989* (the Act) provides for payment of annual allowances to Mayors and Councillors. These are fixed by Orders in Council which are published from time to time in the Government Gazette. Allowances are taxable income and are paid monthly in advance. Personal taxation implications are the responsibility of individual Councillors.

If a Councillor is appointed to act as Mayor under section 73(3) 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 of:

- (a) The relevant Order in Council made under section 74B; or
- (b) A Minister's notice published under section 73A, 73B or 74C.

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 63 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 71 of the Act.

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 75A 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 75(2) refers to the duties as a Councillor 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 necessary 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 Proposal 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 10 business days after the end of the financial year. Any claims submitted later than 3 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 74 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.

Remote Area Allowance

A “remote area” allowance paid in accordance with Section 74 of the Act is payable to eligible Councillors for time spent on long distance travel in remote areas.

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 and Claim Form refer to: [Remote Area Allowance Guidelines](#)

EXPENSES TO BE REIMBURSED

Councillor out-of-pocket expenses are reimbursable as per Section 75 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).

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.

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 Councils Accounts Payable into a nominated bank account.

Further information on claim procedures and limits can be found in the Councillor Expense Claim refer to: [Remote Area Allowance Guidelines](#)

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

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.

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.

Councillors undertaking professional development shall have expenses for transport, accommodation, registration fees, meals and refreshments 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 such Dependent Care 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

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

Meals

Meals (generally lunch and dinner) shall generally be provided to Councillors where meetings are scheduled during meal times.

When Councillors are required to travel on Council business for periods exceeding 2 hours (single trip), Councillors shall be entitled to reimbursement for a "light meal" provided that the travel occurs during a normal meal time.

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.

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.

RESOURCES, FACILITIES AND SUPPORT

Superannuation

Councillors may wish to make salary sacrifice arrangements for superannuation contributions. All contributions are to be made in accordance with relevant legislation.

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.

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 (eg: 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.

Stationery

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

Other Resources

- A Council officer nominated by the Chief Executive Officer to be available as a Councillor Support Officer, provided that funding has been allocated for that purpose;
- Protective clothing on loan, where required to assist in carrying out a Councillors duties, such clothing 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.

REVIEW AND REPORTING

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

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

Councillors' 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 a needs basis.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|--|
| Procedure | Provision of Motor Vehicles for Councillors Remote Area Allowance Guideline Councillor Expense Claim Guideline |
| Strategy | Nil |

PROVISION OF MOTOR VEHICLES FOR COUNCILLORS

| | |
|--------------------------------|--|
| Policy Number: | 1.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Councillor Entitlements and Administration |
| Applicable to Unit(s): | Councillors |
| Responsible Officer: | General Manager Corporate Services |
| Statutory Reference: | <i>Local Government Act 1989</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.

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 Management 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.

Usage of any provided Council motor vehicle will be in accordance with Council's Fleet Management Guidelines.

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.

Related Documents

| Type: | Details: |
|------------|------------------------------|
| Guidelines | Fleet Management Guidelines; |

MEDIA AND COMMUNICATIONS

| | |
|---------------------------------|--|
| Policy Number: | 1.3 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Social Media |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Coordinator Media and Public Relations |
| 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 2030 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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

SOCIAL MEDIA

| | |
|---------------------------------|--|
| Policy Number: | 1.4 |
| Approved by: | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Media and Communications |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Coordinator Media and Public Relations |
| 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 Councillors, employees, contractors, agents and volunteers of Wellington Shire Council who purport to use social media on behalf of Wellington Shire Council. This policy will also apply 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
- Assist Wellington Shire Council to manage the inherent challenges of speed and immediacy

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 new sites; forums and discussion boards; instant messaging facilities; microblogging sites (eg. Twitter, Tumblr); online encyclopedias and wikis (eg. Wikipedia); podcasts and video podcasts; social networking sites (eg. Facebook, LinkedIn); video and photo sharing sites (eg. Flickr, YouTube, Pinterest, Instagram, Snapchat, Periscope); 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.

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 Media and Public Relations 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.

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
- 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, sex 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.

If you have any doubt about applying the provisions of this policy, check with the Media and Public Relations 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.

Related Documents

| Type: | Details: |
|-----------|---|
| Charter | Customer Service Charter |
| Guideline | Wellington Shire Council Social Media Guide – Staff Induction Wellington Shire Council Written Style Guide and Web Style Guide Wellington Shire Council Corporate Style Guide |

2. CORPORATE SERVICES

2.1 PEOPLE AND EXCELLENCE

CORPORATE CREDIT CARD & FUEL CARD POLICY

| | |
|-------------------------------|---|
| Policy Number: | 2.1.00 |
| Approved by: | Chief Executive Officer |
| Date Approved: | April 2018 |
| Date Effective: | Immediately |
| Date of Next Review: | 2019 |
| Related Policies: | 12. Accommodation and Meal Allowances; 11. Service Recognition Policy; Fleet Guidelines |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | Manager Corporate Finance |
| Statutory Reference: | |

This policy will provide understanding and guidance for staff who use a Corporate Credit Card and Fuel Card.

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 will have to adhere to council policy on employee spending; Accommodation and Meals Policy, Service Recognition Policy and Fleet Guidelines.

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 'Instrument of Delegation'.

Use of Corporate Credit Card

The card is only to be used within the financial delegations given in writing 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.

Use of the card for personal expenses, in any situation, is prohibited. However, if there is an accidental personal purchase on the Corporate Credit Card then the person responsible must clearly mark it on the report in the description and pay back at Customer Service for the funds spent. The monies paid back must go to ledger 03.70055.9706 and the receipt from the merchant and Customer Service must be attached.

Restrictions/Limits

All corporate credit cards are blocked for cash advances.

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.

In the event the card is lost or misplaced, the Card Administrator and Commonwealth Bank must be informed immediately

Individuals business credit cards are not to be used by other employees of the Wellington Shire Council. If individual credit card limits are insufficient a temporary or permanent limit increase can should authorized.

If a Corporate Cardholder was to undertake Maternity Leave, Long Service Leave; or an extended amount of leave, they must return the card to the Corporate Cardholder Administrator for safe keeping, upon return to work the card will be returned to the employee.

If a person is dismissed then the card must be returned immediately to the Corporate Card Holder for destruction.

Purchasing and Record Keeping

Supporting documentation (i.e. Tax invoice or proof of purchase) is to be retained for costing and taxation purposes. An eftpos receipt is not a Tax Invoice and will not be treated as such.

If supporting documentation is not provided then any GST cannot be claimed by Council and will be charged to the relevant business unit ledger. A statutory Declaration must be completed and signed for purchases over \$20.00 inc GST.

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 Mayor will authorise the Chief Executive Officer's Corporate Card account prior to processing to be noted by General Manager of Corporate Services.

Temporary and Permanent Limit increase

If a Staff member requires an increase for a small amount 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 management 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 management. If management agrees with the increase, the form on the intranet (Request for Corporate Credit Card Increase) can be completed and returned to the Corporate Card Administrator for processing.

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.

The CEO's credit card expenditure will also be regularly reviewed by 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 Bank's requirements, will result in immediate cancellation of the facility, disciplinary action and or termination of employment.

Use of Motor Vehicle Fuel Card

Fuel cards are set up to only allow purchase of specific fuel types for allocated vehicles (eg: unleaded or diesel) and oil.

No other purchases (or incorrect fuel type for the particular vehicle) are able to be undertaken on each of the fuel cards. Fuel cards are also not to be used to purchase fuel for any other vehicle as this could lead to disciplinary action and or termination of employment

Each fuel card has a PIN which is to be used for each purchase and staff must provide a correct odometer reading at each fill of all fleet vehicles and plant

There are a small number of generic fuel cards that are used to fill Diesel tanks trailers at each depot that take fuel out to the plant located in remote locations – these cards still have a PIN but are not required to provide odometer reading.

Periodic Reviews and Internal Audit of Fuel Card Usage

Regular reviews of fuel and diesel purchases are overseen by finance and the fleet coordinator to identify any non-compliance with this policy or fraudulent activity.

Fuel purchases are reviewed against odometer readings versus the cost of fuel purchases. Purchase and usage of diesel fuel for depots are also reviewed and allocated against plant and equipment.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | |
| Strategy | Nil |

BEST VALUE AND COMPETITIVE NEUTRALITY

| | |
|--------------------------------|---|
| Policy Number: | 2.1.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | <i>Local Government Act 1989;</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

Wellington Shire Council is committed to implementing the Best Value Principles.

Implementation of Best Value Principles requires the Council to ensure that:

- all Council services meet quality and cost standards in accordance with section 208(D) of the *Local Government Act 1989*;
- all Council services are responsive to the needs of the community;
- all Council services are accessible to those for whom the services are intended;
- all Council services achieve continuous improvement;
- 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;
- an assessment of value for money in service delivery;
- community expectations and values;
- the balance of affordability and accessibility of services to the community;
- opportunities for local employment growth or retention;
- 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 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 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.

Related Documents

| Type: | Details: |
|--------------|--|
| Procedure | Wellington Shire Council Enterprise Bargaining Agreement Human Rights Charter |
| Strategy | Nil |

EQUAL OPPORTUNITY, ANTI-DISCRIMINATION & HARASSMENT

| | |
|--------------------------------|---|
| Policy Number: | 2.1.2 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Occupational Health & Safety Equal Opportunity Anti-Discrimination and Bullying & Harassment Procedure Workplace Grievance process (EBA No 8) Discipline and Performance Management process |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | <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>Protected Disclosure Act 2012</i> <i>The 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 organization which 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, and 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 set out in the Charter of Human Rights and Responsibilities
- 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*.

A Protected Attribute is defined as a person's

- Age
- Breastfeeding
- Carer status
- 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/ activity
- Sex (male, female or intersex)
- Sexual orientation (gay, lesbian, bisexual, queer, heterosexual)
- 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 are:

- Not offering training to an older employee because of his age.
- Excluding a work colleague from a work-related event because she is pregnant.

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

- a) That has, or is likely to have, the effect of disadvantaging persons with an attribute; and
- b) 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 child care 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 behaviours 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 Committee (EEO)

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 its implications for WSC 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 behaviour directed towards a person or a group of people that poses a risk to their mental wellbeing or physical health and safety.

Unreasonable behaviour is defined as behaviour 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 behaviour, 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.
- Inappropriate advances on social networking sites.
- Accessing sexually explicit internet sites.
- Requests for sex or repeated unwanted requests to go out on dates.
- Behaviour 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 a Muslim (serious religious vilification).

Victimisation

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

- Lodged, or is 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 behaviour 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 behaviour 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.

Related Documents

| Type: | Details: |
|--------------------------|---|
| Procedures or Guidelines | Equal Opportunity, Anti-discrimination and Harassment Policy Anti-Discrimination and Bullying & Harassment Procedures; Enterprise Agreement Equal Employment Opportunity, Part 4.6 Enterprise Agreement Prevention and Settlement of Disputes, Part 4.7. |
| Strategy | Nil |

OCCUPATIONAL HEALTH AND SAFETY

| | |
|--------------------------------|--|
| Policy Number: | 2.1.3 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Child Safe Standards Policy EEO, Anti-discrimination and harassment Health and Wellbeing in the Workplace Human Rights Risk Management |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | <i>Occupational Health and Safety Act 2004,</i> <i>Occupational Health and Safety Regulations 2017</i> <i>AS/NZS – 4801:2001 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 and visitors.”

THE POLICY

Wellington Shire Council will:

- Commit to continuous improvement of Council’s Occupational Health and Safety (OHS) systems and performance
- Provide and maintain safe vehicles, plant and systems of work.
- Ensure the safe use, handling, storage and transport of substances.
- Ensure compliance with legislative requirements and current industry standards.
- 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.
- Provide support and assistance and consult with staff on occupational health and safety issues.
- Develop and implement work occupational health and safety guidelines and procedures.

Management is responsible for:

- Development, promotion and implementation of occupational health and safety policies and procedures.
- Ensuring the provision and maintenance of a healthy and safe workplace.
- Providing adequate and competent supervision with regard to staff occupational health and safety.
- Providing resources to ensure occupational health and safety requirements are maintained.
- Providing information, instruction, training and supervision.

Staff/Labour Hire Personnel and Contractors are to:

- Comply with all occupational health and safety policies and procedures.
- Accept responsibility for protecting their own occupational health and safety and that of other workplace users.
- Co-operate with management in achieving a healthy and safe work environment.
- Immediately report all incidents and hazards to their supervisor.
- Not willfully interfere with or misuse items provided in the interests of occupational health and safety.

Consultation, Application and Review:

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 consulting or communicating 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.

This policy will be reviewed on an annual basis or more frequently as required. Management and all staff are expected to work co-operatively to effectively implement 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.

