



5 April 2024

MINUTES

Ordinary Council Meeting

Date: Wednesday 3 April 2024

Time: 3:00pm

Venue: Council Chamber
92 Nelson Street, Nhill

Council: Cr Brett Ireland – Mayor
Cr Wendy Bywaters – Deputy Mayor
Cr Melanie Albrecht
Cr Debra Nelson
Cr Robert Gersch
Cr Ron Ismay

Officers: Monica Revell – Acting Chief Executive Officer
Petra Croot – Acting Director Corporate & Community Services
Ram Upadhyaya – Director Infrastructure Services

Acknowledgement of Indigenous Community

Hindmarsh Shire Council acknowledges the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Nations as Traditional Owners of Country.

We recognise the important ongoing role that Indigenous people have in our community and pay our respects to their Elders, past and present.



Public Access

This meeting is open to members of the public and will be livestreamed from Council's Facebook page at www.facebook.com/hindmarshshirecouncil

Live Streaming Statement

This meeting will be streamed live on the internet and the recording of this meeting will be published on Council's website and/or social media pages after the meeting.

Members of the public attending this meeting may be filmed.

By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by Council.

Information about the broadcasting and publishing recordings of Council meetings is available in the Council's Live Streaming and Publishing Recordings of Council Meetings Policy is available on the Council's website.

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In Attendance:

Councillors:

Cr Brett Ireland (Mayor), Cr Wendy Bywaters (Deputy Mayor), Cr Robert Gersch OAM, Cr Ron Ismay and Cr Debra Nelson.

Officers:

Ms Monica Revell (Acting Chief Executive Officer), Mr Ram Upadhyaya (Director Infrastructure Services) and Ms Shauna Johnson (Executive Assisant).

1 ACKNOWLEDGMENT OF THE INDIGENOUS COMMUNITY & LIVE STREAMING STATEMENT

Cr B Ireland opened the meeting at 3:00pm by acknowledging the Indigenous Community and by reading out the live streaming statement.

2 APOLOGIES

Cr Melanie Albrecht and Petra Croot (Acting Director Corporate & Community Services).

3 DECLARATION OF INTERESTS

A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict is **general** or **material**; and
- the circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of interest must also be advised by Councillors and Officers at the commencement of discussion of the specific item.

Ms M Revell declared a material conflict of interest in confidential item 15.1.

4 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 6 March 2024 at the Council Chamber, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R Gersch/D Nelson

That the Minutes of the Ordinary Council Meeting held on Wednesday 6 March 2024 at the Council Chamber Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment Number: 1

5 PUBLIC QUESTION AND SUBMISSION TIME

Community members wishing to ask questions at council meetings may do so, in writing, at least 24 hours prior to the council meeting. Both the question and answer will be read out at the meeting. Questions may be submitted by mail, email info@hindmarsh.vic.gov.au or delivered in person to a council customer centre but are limited to two questions and 100 words including any pre-ambles. Offensive, trivial and repetitive questions, questions which have been recently answered, or questions that may contain defamatory comments, may be excluded at the discretion of the Mayor.

The question must be accompanied by a name and the locality where the questioner resides or works, which will be read out at the meeting. By submitting a question, the questioner gives consent to this information being read out in public. Anonymous questions will not be answered.

Leonie Miller - Nhill

When I completed my submission to council re the Draft Body Worn Camera policy, I noticed that there was no option to choose the I don't want this policy to be implemented (only do I want changes or not).

Why was this option not included?

Officer Response:

As Council have endorsed the Policy for community feedback, community member's views of the content and application of the policy were sought. In most cases, changes in the legislative environment, best practice or requests from staff and stakeholders require Council to develop a policy that formalises its position on a matter. The policy presents Council's position on body-worn Cameras – if your view is that Council's position on body-worn cameras should be that they are not worn by Council officers, the community member could suggest amendments to that effect.

Community members were able to provide feedback via the form and in writing to the Chief Executive Officer – if you were unable to provide all information in the form, including the free text box, additional views could be submitted to the Chief Executive Officer as per the advertisements, website, and Facebook posts.

To avoid uncertainty, Council will ensure that the feedback form has a clear option that a Policy not be endorsed by Council in future survey forms.

Dean Hurlston - Chadstone

What amount of **waste enforcement costs** in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)

What amount of revenue has council included in the current financial year 2023/24 from **waste enforcement actions**?

Has that revenue been offset in the waste levy OR applied to Councils General Revenue streams?

Officer Response:

Hindmarsh Shire Council does not have a lot of issue in relation to waste enforcement. Residents generally have a good understanding of their responsibility in relation to waste management. Some minor enforcement activities are conducted as a part of our routine operation and gets absorbed in the normal operational budget. Hence, there is no enforcement cost in the current FY's waste charges.