Related Documents

| Type: | Details: |
|--------------|--|
| Procedure | Intranet: Occupational Health and Safety Management System Human Rights Charter |
| Strategy | Occupational Health & Safety Strategic Action Plan 2017-21 |

RISK MANAGEMENT

| | |
|--------------------------------|---|
| Policy Number: | 2.1.4 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Occupational Health and Safety Procurement Fraud Control Enterprise Risk Management Framework 2018/19 |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | International Risk Management Standard AS/NZS ISO 31000:2018 – <i>Risk Management Guidelines</i> |

OVERVIEW

To establish policy for the management of organisational risk.

THE POLICY

In application of the Risk Management Principles & Guidelines, (AS/NZS 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 the current Risk Management Strategy.

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 procedures are applied.

Manager People and Excellence

- 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 Excellence 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.

Related Documents

| Type: | Details: |
|--------------------------------|--|
| Procedures or Guidelines | Risk Management Framework Risk Register Risk Register User Guide and Resource Manual Administrative Policy Manual Human Rights Charter |
| Strategy | Risk Management Strategy |

HUMAN RIGHTS

| | |
|---------------------------------------|--|
| Policy Number: | 2.1.5 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Policies and Related Documents | Privacy and Data Collection Policy EEO, Anti-discrimination and Harassment Policy Protected Disclosure |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager People and Excellence |
| 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, councillor's, contractors, customers and volunteers when making decisions, creating local laws, setting polices and providing services.

THE POLICY

Wellington Shire Council is committed to upholding the human rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

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

The Victorian Charter of Human Rights and Responsibilities (the Charter) sets out twenty basic human rights that are protected under the Act:

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 the Indigenous people of i (*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 Excellence.

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. which 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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

FRAUD CONTROL

| | |
|---------------------------------|--|
| Policy Number: | 2.1.6 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Procurement Risk Management Credit Card Policy and Fuel Card Policy Mandatory Notification Protected Disclosure |
| Applicable to Unit(s): | Whole Organisation (Staff and Councillors) |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | <i>Protected Disclosure Act 2012;</i> <i>Local Government Act 1989;</i> <i>Crimes Act 1958</i> <i>AS 8001-2008 Fraud and Corruption Control</i> |

PURPOSE

To provide a framework for the prevention, detection and reporting of fraudulent activity at Wellington Shire Council.

OVERVIEW

Council has a zero tolerance approach to fraud and corruption and will refer any fraudulent or corrupt activity to the appropriate law enforcement or regulatory body for independent investigation.

Council's fraud 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 investigations.

The potential impact of fraud on Council and the community can be significant. It can disrupt business continuity, reduce the quality and effectiveness of critical services, results in costly litigation, and threaten the financial stability of Council. It can also damage Council's organizational 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 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 organization), *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:

- 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 flex-time)
- falsely recording work time to gain additional flexi-time or over-payment of wages, and or
- misuse of organisations 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
- profiteering as a result of insider knowledge of Council activities.

External fraud examples include:

- 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 (e.g. 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
- False application for grant or community funding.

Corruption is dishonest activity by an official, employee or contactor which is contrary to the interest of the organization 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 organization and/or its clients, this would be corruption.

Fraud Awareness and Responsibility (refer also to appendix B)

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 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 Protected 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 organization, 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 2.1.11 Mandatory Notification (Suspected Corruption)

As a part of the pre-employment process, Council employees are required to disclose know 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 and may give rise to a perception in the mind of a reasonable person that a council employee is not adversely on the reputation of both employee and Council within the eyes of the community. Refer to Policy 2.1.10 Declarable Associations.

Fraud Control Framework & Planning

To minimize 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 Policy and Code of Conduct</p> <p>The Fraud Policy documents Council's intended action in implementing and monitoring Council's fraud prevention, detection and response initiatives.</p> <p>The Codes of Conduct promotes high standards of ethical behaviour expected of councilors and staff.</p> |
| Identifying risks | <p>Fraud Risk Assessment</p> <p>Council's Risk Register contains Council's fraud risk assessment at the corporate and operational levels and includes mitigation plans and actions.</p> <p>The Risk Register forms part of Council's overall risk management strategy.</p> |
| Limiting opportunities | <p>Internal Controls</p> <p>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.</p> |
| Raising awareness | <p>Fraud training</p> <p>Fraud awareness training is an effective method of ensuring all employees are aware of their responsibilities in fraud control and of expectation for ethical behaviour in the workplace.</p> |

| | |
|------------|--|
| | This training conduct on-line 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. |

These elements are also shown diagrammatically below:



Code 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 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:

- 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.
- Thorough pre-employment checks

ALL Staff 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:

Internal fraud

- 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 (e.g. 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, and/or
- Customers or suppliers insisting on dealing with just one individual.

External fraud

- 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 licence, community or grant funding application, may indicate collusion between applicants and the provider, and / or
- Attempts to obtain sensitive information such as usernames, passwords and credit card details (e.g. 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.

The avenue for reporting suspicious or known incidents of fraud which may lead to a preliminary investigation.

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 Protected Disclosures Officer.

Employees who knowingly make false allegations will be subject to discipline up to and including dismissal.

Reporting Suspected Fraud

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 Manager People and Excellence 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 Manager People and Excellence immediately. If the staff member suspects that their supervisor or Unit Manager is involved they should contact the General Manager responsible for their Business Unit or the Chief Executive Officer.

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 Manager People and Excellence. No information concerning the status of an investigation should be given out.

The protections set out in the *Protected Disclosure Act 2012* will apply. Refer to Policy 2.1.9 Protected Disclosures.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Manager People and Excellence.

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.

Protected 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
- 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 Protected 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 Committee and 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 *Protected Disclosure Act 2012* Procedures for Wellington Shire Council and 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 Appendix C*)

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 (e.g. 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

[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.

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Fraud Incident Analysis Procedure Protected Disclosure Procedure Human Rights Charter |
| Strategy | Staff Code of Conduct Councillor Code of Conduct |

Appendix B – Fraud and Corruption roles and responsibilities

Responsibilities

CEO and General Managers

- 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.

All managers, supervisors, coordinators and team leaders

- Display ethical leadership and high personal standards of behaviour consistent with the Code of Conduct for the Victorian Public Service.
- Visibly promote the department'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 DJAG training and awareness sessions 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 Ethical Standards Unit regarding all reports of suspected fraud or corruption.

All employees (including contractors, volunteers, temporary and casual staff)

- Act in an ethical manner in the workplace
- Understand and comply with all policies and procedures including:
 - safeguarding assets, information and other resources under their control
 - identify and report any potential issues
 - ensuring all administration is accurate with no deliberate omissions (e.g. allowance claims, recording accurate hours of work on timesheets)
- Report all suspicions of fraud and corruption
- Register all gifts and benefits offered, and

Audit and Risk Management Committee

- Declare all perceived, potential and actual conflicts of interest including those of family members which may influence their official duties.
- Undertake required education and training to responsibly and effectively undertake their duties.
- 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.

Internal Audits Contractor

- Undertake scheduled audits, which include examining established controls to decide if there 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

Corporate Governance

- 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.

Information Technology Services

- Manage the security of Council's information through the use of technology
- Manager all information technology risks and ensure all IT users are acting ethically when using department software and assets

Human Resources

- Advise managers, staff and contractors on human resources and industrial relations matters.
- Process recruitment activities in line with a recruitment and selection framework.
- Ensure Pre-employment screenings activities are being undertaken in conjunction with the hiring manager.

Appendix C – Fraud reporting register template

| Wellington Shire Council Fraud Register | | | | | | |
|---|-------------------------------|-------------------------|--|--|----------------|------------------------|
| Reference number (if applicable) | Business unit / Division | Date of suspected fraud | Fraud Incident description (who, what, when, where, how) | Investigation summary | Status | Outcome |
| | <i>Justice Services / VAQ</i> | <i>31/03/2017</i> | <i>XX claimed for a payment with fraudulent receipts. Payment of \$XXX was made to the applicant</i> | <i>31/03/2017 – Investigation commenced 7/04/2017 – Investigation recommendations presented 14/04/2017 – Brief to DG progressed for approval to refer to QPS</i> | <i>Ongoing</i> | <i>Referred to QPS</i> |
| | | | | | | |

ACCEPTANCE & DECLARATION OF GIFTS AND HOSPITALITY

| | |
|--------------------------------|--|
| Policy Number: | 2.1.7 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Councillor Entitlements and Administration |
| Applicable to Unit(s): | All Staff and Councillors |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | <i>Local Government Act 1989</i> <i>Local Government (General) Regulations 2004</i> |

OVERVIEW

To provide Staff and Councillors with requirements relating to the acceptance of gifts and hospitality.

THE POLICY

Wellington Shire Council is committed to following sound and transparent business practices in accordance with the *Local Government Act 1989*, Councillor and Staff Codes of Conduct. It recognises the importance of operating in a manner that models' transparency, impartiality, equality and the highest ethical standards.

COUNCILLORS AND COUNCIL STAFF

A Gift must not be accepted by staff or Councillors if it is given as a bribe for favourable service or outcomes or could be perceived as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties as a Councillor or member of 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.

Receipt of a gift from a person or organisation can result in a conflict of interest, or a perceived conflict of interest, in a matter.

Councillors and Council officers must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.

In general gifts are acceptable when:

- The gift is of token value and estimated to be less than \$50;
- It is a 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 given as a sign of gratitude recognise outcomes collectively achieved by the Council and/or group of staff. Therefore, as far as is reasonable and practical, such gifts are to be "pooled" then shared among the Council and/or the working group.

In general, hospitality is acceptable when:

- Hospitality is a provision of travel, accommodation, entertainment, food or beverages;
- A Councillor or staff member may accept hospitality such as attendance as a Council representative at promotional or other events.

All gifts and acts of hospitality must be declared using the Councillor Gifts Declaration form and details included on the Council Gift Register. Under NO circumstances is cash or monetary equivalent to be accepted as an applicable gift.

Applicable Gift:

An *applicable gift* is a gift that puts the recipient into a potential conflict of interest because the donor of the gift has an interest in a matter.

Section 78C of the *Local Government Act 1989* defines an applicable gift as:

- (1) One or more gifts with a total value or, or more than, the gift disclosure threshold (\$500), received from a person or persons specified in subsection (2) in the 5 years preceding the decision or the exercise of the power, duty or function but does not include:
 - (a) Reasonable hospitality received by the person at an event or function that the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee;
 - (b) A gift, other than an election campaign donation, that was received by the person more than 12 months before the person became a Councillor, a member of Council staff or a member of a special committee.

The Gift Test

The GIFT test (developed by the Victorian State Services 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 organization benefit from a decision I make? |
| I | Influence | Are they seeking to 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 of 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? |

COUNCILLORS SPECIFIC REQUIREMENTS

Applicable Gift

Where a Councillor has declared a conflict of interest from the acceptance of an **applicable gift** details of the interest will be documented in the meeting minutes which are available for public inspection.

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 Declaration form and details included on Council's Gifts Register.

Election Campaign Donation Return Gift

A **donation period** gift is a gift given to a Councillor/Candidate, to be used in connection with an election campaign within 40 days after election day.

- Councillors must specify all gifts (including cash campaign donations) they have received during this time by submitting the details in the prescribed form to the CEO in accordance with Section 62 of the *Local Government Act 1989*;
- All donation period gifts must be declared, and details included on Council's Gifts Register.

HUMAN RIGHTS

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

Related Documents

| | |
|-----------|---|
| Type: | Details |
| Procedure | Declaration of Gifts and Hospitality Human Rights Charter |
| General | Gifts and Donations Register Councillor Code of Conduct Staff Code of Conduct Municipal Association of Victoria - New Councillor Resource Guide 2016 |

ELECTION CARETAKER PERIOD

| | |
|--------------------------------|------------------------------------|
| Policy Number: | 2.1.8 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Councillors and Organisation |
| Responsible Officer: | General Manager Corporate Services |
| Statutory Reference: | <i>Local Government Act 1989</i> |

OVERVIEW

The purpose of this policy is to outline the conduct of Council during the Caretaker 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 Caretaker Period for Municipal General Elections. The Policy will also facilitate the continuation of the ordinary business of local government throughout the caretaker period in a responsible and transparent manner, in accordance with statutory requirements and established “caretaker” conventions.

This Policy also commits Council during the caretaker 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 Councilors as candidates in the election.

THE POLICY

1. Background

- 1.1 In the lead up to an election the local government sector adopts a Caretaker Period 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 1989* (the Act), that prohibit Council from making major policy decisions or publishing or distributing electoral matter in a Caretaker Period.
- 1.2 Section 93A 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 Attachment 2.

3. Election Period (Previously referred to as the “Caretaker Period”)

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

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 councilors 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 endeavor 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 The types of decisions that should be avoided are:
- 4.4.1 Allocation of community grants or other direct funding to community organisations
 - 4.4.2 Major planning scheme amendments
 - 4.4.3 Awarding of contracts both civil and service type contracts
 - 4.4.4 Changes to strategic objective
 - 4.4.5 Strategies in the council plan
 - 4.4.6 Questions on notice
 - 4.4.7 Notice of motions
 - 4.4.8 Introduction of late items
 - 4.4.9 Decision relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer
 - 4.4.10 To terminate the appointment of a Chief Executive Officer
- 4.5 Ordinary Council Agenda / Special Council Meeting Agenda and / or Special Committee Meeting 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.

- 4.6 During the caretaker period, the Chief Executive Officer will ensure that a “Caretaker Statement” is included in every report submitted to an Ordinary Council Meeting and or Special Council meeting.(if required) for a decision.
- 4.7 The “Caretaker Statement” will specify one of the following;
- 4.7.1 “The recommended decision is not a “Major Policy Decision” as defined in section 93A of the *Local Government Act 1989* or a “Significant Decision” within the meaning of this policy:
 - 4.7.2 “The recommended decision is not a “Major Policy Decision” within the context of *Local Government Act 1989*. The recommended decision is a “Significant Decision” within the meaning of this policy, but an exception should be made for the following reason (insert reasons for making an exemption)
 - 4.7.3 “The recommended decision is to seek an exemption from the Minister because the matter requires a “Major Policy Decision” within the meaning of section 93A of the *Local Government Act 1989*.
 - 4.7.4 “The recommended decision is a “Major Policy Decision”, as defined in section 93A of the *Local Government Act 1989*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on (insert date)

5. Major Policy Decisions

- 5.1 Section 93A of the Act prohibits a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election. If however Council considers that there are extraordinary circumstances which require the make of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption.

Section 93A (6) of the Act defines a major policy decision as:

- (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) to terminate the appointment of a Chief Executive Officer under section 94;
- (c) to enter into a contract the total value of which exceeds whichever is the greater of
 - a. \$1000,000 or such higher amount as may be fixed by Order in Council under section 186(1); or
 - b. 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year.
- (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year.

6. Significant Decisions

- 6.1 Over and above the decisions specified in section 93A of the Act, the Council will avoid making other decisions during the Caretaker 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 or proposed policy and includes discussion of that matter with the public.

7.2 Right to Postpone

Public consultation may be undertaken during the Caretaker 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 (above) do not apply to public consultation required under the *Planning and Environment Act 1987* or matters subject to section 223 of the Act.

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 in addition to the requirements of section 55D of the Act.
- 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 and stationery will be used exclusively for normal Council business during the election Caretaker Period, and shall not be used in connection with any electioneering activity.
- 8.4 Reimbursements of Councillors' out-of-pocket expenses during the election Caretaker 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 Prior to the Caretaker Period the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application of the caretaker procedures.
- 8.10 In applying these principles, the Council understands that the following will be normal practice during the election Caretaker Period:
- (a) Public events will only be organized and run if it is totally unavoidable to conduct such events during the Caretaker Period and then only with the express permission of the Chief Executive Officer;
 - (b) 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;
 - (c) Media services, including media releases, will not be provided to Councillors during the Caretaker Period;
 - (d) Media releases will not mention or quote any Councillor(s) during the Caretaker Period;
 - (e) All Council newsletters will not be printed by Council during the Caretaker Period; and
 - (f) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.
- 8.11 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes.
- (a) 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, Councillors will reimburse the Council for usage of those services during the Caretaker Period that exceeds normal usage levels.
 - (b) 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.
 - (c) 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 activities

9. Information

9.1 Candidates' Access to Information

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While 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 Caretaker Period.

9.2 Information Request Register

An Information Request Register will be maintained by Corporate Services during the election Caretaker 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.

10. Misuse and Improper Direction of Position

- 10.1 Section 76D and 76E 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.

11. Assistance to Candidates

- 11.1 The Council affirms that all candidates for the Council election will be treated equally.
- 11.2 All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibility of the Returning Officer (such as the CEO list), to the Chief Executive Officer or a designated member of Council staff.
- 11.3 Candidates will be informed of their obligation to complete a Nomination Form which will be available from the "Returning Officer", accompanied by the nomination fee
- 11.4 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. The return must contain details of any campaign donation or gift valued at more than \$500 which was received between 30 days after the last general election and ending 30 days after election day in the current election.

12. Communication

- 12.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 12.2 During the election Caretaker 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.
- 12.3 Any requests from Councillors for media advice or assistance during the election Caretaker Period will be channeled through the Chief Executive Officer.
- 12.4 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.
- 12.5 In the election Caretaker Period no media releases will be issued quoting or featuring any Councillor.
- 12.6 During the election Caretaker Period, Council initiated communications shall be restricted to communication of normal Council activities.
- 12.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 12.8 No publicity will be provided that involves specific Councillors.
- 12.9 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.
- 12.10 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.
- 12.11 Publicity of Council events (if any during the election Caretaker Period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- 12.12 Councillor participation at Council sponsored events (if any during the election Caretaker 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 Caretaker Period.

13. Council Publications

- 13.1 Section 55D of the Act places limitations on Council 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.

- 13.2 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.
- 13.3 Electoral matter is any matter that is intended or likely to affect voting in an election.
- 13.4 Despite section 98(2), 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 in accordance with section 55D of the local Government Act 1989.”***
- 13.5 The interpretation of section 55D is extremely broad. Even though section 55D refers specifically to “an advertisement, handbill, pamphlet or notice” it has been interpreted to refer to documents produced for the purpose of communicating with the community, including:
- Council newsletters
 - Advertisements and notices eg: job advertisements, public notices of contracts etc.
 - 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:

- 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
- 13.6 Section 55D also applies to the publication of material specified in 13.5 (above) on Council's website. This applies to all websites under the auspice of Council. Any new pages on the website or new material will require certification by the Chief Executive Officer.

- 13.7 The recommended practice, in line with State and Federal Governments, is where possible; avoid all publication activity during the election Caretaker Period except where it is essential for the conduct of Council operations.
- 13.8 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 Caretaker Period.
- 13.9 During the election Caretaker 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.
- 13.10 Profiles of the current Mayor and Councillors will be removed from Council's website during the election Caretaker Period but retain their contact details for their day-to-day role as a Councillor i.e. names, photos and mobile phone numbers.
- 13.11 Any new material published on Council's website during the election caretaker period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process.
- 13.12 Council is required by the Act to produce an annual report, and the annual report may be published during the election Caretaker 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 134 of the Act, Council may be required to consider the annual report at a meeting of Council held during the election Caretaker Period.
- 13.13 Social media – any publication on social media sites such as facebook, twitter or Council blog sites that are under the auspice of Council will also require certification by the Chief Executive Officer.

Attachment 1

Relevant sections from the *Local Government Act 1989*

Section 3 (1) Election period (Caretaker Period)

In relation to an election, means the period that—

- (a) starts on the last day on which nominations or that election can be received; and
- (b) ends at 6 p.m. on election day;

Electoral advertisement, handbill, pamphlet or notice

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

Publish

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

Section 3(1A) In this Act, “**electoral matter**” means 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 returning officer for the purpose of conducting an election.

Note: **printed electoral matter** has the same meaning.

Section 3(1B) Without limiting the generality of the definition of “electoral matter”, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on-

- (a) The election; or
- (b) A candidate in the election; or
- (c) An issue submitted to, or otherwise before, the voters in connection with the election.

Section 55D Prohibition on Council

- (1) A Council must not print, publish or distribute 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.
- (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.

Section 93A Conduct of Council during an Election Period

- (1) Subject to this section, a Council, a special committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a 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 from the application of this section to the major policy decision specified in the application.

- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.
- (6) In this section, a “major policy decision” means any decision –
 - (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
 - (b) to terminate the appointment of a Chief Executive Officer under section 94;
 - (c) to enter into a contract, the total value of which exceeds whichever is the greater of \$100,000 (or such higher amount as may be fixed by Order in Council under section 186(1)) or 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year;
 - (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council’s revenue from rates and charges levied under section 158 in the preceding financial year.

Section 95 Conduct Principles

- (1) Council staff must in the course of their employment –
 - (a) act impartially;
 - (b) act with integrity including avoiding conflicts of interest;
 - (c) accept accountability for results; and
 - (d) provide responsive service.
- (2) Nothing in sub-section (1) (c) affects the granting of an indemnity to a member of Council staff in respect of any liability or limits the effect of –
 - (a) any such indemnity, whether granted before or after the commencement of section 67 of the *Local Government (Democratic Reform) Act 2003*; or
 - (b) any immunity conferred on a member of Council staff by or under any Act, whether before or after that commencement.

Attachment 2

Definitions

It should be noted that some of the terms used in this Policy are defined in the *Local Government Act 1989* (the Act) and their use in this Policy is consistent with the Act.

Caretaker Period has the same meaning as “election period” in section 3(1) of the Act and means the period that starts on the last day on which nominations for the election can be received and ends on 6pm on election day.

Electoral advertisement, handbill, pamphlet or notice has the same meaning as section 3(1) of the Act, and means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

Electoral matter has the same meaning as electoral matter in section 3(1A) of the Act and means 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 Returning Officer for the purposes of conducting an election.

Section 3(1B) of the Act further qualifies “electoral matter”.

“3(1B) Without limiting the generality of the definition of “electoral matter” matter is to be taken or be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- (a) The election; or
- (b) A candidate in the election; or
- (c) An issue submitted to, or otherwise before, the voters in connection with the election.”

Major Policy Decision has the same meaning as section 93A of the Act and means any decision:

- (a) Relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) To terminate the appointment of a Chief Executive Officer under section 94;
- (c) To enter into a contract, the total value of which exceeds whichever is the greater of \$100,000 (or such higher amount as may be fixed by Order in Council under section 186(1)) or 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year;
- (d) To exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council’s revenue from rates and charges levied under section 158 in the preceding financial year.

Pre-election Caretaker Period has the same meaning as “election period” in section 3(1) of the Act and means the period that starts on the last day on which nominations for the election can be received and ends at 6pm on Election Day.

Printed electoral material has the same meaning as section 3(1) of the Act and means an advertisement, handbill, pamphlet or notice that contains electoral matter and is intended or calculated to affect the result of an election and includes a how-to-vote card.

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

Publish has the same meaning as section 3(1) of the Act and means publish by any means including publication on the internet.

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

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | |
| General | Gifts and Donations Register Staff Code of Conduct Councillor Code of Conduct Human Rights Charter |

PROTECTED DISCLOSURES

| | |
|---------------------------------|---|
| Policy Number: | 2.1.9 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Fraud Control, Procurement, Risk Management, |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager People and Excellence |
| Statutory Reference: | <i>Privacy and Data Protection Act 2014 (Vic), Freedom of Information Act 1982, Charter of Human Rights and Responsibilities Act 2006 Protected Disclosure Regulations 2013 and guidelines issued by IBAC (collectively referred to as the PD Scheme)</i> |

OVERVIEW

This policy has been developed by Wellington Shire Council pursuant to Section 58 of the *Protected Disclosure Act 2012*. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers, and public bodies, including Wellington Shire Council, its staff, employees and Councillors.

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.

Protected Disclosure Act 2012

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.

What is a Protected Disclosure?

A complaint or allegation that is already in the public domain will not normally be a protected disclosure, for example if the matter has already been subject to media or other public commentary. The term 'disclosure' is interpreted under the Act in the ordinary sense of the word as 'revelation' to the person receiving it.

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. The conduct must be serious enough to constitute a criminal offence or reasonable grounds for dismissal. Examples of such a disclosure may include:

- 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
- A substantial risk to the environment

Please note that disclosures can be made anonymously.

Protected Disclosure (Councillor)

Disclosures about Wellington Shire Councillor should be made directly to IBAC or the Victorian Ombudsman.

Protected Disclosure (Council Staff)

Disclosures regarding Wellington staff should be made to Council's Protected Disclosure Coordinator (General Manager Corporate Services) who has oversight and responsibility for the operation of the Protected Disclosure policy and compliance with the provisions of the Act:

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 protect disclosure complaint 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) 5142 3103

Reporting a Protected Disclosure

By telephone:

Protected Disclosure Coordinator (General Manager Corporate Services) 5142 3181

By email: protected.disclosures@wellington.vic.gov.au

By post:

"Confidential" Protected 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.

Complete the IBAC secure online form available at: www.ibac.vic.gov.au/report-corruption-or-misconduct/online-form.

Download a complaint form at www.ibac.vic.gov.au and return by email, fax or post.

Victorian Ombudsman

Telephone Ombudsman's office on (03) 9613 6222

Email: ombudvic@ombudsman.vic.gov.au

Postal address:

Level 9, North

Tower 459

Collins Street

Melbourne VIC 3000

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Councillor Code of Conduct, Staff Code of Conduct, Protected Disclosure Act guideline |
| Strategy | Nil |

DECLARABLE ASSOCIATIONS

| | |
|-------------------------------|-------------------------------|
| Policy Number: | 2.1.10 |
| Approved by: | Chief Executive Officer |
| Date Approved: | 18 December 2018 |
| Date Effective: | Immediately |
| Date of Next Review: | 2019 |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | Manager People and Excellence |
| 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; and
- 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:

- 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.
- Former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue.
- An individual, group or organisation involved in any criminal or illegal activities.
- 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.
- 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.
- 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**.

Risk Assessment

Once a declaration has been made, in conjunction with the relevant Business Unit Manager, the General Manager Corporate Services 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 may occur:

- The declaration is noted and placed on employee Human Resources 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 & Excellence, 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 Manger and HR have taken place 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

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Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | |
| General | Pre-Employment Screening Policy Employee Code of Conduct Employee Reference Guide Declarable Associations Form Human Rights Charter |

Mandatory Notification (Suspected Corruption)

| | |
|-------------------------------|---|
| Policy Number: | 2.1.11 |
| Approved by: | Chief Executive Officer |
| Date Approved: | 18 December 2018 |
| Date Effective: | Immediately |
| Date of Next Review: | 2019 |
| Related Policies: | Fraud Policy. Protected Disclosures |
| Applicable to Unit(s): | Whole Organisation (Staff, Contractors & Volunteers) |
| Responsible Officer: | Chief Executive Officer |
| Statutory Reference: | <i>Protected Disclosure Act 2012 Section 57</i> <i>Local Government Act 1989</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 employees (including Officers) 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 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 behaviour.

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). This obligation 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 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 (eg an internal audit, service review or routine quality assurance review).

The IBAC Act (section 4) describes and defines corrupt conduct, summarised here as conduct, or an attempt or conspiracy to engage in conduct that:

1. Adversely affects the honest performance of the functions of a public officer or public body;
2. Constitutes or involves the dishonest performance of the functions of a public officer or public body;
3. Constitutes or involves knowingly or recklessly breaching public trust;
4. Involves the misuse of information or material acquired in the course of the performance of the functions of a public officer or public body;
5. 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:

1. Deliberately falsifying accounts to conceal or obtain a benefit
2. Entering into a secret commission or profit sharing arrangement with another person
3. Colluding to share profits with tender recipients and concealing the overvaluation of tenders
4. Using public office to deceive a member of the public to gain a financial advantage
5. 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

Complete the IBAC secure online form available at: www.ibac.vic.gov.au/report-corruption-or-misconduct/online-form.

Download a complaint form at www.ibac.vic.gov.au and return by email, fax or post.

HUMAN RIGHTS

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Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

CONFLICT OF INTEREST

| | |
|-------------------------------|--|
| Policy Number: | 2.1.12 |
| Approved by: | Chief Executive Officer |
| Date Approved: | Original Approval Date |
| Date Effective: | Immediately |
| Date of Next Review: | Yearly |
| Related Policies: | Councillor Code of Conduct Staff Code of Conduct Fraud Policy Conflict of Interest Declaration & Management Plan. |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | General Manager Corporate Services |
| Statutory Reference: | <i>Local Government Act 1989</i> |

OVERVIEW

This policy has been developed to provide information and guidance to Councillors, staff and delegates in the identification, disclosure and management of actual, perceived or potential conflicts of interests.

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.

Conflicts may be actual, potential or perceived by others and it is important that staff act and are seen to act with integrity and are not inappropriately benefited by improperly using their position in the Council

The most effective means to address actual, potential or perceived conflicts of interest is to establish a system under which members of staff are required to disclose and obtain evaluation of any conflict of interest.

The purpose of this policy is to assist staff in the identification and management of actual, potential or perceived conflicts of interest – and to assist staff in addressing conflict of interest issues. Council has a responsibility to ensure that its activities and those of its staff conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, disclosing and managing 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 staff member. 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.

Conflicts of Interest is about transparency, Councillors & staff 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 each Councillor or staff member 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 1989* (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:

- a) Appointing and managing staff;
- b) Providing sponsorships;
- c) Use of resources or assets that could be used for private gain;
- d) Entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector;
- e) Collecting, retaining, accessing or using confidential information;
- f) Providing financial assistance and concessions;
- g) Performing a regulatory role in relation to the monitoring of standards;
- h) Disciplinary role; and
- i) Providing advice.

Disclosure and Declaration

All **employees / volunteers** of council must consider the public interest when carrying out their official duties and place this above their own private or personal interests. This is achieved by:

- Carrying out all official duties in accordance with council and legislative ethical principles as documented in council's Code of Conduct.
- Assessing their own private and personal interest to identify any action, potential or perceived 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 councils Conflict of Interest Declaration & Management Plan

[Declaration and Management of Conflict of Interest Form](#)

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
- Maintain confidentiality with regards to conflicts of interest declarations.

All **Councillors** must comply section 79 of the Act, Local Law No -1 and 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;
- 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 example;
- Immediately prior to consideration of the matter;
- Classify the interest as Direct (section 77B) or specify the type of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
- Describe the nature of the interest;

- Where a Councillor or member of a special 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 special committee must;
 - Leave the room and notify the Mayor of the Chair of the special committee that he or she is doing so;
 - Remain outside the room; and
 - The Mayor or Chair of the special committee must invite the Councillor or member of a special committee to return to the meeting

All declarations must be recorded in the minutes

All reported conflicts of interest must be recorded in the Conflict of Interest Onenote maintained by the Governance Officer.

The Act describes classes of interest as being either direct and / or indirect interests.

| Type of Interest | | Example of Circumstance |
|----------------------------------|--|---|
| Direct Interest (section 77B) | | <ul style="list-style-type: none"> • Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. • Reasonably likely to receive a direct benefit or loss measurable in money. • Reasonably likely that your residential amenity will be directly affected. |
| Indirect Interest | Close Association (section 78) | <ul style="list-style-type: none"> • A member of your family has a direct interest or an indirect interest. • A relative has a direct interest or a member of your household has a direct interest. |
| | Indirect financial interest (section 78A) | <ul style="list-style-type: none"> • Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. • Holding shares in a company or body that has a direct interest. |
| | Conflict of duty (section 78B) | <ul style="list-style-type: none"> • Manager or member of the governing body of an organization with a direct interest. • Trustee for a person with a direct interest. • Past dealings in relation to the matter as duty to another person or body. |
| | Applicable Gift (section 78C) | <ul style="list-style-type: none"> • Gifts valued at \$500 in previous 5 years • Election donations valued at or above \$500 in previous 5 years. • Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt. |
| | Party to the Matter (section 78D) | <ul style="list-style-type: none"> • Initiated or become party to civil proceedings in relation the matter. |
| | Impact on residential amenity (section 78E) | <ul style="list-style-type: none"> • Reasonable likelihood that the residential amenity of the person will be altered if the matter is decided in a particular way |

Failure to Disclose a Conflict of Interest

Staff and Councillors, 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 GM Corporate Services or by the relevant GM for the Business Unit.

The four recommended responses could be:

Avoid the conflict of interest

Avoiding a conflict of interest which poses an unacceptable risk to, or impact upon Councils interests 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 private interest which is creating the conflict.

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.

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.

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 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 1989*.

HUMAN RIGHTS

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DELEGATIONS

| | |
|-----------------------------|--|
| Policy Number: | 2.1.13 |
| Approved by | Chief Executive Officer |
| Date Approved: | 24 September 2018 |
| Date Effective: | Immediately |
| Date of Next Review: | 2019 |
| Related Policies: | Procurement Policy Fraud Policy |
| Applicable to: | Organisation |
| Responsible Officer: | General Manager Corporate Services |
| Statutory Reference: | <i>Local Government Act 1989</i> <i>Instrument of delegations</i> |

OVERVIEW

Delegations are the mechanisms by which council enables its officers to act on behalf of council. Delegations are a key element in effective governance and management of the council and provide formal authority to the delegated staff member.

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 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 limitations or conditions on a delegation; and
- Delegations are derived from Section 98 of the *Local Government Act 1989*.

A Delegation is **not** –

- the performance of an administrative task;
- an action of an authorised officer under section 224 of the Act; 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 instrument 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 (Authorised Officers)

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*. (These particular Instrument of Appointment(s) are 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
- 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 whilst performing those duties;
- Delegations and sub delegations must be made available for public inspection upon request;
- Pursuant to Section 98(6) and 86(6) of the *Local Government Act 1989* 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 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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

2.2 FINANCE

BANK GUARANTEES

| | |
|--------------------------------|---------------------------|
| Policy Number: | 2.2.1 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Ni/A |
| Applicable to Unit(s): | Finance |
| Responsible Officer: | Manager Corporate Finance |
| Statutory Reference: | N/A |

1. 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.

2. 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 10 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.

3. 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 numbers and structure, growth projections and management
 - 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.

4. 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 2 d), subject to the limits of clause 2b).

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Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

INVESTMENT

| | |
|--------------------------------|----------------------------------|
| Policy Number: | 2.2.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Finance |
| Responsible Officer: | Manager Corporate Finance |
| Statutory Reference: | <i>Local Government Act 1989</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 143 of the *Local Government Act 1989* 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 Committee prior to being presented to Council for consideration.

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Related Documents

| Type: | Details: |
|-----------|-----------------------|
| Procedure | Investment Guidelines |
| Strategy | Nil |

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

| | |
|--------------------------------|------------------------------|
| Policy Number: | 2.2.3 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Finance Business Unit, Rates |
| Responsible Officer: | Manager Corporate Finance |
| Statutory Reference: | Local Government Act 1989 |

OVERVIEW

The *Local Government Act 1989* (the Act) provides a legislative framework for the raising and collection of annual rates and charges.

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

2.2

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.

2.3 Postal Payments

2.4

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.

2.5 Other Payment methods

2.6

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 all 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 necessary 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
- 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.

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

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

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Wellington Planning Scheme Ninety Mile Beach Policy |
| Strategy | Wellington Coast Strategy Wellington Coast Subdivision Strategy Voluntary Assistance Scheme Rating Strategy 2018-2021 |

PROCUREMENT POLICY

| | |
|---------------------------------|---|
| Policy Number: | 2.2.4 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Risk Management Fraud Control Policy Best Value and Competitive Neutrality Environmental Sustainability |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Corporate Finance |
| Statutory Reference: | <i>Local Government Act 1989</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 rate payers;
- provide guidance on ethical behaviour in public sector 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 (Planning and Reporting) Regulations 2014*
- WSC Risk Management Policy

- OH&S Management System, section 4
- WSC Best Value and Competitive Neutrality Policy
- WSC Fraud Control Policy
- WSC Instrument of Sub-Delegation by CEO to staff
- WSC Environmental Policy
- WSC Fleet Purchasing Policy
- WSC Fleet Management Guidelines
- WSC Shire Code of Conduct
- WSC Councillor Code of Conduct
- WSC Cashiers Manual
- WSC Corporate Credit Card Guidelines
- WSC Conflict of Interest

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; bottom-line 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 minor simple Procurement to high value complex Procurement.

Council's contracting, purchasing and contract management activities endeavor 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 186A of the *Local Government Act 1989* (the Act).

The Act is the key legislative framework that regulates the process of all local government procurement in Victoria. Section 186 of the Act requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by 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 1989.</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. |
| Commercial in Confidence | e.g. prices, discounts, rebates, profits, methodologies and process information, which if released may prejudice the business dealings of an organisation. |
| 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. |
| Standing Offer Arrangements (SOA) | <i>Also known as Panel of Suppliers or Schedule of Rates agreements.</i> A contract that sets out rates for goods and services which are available for the term of the agreement. However, no |

| | |
|---------------------------------------|---|
| | commitment is made under the agreement to purchase a specified value or quantity of goods or services. |
| 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. |
| Corporate Social Responsibility (CSR) | Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts. |
| Sustainability | Activities that meet the needs of the present without compromising the ability of future generations to meet their needs. |
| Social Procurement | Social Procurement uses Procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, 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. |
| Value for Money | Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • contribution to the advancement of the Council's priorities; • non-cost factors such as fitness for purpose, quality, service and support; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works. |

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.

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
- 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; and
- 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 supplies 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.

2.1.2.2 Members of Professional Bodies

Councillors and Council Staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

2.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated Council policies, guidelines or procedures, relevant legislation, relevant Australian Standards and the Act. Refer to *1.2 Associated Policies, Guidelines and Procedures* for more information.

2.1.4 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, tender opening, 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 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) 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.

2.1.5 Fair and Honest Dealing

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

Impartiality must be maintained throughout the procurement process, so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.1.6 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 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, and included in Council's Gifts 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.

2.1.8 Disclosure of Information

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

Councilors 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.

Councilors 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 extend 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 finalized 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 Councils 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.

2.3 Procurement Thresholds and Competition

Our economic system relies on firms competing for business so that prices are truly determined by the market. Competition rewards those firms that innovate and strive to deliver the best value for money. Conversely, firms that are less efficient and fail to respond to the needs of customers will not prosper. Market economies need strong regulations to counter the temptation for inefficient suppliers to collude and undermine the competitive process.

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).

2.3.2 Approved Methods

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

- petty cash;
- 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
- unless arrangements otherwise authorised by the Council or the CEO on a needs basis are required by abnormal circumstances such as emergencies.

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 possesses the necessary technical, managerial and financial resources
- to successfully complete the project;
- 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 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) via Approval of Arrangements (section 186(5)(c) of The Act). This means that Council can utilize 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.

2.3.4 Minimum Spend Competition Thresholds

Purchase of all goods and services for which the estimated expenditure exceeds \$150,000 (inclusive of GST) or \$200,000 (inclusive of GST) for contracts for the carrying out of works, 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.

For example, the number of rates assessments grows each year as new subdivisions come on line. If the current cost of the contract is \$45,000 per year (\$135,000 over 3 years), based on current volumes, it could easily exceed \$150,000 over three years with additional growth in the Shire.

The level of expenditure in accordance with the following table 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 no matter what the expenditure level.

TABLE 1

| EXPENDITURE LEVEL INC GST | VERBAL QUOTE | GROUP PURCHASING SCHEME (refer to 2.3.2) | WRITTEN QUOTE | PUBLIC TENDER | APPROVED METHODOLOGY |
|---------------------------|--------------|--|---------------|---------------|---|
| <\$100 | 1 | | | | Petty Cash Corporate Credit Card |
| \$100 to \$5,000 | 1 | Yes | Optional | | Corporate Credit Card Purchase Order |

| | | | | | |
|--------------------------------------|---|-----|----------|---|-----------------------------|
| \$5,000 to \$25,000 | 2 | Yes | Optional | Optional | Purchase Order Contract |
| \$25,000 to \$150,000 Goods/Services | | Yes | 3 | Optional | Purchase Order Contract |
| \$25,000 to \$200,000 Works | | Yes | 3 | Tender Optional. If not, contractors must be registered as approved contractors | Purchase Order Contract |
| >\$150,000 Goods/Services | | | | Yes Required by s186 of the LGA | Purchase Order and Contract |
| >\$200,000 Works | | | | Yes Required by s186 of the LGA | 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 endeavour 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. 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 Instrument of Delegation by CEO to staff 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 Instrument of Delegation to the Chief Executive Officer (\$400,000 as at 5 December 2017).

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 Councils 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;
- requiring security deposits where appropriate;
- 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 expose 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 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; and
- 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.
- 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.

3 Demonstrate Sustained Value

3.1 *Integration with Council Strategy*

The Council procurement strategy 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 through 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*

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
- 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.

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 *Local Government Act 1989* s186 (the requirement to publicly tender for any contracts to be awarded above a nominated threshold) will be investigated and the contract will be listed in Council's Annual Report as required by the *Local Government (Planning and Reporting) Regulations 2014*, Regulation 14(cb).

Breaches of the spend thresholds for purchases below the requirements of s186 of the Act 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 arrangement that deliver best value outcomes for council in terms of time, cost, value and outcome.

4.1 Support of Local Business

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

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.

Council is committed to:

- Ensuring that procurement practices are strategically aligned with Councils wider objectives
- Purchase ethical and fair trade goods to support equitable, local, national and international trade
- Enhance partnerships with community stakeholders, suppliers and other Councils
- Provide opportunities to business who support, aboriginal people, people with disabilities and disadvantaged people.

In addition, the *Local Government Act 1989* requires that Council must give effective and substantial preference to contract for the purchase of goods, machinery or material manufactured or produced in Australia or New Zealand.

Council will endeavor to obtain at least one quote from a local supplier wherever possible (refer to 2.3.3)

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 will be updated and provide:

- 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

- Accommodation/travel
- Advertising placement fees
- Agency Staff (including labour hire contractors and umpires)
- Audit Committee
- Community Hall Hire
- Conferences
- Contractual Agreements (e.g. software maintenance/licences, debt collection, leases, secure pay)
- Contributions (e.g. grants, sponsorships, Committee of Management (COM) operating subsidy)
- Councillor Allowances & reimbursements
- Couriers/ freight only accounts
- Daily food purchases for Aqua Energy café/kiosk (e.g. fruit, vegetables, bread)
- E-tags
- Emergency after- hours repairs/maintenance, up to 3 days after emergency first occurred
- Equipment Inspections (e.g. CFA, First Aid kits)
- Fuel Accounts
- Government/statutory charges (i.e. EPA levy, licences, 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 – (EBBWEC shows etc)
- Security Services e.g. call out fees (not contract charges)
- Spring Water
- Training courses
- Utilities – electricity, phone, water, gas, street lighting etc
- Vehicle Registration
- Vet accounts (e.g. 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.

Related Documents

| Type: | Details: |
|-------|----------|
|-------|----------|

| | |
|-----------|--|
| Procedure | |
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| Strategy | |
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2.3 INFORMATION SERVICES PRIVACY & DATA PROTECTION

| | |
|--------------------------------|--|
| Policy Number: | 2.3.1 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | (OVVIC) Privacy by Design Policy Records Management Policy |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Information Services |
| Statutory Reference: | <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Electronic Transactions Act 2000 (Vic)</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)* governs the way in which Council needs to responsibly collect, handle and protect personal information and ensure data security.

Wellington Shire Council complies with the *Privacy and Data Protection Act 2014 (The ACT)* and has decided not to adopt a **Code of Practice** for the purposes of this Act.

The purpose of this policy is:

To establish a regime for the responsible collection, storage, use, handling disclosure and security of personal information including sensitive and health information;

- To comply with the *Privacy & Data Protection Act 2014* and the *Health Records Act 2001*;
- Ensure Council adheres to the Information Privacy Principles contained within the Act;
- To provide individuals with rights of access to information about themselves which is held by the organisation, including information held by contracted service providers; and
- To provide individuals with the right to request an organisation to correct and amend information about themselves held by the organisation, including information held by contracted service providers.

Definition:

Personal Information 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, address, sex, age, financial details, marital status, education, criminal record or employment history.

| | |
|-----------------------|--|
| Sensitive Information | 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. |
| 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. |

This policy applies to all personal information held by Council, including information sourced by Council from third parties.

Publicly available information, information used for law enforcement purposes and personal information released to appropriate emergency services in potentially life-threatening situations are exempt from some provisions of the Act.

Information sharing 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.

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 must comply with the “**Act**”.

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 & Data Protection and to assist with related internal and external enquiries.

An e-learning training course (Record Keeping and Privacy – which incorporates Freedom of Information) is also available to new and existing staff on Wellington Shire Council's Learning & Development System

Ten Information Privacy Principles

The *Privacy and Data Protection Act 2014* contains 10 IPPs.

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, Council **must** comply with the Principles which regulate the handling of personal information of individuals.

A summary of the ten Information Privacy Principles is:

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.

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:

- Government agencies;
- Law enforcement agencies, including the courts and the Victoria Police, in instances where Council is required to respond to a subpoena or provide information to assist a police investigation;
- Other individuals or organisations *only* if Council believes that the disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare or a serious threat to public health, safety or welfare.

Principle 3 – Data Quality

Council must take reasonable steps to make sure that the personal information it collects, uses or discloses; is accurate, complete and up-to-date.

Principle 4 – Data Security

Council must take reasonable steps to protect all personal information it holds from misuse, loss, unauthorised access, modification or disclosure.

Council must take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal information when it is no longer needed for any purpose.

Principle 5 - Openness

Council must make publicly available its policies relating to the management of personal information.

Council must, on request, 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

Council must provide access to information it holds about an individual on request except in specific circumstances as outlined within the Act.

If an individual believes their personal information is inaccurate, incomplete or out of date, they may request Council to correct the information. Council will take reasonable steps to correct the information and if Council denies access or correction, Council will provide reasons in accordance with the Freedom of Information Act 1982.

In the event that Council and an individual disagree about the veracity of personal information held by Council, Council will take reasonable steps to record a statement relating to the disputed information (if requested by the individual).

Principle 7 – Unique Identifiers

Council must not assign, adopt, use, disclose or require unique identifiers from individuals except 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 must, **where it is lawful and practicable**, give individuals the option of not identifying themselves when entering into transactions with Council.

Principle 9 – Transborder Data Flows

Council may transfer personal information about an individual to an individual or organisation outside Victoria only in the following instances:

- If the individual has consented to the release of their personal information;
- If disclosure is authorised by law; or
- If the recipient of the information is subject to a law binding scheme or contract with similar principles to 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 must not collect sensitive information about an individual except for circumstances specified under the Act.

OTHER LEGISLATION

If the *Privacy and Data Protection Act 2014* is inconsistent with a particular piece of legislation, the other legislation will take precedence.

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.

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 rules under the *Information & Data Protection Act 2014* to prevent breaches.

If an individual feels aggrieved by Council's handling of their personal information, they may call Council's Privacy Officer on 1300 366 244.

Individuals should attempt to resolve their complaint regarding the alleged mishandling of their personal information by contacting the Council's Privacy Officer. If they are not happy with Council's written response, they may complain to the Office of the Victorian Information Commissioner (OVIC) who will try to resolve the complaint through conciliation.

A copy of OVIC's privacy complaint form is available on their website <https://ovic.vic.gov.au>
Phone: 1300 006 842 between 9am and 5pm, Monday to Friday.

RESPONDING TO DATA BREACHES

On receipt of an alleged privacy breach, Council's Chief Executive Officer (Privacy Officer) will promptly investigate the individual(s) concerns and provide a written response.

If the individual is unhappy with the investigation and response, they can complaint to OVIC.

Council should report privacy breaches to OVIC so that they can assist with our management of the incident, with a view of minimising the risk of harm to affected individuals and identifying practical options for improving information handling practices.

If Council or the affected individual(s) are unhappy with the outcome of OVIC's conciliation and response, they can have the complaint referred to the Victorian Civic and Administrative Tribunal (VCAT) for hearing. More information about privacy complaints is available on VCAT's website <https://www.vcat.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.

Related Documents

| Type: | Details: |
|------------|--|
| Guidelines | Wellington Shire Council's Freedom of Information Part 11 Statement (website); Customer Service Charter |
| Strategy | Nil |

FREEDOM OF INFORMATION

| | |
|--------------------------------------|---|
| Policy Number: | 2.3.2. |
| Approved by: | Chief Executive Officer |
| Date Approved: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies /References: | Records Management Privacy & Data Protection Freedom of Information Part 11 Statement Wellington Shire Council Freedom of Information Procedures Manual Freedom of Information Flowchart. |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | Manager Information Services |
| Statutory Reference: | <i>Freedom of Information Act 1982 (Vic)</i> <i>Local Government Act 1989</i> <i>Privacy & Data Protection Act 2014</i> <i>Public Records Act 1973</i> <i>Health Records Act 2001</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*.

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, a label or other attachment, a disc, tape, sound track, 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 *Freedom of Information Act 1982*.

Exempt In this context refers to documents that are restricted from access as outlined in Part IV of the Freedom of Information Act.

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

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.

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 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*, 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*.

4. EXEMPTIONS

Under the *Freedom of Information Act* 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* exists on Wellington Shire Council's Freedom of Information Part 11 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, 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 11 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. OVIC commenced operating on 1 September 2017. www.ovic.vic.gov.au

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.

7. REVIEWS

The Information Commissioner is able to review Wellington Shire Council's decisions on applications lodged on or after 1 September 2017. Applications for a review of a FOI decision must be made to OVIC within 28 days of receiving the decision from Council.

The Commissioner can review decisions relating to:

- The refusal of access to a document 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 personal record.

8. COMPLAINTS

Complaints can be made about Ministers and agencies.

You can complain to the Office of the Victorian Information Commissioner about an action taken, or failed to be taken, by an agency when performing its functions or meeting its obligations under the FOI Act. This may include:

- a delay in handling your request;
- a decision that a requested document does not exist or cannot be found; or

- an action taken or failed to be taken by a principal officer in the performance or purported performance of their functions and obligations under Part II (Publication of certain documents and information).

A complaint must be made within 60 days of the conduct you are complaining about, unless the delay was due to an action of the agency (Wellington Shire Council).

Detailed information on how to make a complaint can be found at <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 Attachments:

- Wellington Shire Council’s Freedom of Information Part 11 Statement
- Freedom of Information Flow Chart – Information for Agencies
- 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>

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

RECORDS MANAGEMENT POLICY

| | |
|-------------------------------|---|
| Policy Number: | 2.3.3 |
| Approved by: | Chief Executive Officer |
| Date Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Correspondence Guide Councillor Code of Conduct Fraud Control Privacy & Data Protection Records Disposal Policy Risk Management Staff Code of Conduct. |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | Manager Information Services |
| Statutory Reference: | <i>Freedom of Information Act 1982 (Vic)</i> <i>Privacy & Data Protection Act 2014</i> <i>Evidence Act 2008 (Vic)</i> <i>Health Records Act 2001</i> <i>Crimes Act 1958</i> <i>Crimes (Document Destruction) Act 2006</i> <i>Australian Standard on Records Management (AS ISO 15489),</i> <i>PROV Recordkeeping Standards,</i> <i>Local Government Act 1989</i> <i>Victorian Public Service Code of Conduct.</i> <i>Public Health and Wellbeing Act 2008</i> |

OVERVIEW

To establish policy and a framework outlining accountabilities and responsibilities for the creation, 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

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.

The purpose of this policy is:

- To demonstrate that Wellington Shire Council is committed to compliance with standards established by Public Records Office of Victoria and the Australian Standard for Records Management, AS ISO 15489-2002;
- To provide an overarching framework for all recordkeeping practices and procedures;
- To demonstrate that Records Management is mandatory and required of all stakeholders including staff, Councillors, contractors and volunteers;
- To have a Record Management policy which applies to the management of records in all formats and maintained on different media, including hardcopy and electronic, created or received by Wellington Shire Council in support of its business activities and transactions.
- It applies to all aspects of the organisations business, all records created during business transactions, and all business applications used to create records, including email, facsimile, database applications and websites

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 Information, in any format, that documents and provides evidence of the actions, discussions or decisions of an agency.

A record can be in electronic (eg., email, fax, word, PDF, video, social media, CCTV audio and footage, recording, instant messaging) or hardcopy format (eg; 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:

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 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

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

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, authentic and inviolate, by being securely maintained to prevent unauthorised access, alteration, removal or destruction.

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 may generate 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.

PENALTIES & 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 the 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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

RECORDS DISPOSAL POLICY

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|-------------------------------|--|
| Policy Number: | 2.3.4 |
| Approved by: | Chief Executive Officer |
| Date Approved: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Records Management Policy Councillor Code of Conduct |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | Manager Information Services |
| Statutory Reference: | <i>Public Records Act 1973</i> PROS 10/13 Disposal Standard, Specifications & Guidelines <i>Crimes Act 1958</i> <i>Evidence Act 2008 (Vic)</i> <i>Freedom of Information Act 1982</i> <i>Privacy & Data Protection Act 2014</i> <i>Health Records Act 2001</i> Records Management Policy Staff Code of Conduct Councillor Code of Conduct |

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 done 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 & 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 & 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.

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.

Request for authorisation will be sent directly to the relevant authorising officers’ (Manager and General Manager).

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 authorising officer.

Record destructions must be documented so that Council can ascertain whether destruction has taken place.

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.

All records eligible and approved for destruction are to be securely shredded and destroyed and a Certificate of Destruction obtained from the relevant authorised business conducting the destructions.

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 & 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 the 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 collated and organised 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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| | Nil |

3. DEVELOPMENT

3.1 LAND USE PLANNING - HERITAGE

| | |
|--------------------------------|----------------------------|
| Policy Number: | 3.1.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Land Use Planning |
| Responsible Officer: | Manager Land Use Planning |
| 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 building 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.

Related Documents

| Type: | Details: |
|--------------|-----------------|
| Procedure | Nil |
| Strategy | Nil |

ASSESSMENT OF DEVELOPMENT IN RELATION TO POTENTIAL SEA LEVEL RISE

| | |
|---------------------------------|---|
| Policy Number: | 3.1.2 |
| Approved by: | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Land Use Planning Manager |
| Responsible Officer: | Land Use Planning |
| Statutory Reference: | <i>Planning and Environment Act 1987</i> and Wellington Planning Scheme |

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 State Planning Policy Framework in the Wellington Planning Scheme, which identifies 'the need to plan for and manage potential coastal impacts of climate change'. More specifically, strategies in Clause 13.01-2S of the State Planning Policy Framework include:

- *In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).*
- *Plan for sea level rise of not less than 0.8 metres by 2100.*

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.

** Based on the Victorian Coastal Inundation Dataset*

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 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.

Related Documents

| Type: | Details: |
|-------|----------|
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| | |
|-----------|--|
| Procedure | |
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| | |
|----------|--|
| Strategy | |
|----------|--|

3.2 MUNICIPAL SERVICES

CAR PARKING - OFF STREET CAR PARKS

| | |
|--------------------------------|--|
| Policy Number: | 3.2.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Municipal Services |
| Responsible Officer: | Manager Municipal Services |
| Statutory Reference: | <i>Road Safety Act 1986, Section 90D</i> <i>Road Safety Road Rules 2017</i> <i>Local Government Act 1989</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 2009*, Local Laws or the *Local Government Act 1989*.

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.

Related Documents

| Type: | Details: |
|-------|----------|
| | |

STREET RAFFLES

| | |
|--------------------------------|--|
| Policy Number: | 3.2.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Municipal Services |
| Responsible Officer: | Manager Municipal Services |
| Statutory Reference: | Local Law No 2 – 2011, Streets and Roads |

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 Local Laws 2 – 2011, Streets and Roads, Division 9, Collections on Roads.

When processing requests from organisations to conduct street raffles, Council must view the following documents:

- A copy of the organisation's public liability insurance certificate;
- A signed copy of Local Law 2, 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.

Related Documents

| Type: | Details: |
|-------|----------|
|-------|----------|

| | |
|--|--|
| | Local Laws 2: Streets and Roads, Division 9, Collections on Roads. |
|--|--|

BUILDING

| | |
|--------------------------------|--|
| Policy Number: | 3.2.4 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Municipal Services, Built Environment |
| Responsible Officer: | Municipal Building Surveyor |
| Statutory Reference: | <i>Building Interim Regulations 2018</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 Interim 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.

Related Documents

| Type: | Details: |
|------------|---|
| Procedure | |
| Guidelines | Building Control Intervention Filter Criteria |

INFRINGEMENT REVIEW POLICY

| | |
|-------------------------------|--|
| Policy Number: | 3.2.5 |
| Approved by: | Chief Executive Officer |
| Date Approved: | 18 December 2018 |
| Date Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Applicable to Unit(s): | Development & Community & Wellbeing |
| Responsible Officer: | Manager Municipal Services |
| Statutory Reference: | <i>Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 1989</i> <i>Privacy and Data Protection Act 2014</i> <i>Infringements Act 2006</i> <i>Road Management Act 2004</i> Road Safety Road Rules 2009 <i>Road Safety Act 1986</i> Road Safety (General) Regulations 2009 <i>Domestic Animals Act 1994</i> <i>Environmental Protection Act 1970</i> <i>Planning and Environment Act 1987</i> <i>Tobacco Act 1987</i> Wellington Shire Council Local Law No. 2 to 5 <i>Country Fire Authority Act 1958</i> <i>Transport (Compliance and Miscellaneous) Act 1983</i> <i>Impounding of Livestock Act 1994</i> Infringements (Reporting and Prescribed Details and Forms) Regulations 2006 <i>Children, Youth and Families Act 2005</i> |

OVERVIEW

Wellington Shire Councils 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
- 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 authorized officers:

- General Manager Corporate Services
- Manager Corporate Finance
- Manager Land Use Planning
- Manager Municipal Services

NB 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.

Related Documents

| Type: | Details: |
|-----------|--|
| Procedure | <i>Infringement Formal Review Committee Terms of Reference</i> |
| Guideline | Nil |
| Strategy | |

SWIMMING POOL AND/OR SPA SAFETY BARRIER

| | |
|--------------------------------|--|
| Policy Number: | 3.2.6 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Municipal Services |
| Responsible Officer: | Manager Municipal Services |
| Statutory Reference: | <i>Building Act 1993</i> <i>Building Interim Regulations 2017</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.

The Building Interim Regulations 2017 requires swimming pools and/or spas that were installed or approved to be installed, prior to 1991 have safety barriers to restrict the access to the part of the allotment containing the swimming pool and/or spa. Swimming pools and/or spas constructed after that date must have erected barriers as part of the construction. 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.

Related Documents

| Type: | Details: |
|-------|----------|
|-------|----------|

| | |
|-----------|-----|
| Procedure | Nil |
|-----------|-----|

| | |
|-----------|-----|
| Guideline | Nil |
|-----------|-----|

| | |
|----------|--|
| Strategy | |
|----------|--|

3.3 BUSINESS DEVELOPMENT

MAJOR EVENTS

| | |
|--------------------------------|------------------------------|
| Policy Number: | 3.3.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Business Development |
| 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);
- 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, 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.

Related Documents

| Type: | Details: |
|--------------|------------------------------------|
| Procedure | Nil |
| Guideline | Community Assistance Grants Scheme |
| Strategy | |

ROADSIDE TOURISM DIRECTIONAL SIGNS

| | |
|--------------------------------|---------------------------------|
| Policy Number: | 3.3.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Business Development |
| Responsible Officer: | Manager Business Development |
| 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.

Related Documents

| Type: | Details: |
|-----------|--------------------------------------|
| Guideline | Vic Roads Tourist Signage Guideline |
| Strategy | Application for Tourism signage Form |

WOOD ENCOURAGEMENT POLICY

| | |
|-------------------------------|------------------------------|
| Policy Number: | 3.3.3 |
| Approved by: | Council |
| Date Approved: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Organisation |
| Responsible Officer: | Manager Business Development |
| Statutory Reference: | |

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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

RENTAL AND LEASING OF COUNCIL OWNED PROPERTIES

| | |
|--------------------------------|---|
| Policy Number: | 3.3.4 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Business Development, Community Wellbeing Unit |
| Responsible Officer: | Manager Business Development Manager Community Wellbeing |
| Statutory Reference: | <i>Local Government Act 1989, Land Act 1958, Retail Leases Act 2003, Crown Land (Reserves) Act 1978</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 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 1989*. 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 s223 of the *Local Government Act 1989*; 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.

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

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | current West Sale Airport Lease Management Framework Register of Property Agreements New Agreement Development Procedure Agreement Renewal Procedure Licence Fees Procedure |
| Strategy | Nil |

SALE, EXCHANGE AND ACQUISITION OF LAND

| | |
|---------------------------------|---|
| Policy Number: | 3.3.5 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Business Development |
| Statutory Reference: | <i>Local Government Act 1989, Land Acquisition and Compensation Act 1986, Planning and Environment Act 1987, Subdivision Act 1988, Property Law Act 1958, Transfer of Land Act 1958, Sale of Land Act 1962, Land Act 1958, Road Management Act 2004, 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 1989*. 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.

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

Section 189 *Local Government Act 1989* – restriction on the power to sell or exchange land. Council must comply with s189 and can only be exempted with approval from the Minister for Local Government pursuant to s193.

Section 189(2)(b) *Local Government Act 1989* – a valuation must be obtained in accordance with s13DA(1) of the *Valuation of Land Act 1960*.

Section 20 *Subdivisions 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 *Subdivisions 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 s187 of the *Local Government Act 1989* and the *Land Acquisition and Compensation Act 1986*.

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.

Related Documents

| Type: | Details: |
|--------------|---|
| Procedure | Land Transactions Current West Sale Airport Land Sales Framework |
| Strategy | Built Environment Strategy |

4. BUILT & NATURAL ENVIRONMENT

4.1 NATURAL ENVIRONMENT & PARKS

WASTE COLLECTION

| | |
|---------------------------------|---|
| Policy Number: | 4.1.1 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Natural Environment and Parks |
| Responsible Officer: | Manager Natural Environment and Parks, Coordinator Waste & Sustainability |
| Contact Officer: | Manager Natural Environment and Parks |
| Statutory Reference: | <i>Local Government Act 1989</i> <i>Health Act 1958</i> |

1. Overview:

Under the provisions of the *Local Government Act 1989* and the *Health Act 1958* Council has the authority/obligation to implement a municipal garbage collection service.

The purpose of this Waste Collection 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.

2. 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.

3. Additional Services:

Residents can apply for additional sets of bins (120ltr Garbage & 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.

Related Documents

| Type: | Details: |
|-----------|-----------------------|
| Procedure | Waste Collection Maps |
| Strategy | |

NATURE STRIP MAINTENANCE

| | |
|--------------------------------|---------------------------------------|
| Policy Number: | 4.1.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks |
| 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.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|-----------------------------|
| Procedure | Nil |
| Strategy | Open Space Plan 2014 - 2024 |

OPEN SPACE

| | |
|--------------------------------|--|
| Policy Number: | 4.1.3 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Heritage, Playgrounds, Public Toilets |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks, Coordinator Open Space Planning & Support, Coordinator Parks Services |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy for the management of open space under Council jurisdiction.

THE POLICY

Council will 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.
- 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.

Conservation

- Significant natural and cultural sites should be identified and actively managed including protection from damage by inappropriate management or recreation activities.
- Locally 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.

Council has developed guidelines (eg. Open Space Plan) 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.

Related Documents

| Type: | Details: |
|-----------|---------------------------|
| Procedure | Nil |
| Strategy | Open Space Plan 2014-2024 |

LITTER BINS

| | |
|--------------------------------|---------------------------------------|
| Policy Number: | 4.1.4 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Playgrounds, |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks |
| 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.

Related Documents

| Type: | Details: |
|-----------|-----------------------------|
| Procedure | Nil |
| Strategy | Open Space Plan 2014 - 2024 |

PLAYGROUNDS

| | |
|--------------------------------|---|
| Policy Number: | 4.1.5 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Heritage, Playground Litter Bins, Public Toilets |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks, Coordinator Parks Services |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy for the management of playgrounds.

THE POLICY

The 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.

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.

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.

Related Documents

| Type: | Details: |
|-----------|---------------------------|
| Procedure | Playground Guidelines |
| Strategy | Open Space Plan 2014-2024 |

PUBLIC OPEN SPACE CONTRIBUTION - SUBDIVISIONS

| | |
|--------------------------------|--|
| Policy Number: | 4.1.6 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Open Space, Heritage, Playgrounds. |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks |
| 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 considered 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 & 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.

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Open Space Selection Criteria - Developer Contributions |
| Strategy | Open Space Plan 2014-2024 |

PUBLIC TOILETS

| | |
|--------------------------------|---------------------------------------|
| Policy Number: | 4.1.7 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Heritage, |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks |
| 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 32 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 & amenity.
- Architectural values, including heritage values.
- Environmental 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 & Management Strategy 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.

Related Documents

| Type: | Details: |
|-----------|--|
| Procedure | Nil |
| Strategy | Toilet Development & Management Strategy |

SIGNIFICANT TREE PROTECTION

| | |
|--------------------------------|--|
| Policy Number: | 4.1.8 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Urban Forest Open Space |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks, Coordinator Open Space Planning & Support, Coordinator Parks Services |
| 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 (ie 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.

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Significant Tree Management Policy Guidelines Wellington Planning Scheme |
| Strategy | Open Space Plan 2014-2024 |

URBAN FOREST

| | |
|--------------------------------|--|
| Policy Number: | 4.1.9 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Significant Tree Protection |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Natural Environment and Parks, Coordinator Open Space Planning & Support, Coordinator Parks Services |
| 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, aerial and underground utilities.
2. To guard against the damage or unnecessary removal of trees in public areas.

Council has a Strategic Plan in place to support its policy position on urban trees (ie. 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.

Related Documents

| Type: | Details: |
|-----------|---------------------------|
| Procedure | Nil |
| Strategy | Open Space Plan 2014-2024 |

ENVIRONMENTAL SUSTAINABILITY POLICY

| | |
|--------------------------------|---|
| Policy Number: | 4.1.11 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Procurement, Asset Management |
| Applicable to Unit(s): | Whole organisation |
| Responsible Officer: | Manager Natural Environment & Parks, |
| Statutory Reference: | <i>Planning and Environment Act 1987, Environment Protection and Biodiversity Act (1999, Commonwealth), Flora and Fauna Guarantee Act 1988, Environment Protection Act 1970, Catchment and Land Protection Act 1994, Wellington Planning Scheme</i> |

OVERVIEW

Wellington Shire Council is committed to protecting and enhancing the environment having regard for the objectives and goals outlined in Wellington 2030, the Council Plan 2017-2021 and the Wellington Shire Sustainability Strategy.

THE POLICY

This policy supports the environmental objectives of the Municipal Strategic Statement of the Wellington Planning Scheme, and assists Council to achieve outcomes described in Wellington 2030, the Council Plan 2017-2021 and embodied in the Environmental Sustainability Strategy.

The policy is guided by the following key principles:

- Environmental sustainability is considered in Council's policies, decision making processes and by employees as part of a triple bottom line approach to conducting business.
- Compliance with all environmental legislative requirements pertaining to Council's operations.
- Leadership in efficient energy use, waste and water management, embracing environmentally sustainable design in the construction of new facilities and major upgrades.
- Recognise and promote the value of natural assets as a means to achieve a healthy, vibrant and enriched quality of life.
- Increase the community's ability to contribute to sustainable living and sustainable management of biodiversity and natural resources through engagement, education and incentives.
- Support a coordinated and diverse approach to developing a sustainable environment through partnerships.

Policy Objectives

The objective of the policy is to effectively integrate these principles into all relevant Council functions to work towards a clean, healthy and ecologically sustainable environment for the Shire of Wellington:

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|---------------------------------------|
| Procedure | |
| Strategy | Environmental Sustainability Strategy |

RATES REBATE ON LAND WITH A DEED OF COVENANT FOR CONSERVATION PURPOSES

| | |
|--------------------------------|--|
| Policy Number: | 4.1.12 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Environmental Sustainability; |
| Applicable to Unit(s): | Natural Environment & Parks Unit Finance Unit |
| Responsible Officer: | Manager Natural Environment & Parks |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy to manage rates rebates for conservation purposes.

THE POLICY

Council will allow a rates rebate on lands that have a Deed of Covenant for conservation purposes, as follows:

- That the rebate applies only to the land that is affected by a covenant as described in the covenant document.
- That the rebate be determined using a rate (\$) per hectare, as adopted in each budget cycle, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property.
- The rebate will apply once notification for 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.
- 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.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

4.2 ASSETS & PROJECTS

ASSET MANAGEMENT

| | |
|--------------------------------|--|
| Policy Number: | 4.2.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Environmental Sustainability, Procurement |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Assets and Projects |
| Statutory Reference: | <i>Local Government Act 1989</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 Built Environment Strategy.

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. The roles and responsibilities will be outlined in Part A of the General Information Asset Management Plan

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.

Built Environment Strategic Group (BESG): Wellington Shire Council may have a BESG that guides our policy and strategic direction in relation to Asset Management.

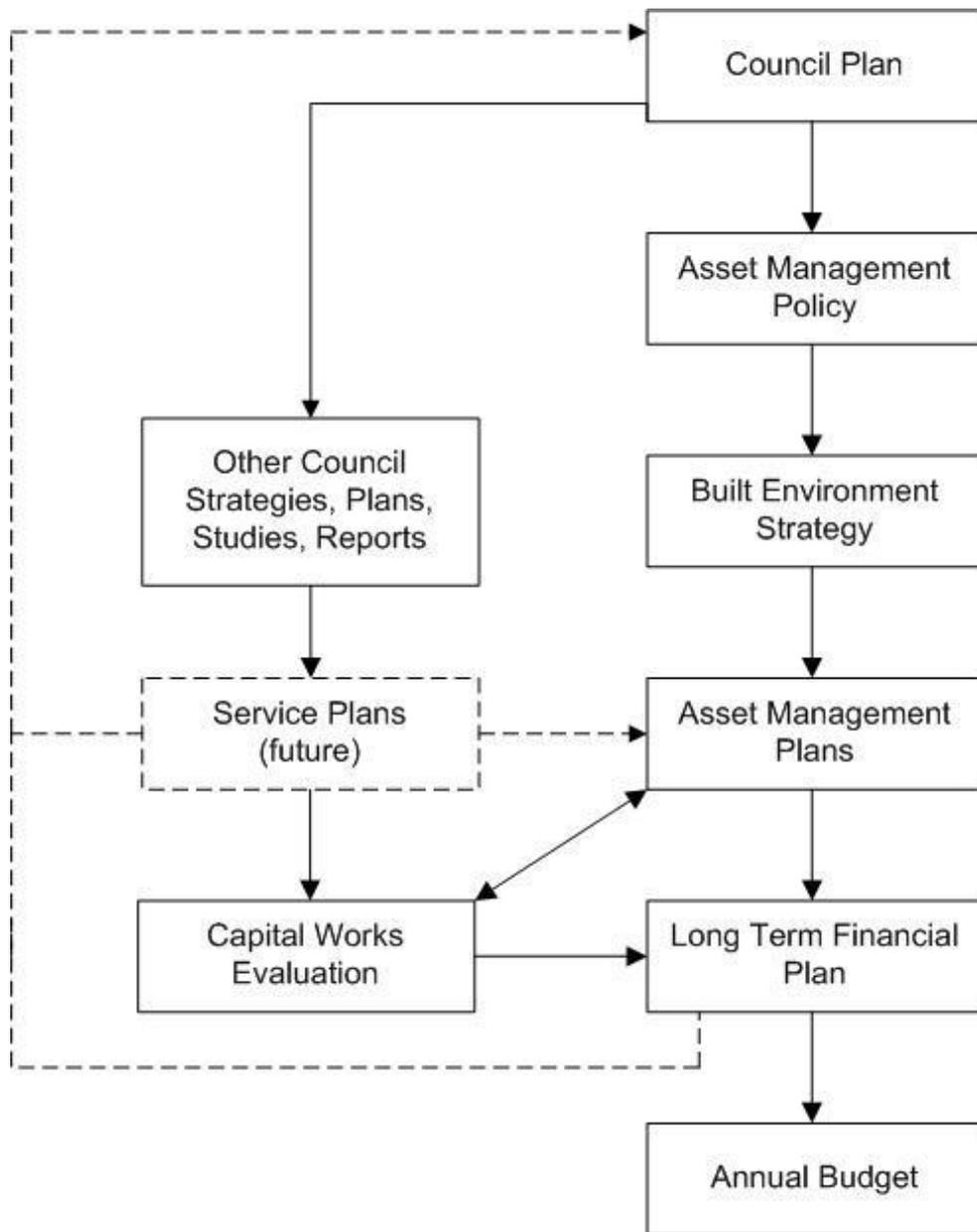
Diagram 1 below provides a representation of the Corporate Context of Asset Management at Wellington Shire Council.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-----------|--------------------------------------|
| Procedure | |
| Strategy | Built Environment Strategy 2011-2015 |



PLACE AND FEATURE NAMING

| | |
|--------------------------------|---|
| Policy Number: | 4.2.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Assets and Projects, Built Environment |
| Responsible Officer: | Manager Assets and Projects |
| Statutory Reference: | <i>Local Government Act 1989;</i> <i>Geographic Place Names Act 1998</i> |

OVERVIEW

This policy is provided to give direction for the naming of localities, roads and other features that are owned or maintained by Wellington Shire Council, or where Wellington Shire Council has been asked to become involved in naming a feature. "Road" for the purpose of this policy includes street, lane, avenue, court and the like, and excludes roads managed by State Government authorities such as VicRoads, Parks Victoria and Department of Environment Land Water and Planning

THE POLICY

Proposals for new names or name changes including proposals from developers for their subdivisions are to be submitted to Council's Place Names Committee for consideration. All decisions from the Place Names Committee will be presented to Council for consideration. Community views are encouraged particularly those of the local historical societies, RSLs and other community groups.

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.
2. 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 has adopted a Council Approved Road Names Register to provide guidelines and to give effect to its policy position on road, place and feature naming. This document is available to the general public on Council's website. The responsibility to ensure that the maintenance and implementation of the Register and guidelines accords with Council's policy position is vested in the Manager Assets & 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.

Related Documents

| Type: | Details: |
|------------|---|
| Guidelines | Naming Rules for Places in Victoria Statutory requirements for naming roads, features and localities 2016. |

SUBDIVISION INFRASTRUCTURE DEVELOPMENT

| | |
|--------------------------------|---|
| Policy Number: | 4.2.3 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Significant Tree Protection; Urban Forest |
| Applicable to Unit(s): | Assets and Projects / Built Environment / Natural Environment |
| Responsible Officer: | Manager Assets and Projects |
| 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 & 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.

Related Documents

| Type: | Details: |
|-----------|------------------------------|
| Procedure | Infrastructure Design Manual |
| Strategy | Nil |

SPECIAL CHARGE SCHEMES – ROADS, STREET & DRAINAGE DEVELOPMENT

| | |
|--------------------------------|----------------------------------|
| Policy Number: | 4.2.4 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Assets and Projects |
| Responsible Officer: | Manager Assets and Projects |
| 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. These procedures 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.

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Special Charge Schemes Procedures Infrastructure Design Manual |
| Strategy | Nil |

DISPOSAL OF SURPLUS COUNCIL EQUIPMENT

| | |
|--------------------------------|-----------------------------|
| Policy Number: | 4.2.5 |
| Approved by | Chief Executive Officer |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Assets and Projects |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy for the management of disposal of surplus Council 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 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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

CATTLE UNDERPASSES

| | |
|--------------------------------|---------------------------|
| Policy Number: | 4.2.6 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Assets & Projects |
| Responsible Officer: | Manager Assets & Projects |
| Statutory Reference: | Nil |

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 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.

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Initial Enquiry Letter Information Sheet Standard copy of Agreement pursuant to Section 173 Planning & Environment Act Strategy |

4.3 BUILT ENVIRONMENT

FENCING

| | |
|--------------------------------|---|
| Policy Number: | 4.3.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Built Environment Unit |
| Responsible Officer: | Manager Built Environment |
| Statutory Reference: | <i>Fences Act 1968 (including amendments effected 22/9/2014); Local Laws; 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 land owners, on boundaries land where Council is the owner or has vested control.

Council will not contribute to the cost of fencing on boundaries of land including:

- right of ways;
- roadways;
- fencing resulting from new subdivisions: or
- pedestrian access ways

Council will not contribute to the construction of any gates opening onto Council owned or controlled land from privately owned land.

Where agreed the shared cost will be 50% of the cheapest quotation for a standard 1.8 metre hardwood paling fence, in accordance with the *Victorian Fences Act 1968*.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|-------|----------|
|-------|----------|

| | |
|-----------|-----|
| Procedure | Nil |
|-----------|-----|

| | |
|----------|-----|
| Strategy | Nil |
|----------|-----|

ROADSIDE MEMORIALS POLICY

| | |
|--------------------------------|---|
| Policy Number: | 4.3.2 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Built Environment / Natural Environment |
| Responsible Officer: | Manager Built Environment |
| 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 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 approval.

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.

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 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

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.

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.

Related Documents

| Type: | Details: |
|-----------|----------|
| Procedure | Nil |
| Strategy | Nil |

5. COMMUNITY & CULTURE

5.1 COMMUNITY WELLBEING

5.2 ENCOURAGEMENT AWARDS - YR 11/12

| | |
|--------------------------------|-----------------------------|
| Policy Number: | 5.1.1 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Community Wellbeing Unit |
| Responsible Officer: | Manager Community Wellbeing |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy guiding the funding of local year 11 & 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.

Related Documents

| Type: | Details: |
|-------|----------|
|-------|----------|

| | |
|-----------|-----|
| Procedure | Nil |
|-----------|-----|

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|----------|-----|
| Strategy | Nil |
|----------|-----|

ELECTRONIC GAMING MACHINE POLICY

| | |
|---------------------------------|--|
| Policy Number: | 5.1.2 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Community Wellbeing |
| Responsible Officer: | Coordinator Social Planning & Policy |
| 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:

- 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's has a regional cap of 318 poker machine entitlements. As of 20 November 2018, there are 318 machines operating within Wellington Shire. The 318 machines are currently operating across 6 Clubs and 1 Hotel throughout the municipality. This represents a density of 9.2 EGMs per 1000 adults in Wellington Shire, the highest concentration of EGMs in the Gippsland Region. Losses to EGMs in Wellington Shire exceeded \$21.2 million in 2017/18, 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.
- 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.

¹ Victorian Responsible Gambling Foundation (2018). *Pokies across Victoria*. [online] Available at: <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/pokies-across-victoria/compare/wellington/> [Accessed 22.11.2018].
Council Policy Manual 2019

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:

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.

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:

- 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.

RELATED DOCUMENTS

Wellington Planning Scheme Clause 52.28

Wellington Municipal Public Health and Wellbeing Plan (Healthy Wellington 2017-2021)

COUNCIL PROVISION OF RECREATION/COMMUNITY FACILITIES

| | |
|--------------------------------|--|
| Policy Number: | 5.1.3 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Committees |
| Applicable to Unit(s): | Community Wellbeing Built Environment Leisure Services |
| Responsible Officer: | Manager Leisure Services |
| Statutory Reference: | <i>Disability Discrimination Act 1992</i> |

OVERVIEW

Wellington Shire Council recognises that facilities enable social inclusion, leisure and recreation opportunities and the delivery of services that impact on the quality of life enjoyed by residents and visitors to the region.

For this reason, Council will provide support to 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 1958*;

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.

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.

Facility usage

In determining uses for the facility, Council strongly encourages the Committee of Management and users/hirers of the facility to refer to the four (4) priority areas and 11 focus areas of the Healthy Wellington Plan 2017-2021

Priority area 1: Improve mental wellbeing with a focus on:

- 1a. Increase resilience
- 1b. Improve social connection and inclusion
- 1c. Decrease harm from alcohol and other drugs
- 1d. Decrease harm from gambling

Priority area 2: Improve gender equality with a focus on:

- 2a. Improve gender equity
- 2b. Decrease violence against women and their children
- 2c. Increase sexual and reproductive health

Priority area 3: Improve healthy living with a focus on:

- 3a. Increase physical activity & healthy eating
- 3b. Decrease smoking

Priority area 4: Address climate change with a focus on:

- 4a. Increase capacity for climate change adaptation
- 4b. Improve community resilience and municipal relief and recovery planning in the event of extreme weather and or a natural disaster

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 to the Committee of Management 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.

Operating subsidy

Council may also provide an annual financial operating subsidy to the management committee, club or organisation which must be used to go towards the costs of operating or maintaining the facility. Subsidies are 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.

Related Documents

| Type: | Details: |
|-----------|---|
| Procedure | Operating Subsidy Payment Procedure Committees of Management Facilities Maintenance Seasonal and Casual Hire Agreements Procedure Alcohol and Council Owned Properties Know Your Obligations |
| Strategy | Nil |

COMMITTEES

| | |
|--------------------------------|--|
| Policy Number: | 5.1.4 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Council Provision of Recreation/Community Facilities |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | Manager Community Wellbeing |
| Statutory Reference: | <i>Local Government Act 1989,</i> <i>Associations Incorporation Reform Act 2012,</i> <i>Crown Land (Reserves) Act 1978,</i> <i>Local Laws</i> |

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 or special committee established by Council under the provisions of Section 86 of the *Local Government Act 1989*;
- (e) A 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.

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.

Community Facility – real property accommodating community infrastructure, such as public halls; Neighbourhood Houses, Childcares or Senior Citizen Centers recreation facilities, which have broad community use and are used for multi-purpose cultural, community or recreational purposes.

Management – the maintenance, hire, control, operation, occupancy, use, conservation, promotion and/or development of property.

Level 1, 2, 3 or 4 Recreation and Cultural Facilities – A four tiered hierarchy defined and established by Council to categorise the significance of individual community facilities.

Guiding Principles

Council recognises the value volunteer committee's 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.

Established of a Committee

Committees are established by Council on the following basis:

- Section 86 Special Committee of Council, to effectively operate as a branch of the Council as defined within the Instrument of Delegation.
- "Friends of" Group, to operate as an informal/unincorporated volunteer community group, providing a valuable link between Council and the Community for direct Council controlled properties.
- Tenants/Advisory Group, to operate as an unincorporated representative tenants/Advisory group, providing valuable link between Council and tenants/hirers who occupy direct 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.
- An Incorporated Committee of Management operates as its own independent body, within the provisions of a documented form of facility management agreement with Council.

Section 86 Special Committee of Council, to effectively operate as a branch of the Council as defined within the Instrument of Delegation

Section 86 Special Committee of Council – To appoint a Special Committee, the Council is bound by the provisions of Section 86 of the *Local Government Act 1989*. A Section 86 Special Committee of Council, in effect operates as the Council so far as its delegated authority is concerned. The appointment of Special Committees of the Council under Section 86 of the *Local Government Act 1989* will be limited to the following circumstances.

- a) Action Role – for specific projects (eg 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.

Committees of Management – Managing Community Facilities and Property

The Wellington Community Facilities Framework (2016) 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 S86 of the *Local Government Act 1989* appoint special committees and delegate management responsibility; or
 - enter into a lease or licence agreement under the *Local Government Act 1989* 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 & 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 (eg 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 type 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.

Tenants 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 Councillors 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.

Related Documents

| Type: | Details: |
|-----------|--|
| Procedure | New Agreement Development Procedure Agreement Renewal Procedure Section 86 Special Committees of Council Procedure |
| Strategy | Nil |

COMMUNITY ASSISTANCE GRANTS PROGRAM

| | |
|--------------------------------|-----------------------------|
| Policy Number: | 5.1.5 |
| Approved by | Council |
| Date Approved/Effective | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Community Wellbeing |
| Responsible Officer: | Manager Community Wellbeing |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy for the management of the Community Assistance Grants Scheme inclusive of the Quick Response Grant Scheme.

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 Community Vision, Wellington 2030 and the Council Plan. It aims to build on community capacity, encourage participation in cultural development and support community initiatives that promote partnerships and working together to maintain our community assets.

Key concepts within the Wellington 2030 Vision that underpin the Community Assistance Grants Scheme are available in the Council Plan 2017-2021 under theme 1, Communities

The following strategic objectives and related strategies are noted in theme 1:

Strategic Objective 1.1

Maintain friendly, safe communities providing opportunities for residents to lead healthy and active lifestyles.

Strategy 1.1.1

Continue to deliver services and programs that encourage and foster community wellness and the prevention of disease.

Strategy 1.2.1

Ensure that Council services, facilities and events promote inclusivity, social connectedness and accessibility.

Strategic Objective 1.2

Celebrate, recognise and acknowledge our diverse community and improve social connections among youth, aboriginal and aged communities.

Strategy 1.2.1

Ensure that Council services, facilities and events promote inclusivity, social connectedness and accessibility.

Strategic Objective 1.4

Enhance resilience in our towns and our communities.

Strategy 1.4.3
Encourage local volunteering, and empower local community plans
and events.

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.

Related Documents

| Type: | Details: |
|-----------|--|
| Procedure | Community Assistance Grants Scheme Funding Guidelines and Assessment Criteria Quick Response Grants Scheme Funding Guidelines and Assessment Criteria |
| Strategy | Nil |

COMMUNITY ENGAGEMENT POLICY

| | |
|-------------------------------|-------------------------------------|
| Policy Number: | 5.1.6 |
| Approved by: | Council |
| Date Approved: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Whole Organisation |
| Responsible Officer: | General Manager Community & Culture |
| Statutory Reference: | <i>Local Government Act 1989</i> |

OVERVIEW

The purpose of this policy is to establish the expectations of Wellington Shire Council for staff in 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.

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 approach to engagement is set out in the Community Engagement Strategy 2017-2020 and associated Promapp process available at the following link:

<https://au.promapp.com/wellington/Process/Minimode/Permalink/Dp95u1wvTqMr98jqKrMwrg>

The Community Engagement Strategy 2017-20 provides:

- meaning to the term community 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.

The Promapp process includes a range of templates and additional information that will support an effective and consistent approach to community engagement across the organisation. Members of WENDI (Wellington Engagement Network – Direction and Innovation) and the Wellington Shire Community Engagement Officer are available to support staff to write and implement engagement plans.

HUMAN RIGHTS

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

Related Documents

| Type: | Details: |
|----------|--|
| Strategy | Wellington Shire Council Community Engagement Strategy 2017-2020 |
| Process | Intranet Link with all related documents including, Strategy, Promapp, Part A, B and C templates. http://intranet/Page/Page.asp?Page_Id=1364 Promapp Process: https://au.promapp.com/wellington/Process/Minimode/Permalink/Dp95u1wvTgMr98jqKrMwrq |

5.3 ARTS & CULTURE

ART GALLERY COLLECTION

| | |
|---------------------------------|----------------------|
| Policy Number: | 5.2.1 |
| Approved by | Council |
| Date Approved/Effective: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | Nil |
| Applicable to Unit(s): | Arts & Culture |
| Responsible Officer: | Art Gallery Director |
| Statutory Reference: | Nil |

OVERVIEW

To establish policy for the management of the art gallery collection.

THE POLICY:

The Art Gallery Collection Policy has been developed to clarify Council's intent in relation to the purchase and management of the works of art acquired for the art gallery collection.

The following criteria should guide the selection of artworks for the Gallery collection.

- The Gallery should seek to acquire works of art considered to be of high significance, in terms of content, subject matter and execution.
- Wherever possible proposed acquisitions should consider the broad collection theme of the landscape and the natural environment.
- Proposed acquisitions should focus on historical and contemporary works that depict or document aspects of the natural environment of Gippsland.
- Irrespective of subject matter the collection should be representative of artists resident or active in Gippsland, particularly in the area encompassing the present Wellington Shire.
- Proposed acquisitions should take into the account strengths and weaknesses in the existing collection, in order to create a coherent collection of artworks that will enrich the culture of the community.
- De-accessioning of artworks may be undertaken provided measures are taken to avoid conflicts of interest and profiteering.

The Art Gallery Collection Policy should follow the Australian Best Practice Guide to Collecting Cultural Material from the Ministry for the Arts. 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 'works of art', 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.

Related Documents

| Type: | Details: |
|-----------|-----------------------------------|
| Procedure | Art Gallery Collection Procedures |
| Strategy | Arts & Culture Strategy 2017-21 |

ART IN PUBLIC PLACES POLICY

| | |
|-------------------------------|---|
| Policy Number: | 5.2.2 |
| Approved by: | Council |
| Date Approved: | 18 December 2018 |
| Date of Next Review: | 2019 |
| Related Policies: | |
| Applicable to Unit(s): | Arts and Culture, Natural Environment and Parks |
| Responsible Officer: | Manager Arts and Culture |
| Statutory Reference: | N/A |

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 develop Wellington Shire as a place of vibrant creative endeavour.

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 Koorie 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.

5.3 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.

Linked Documents

| | |
|-----------|---------------------------------|
| Type: | Details (hyperlink): |
| Procedure | Art in Public Places Guidelines |
| Strategy | |