The question regarding revenue being offset in the waste levy OR applied to Councils General Revenue streams is not applicable.

6 ACTIVITY REPORTS

COUNCILLOR ACTIVITIES: 27 February – 25 March 2024

6.1 Cr IRELAND, MAYOR

Date	Meeting/Event	Location	Comments
28/02/2024	Council Budget Draft Meeting	Dimboola Library	
01/03/2024	Funeral of Alec Bywaters		Alec was a former councillor and a great volunteer and advocator for his community. A fitting send off with a large crowd and glowing references.
05/03/2024	RCV lunch meeting and finishing with dinner at Parliament House	Melbourne	A really inciteful array of speakers outlining processes required to lobby for funding at State levels, I learnt a lot regarding the process and the struggle.
06/03/2024	Making of Harmony Day media video	Nhill	
06/03/2024	Council briefing	Nhill	
06/03/2024	Council meeting	Nhill	
07/03/2024	Mayoral matters column to media		
11/03/2024	Jeparit town meeting		
13/03/2024	Citizenship Ceremony	Nhill	
13/03/2024	Zoom meeting with Councillors, Consultant, and Independent chair to discuss CEO candidates		
16/03/2024	Nhill Cane Ball court opening with MP Dr Anne Webster	Nhill	
16/03/2024	Jeparit swimming hole opening with MP Dr Anne Webster	Jeparit	What a great facility this is and rightfully entered in the Australian local government awards for 2024. A great night with a band on the new deck with the river lit up. Further events were being planned before the night even finished.
19/03/2024	WMPM meeting	Jeparit	
20/03/2024	CEO interviews	Dimboola	
21/03/2024	Harmony Day Celebrations	Nhill	A wonderful night with many different cultures in attendance. The presentations and acts were enjoyed by all, and the night was an

			outstanding success.
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6.2 Cr BYWATERS, DEPUTY MAYOR

Date	Meeting/Event	Location	Comments
06/03/2024	Council Briefing meeting and Council meeting	Nhill	
07/03/2024	International women's day event	Horsham Town Hall	
09/03/2024	Tower Park Market	Dimboola	
09/03/2024	Meeting with residence of Kiata	Kiata	
12/03/2024	Nhill Advisory town committee meeting	Kiata Pub	
14/03/2024	Gender equity, workshop, Municipal Association of Victoria	Online	
14/03/2024	Citizenship ceremony	Nhill	
15/03/2024	Show ambassador group level judging and crop competition, gala dinner	Dimboola	
16/03/2024	Cane Ball Court official opening	Nhill Lawn Tennis Club	
20/03/2024	CEO interviews	Dimboola	
21/03/2024	Hindmarsh Harmony Day Event	Nhill Community Centre	
24/03/2024	Wimmera Harmony Week celebration	Horsham Town Hall	

6.3 Cr GERSCH

Date	Meeting/Event	Location	Comments
28/02/2024	Council Budget meeting	Dimboola	
05/03/2024	RCV workshop and meeting	Melbourne	
05/03/2024	RCV Parliament House meeting	Melbourne	
06/03/2024	Council briefing	Nhill	
06/03/2024	Council meeting	Nhill	
08/03/2024	Video re council elections	Nhill	
13/03/2024	Citizenship Ceremony	Nhill	

16/03/2024	Opening Cane Ball Court Nhill	Nhill	
16/03/2024	Opening Swimming hole Jeparit	Jeparit	
20/03/2024	CEO interviews		
21/03/2024	Harmony day celebrations	Nhill	
22/03/2024	Wimmera regional roads meeting		
27/03/2024	40 year JP long service award Government House	Melbourne	

6.4 Cr NELSON

Date	Meeting/Event	Location	Comments
27/02/2024	Wimmera Southern Mallee Development meeting		
28/02/2024	Budget discussion meeting	Microsoft Teams	
01/03/2024	Alex Bywaters funeral	Nhill	
04/03/2024	Dimboola Progress Association meeting		
05/03/2024	WSMLLEN finance committee meeting		
06/03/2024	Council briefing meeting	Nhill	
06/03/2024	Council meeting	Nhill	
07/03/2024	International Women's Day event	Horsham	
13/03/2024	Audit Committee meeting		
20/03/2024	CEO recruitment interviews		
21/03/2024	Welcomed Coromal caravan group to Dimboola		
21/03/2024	Harmony Day event	Nhill	

6.5 Cr ISMAY

Date	Meeting/Event	Location	Comments
06/03/2024	Council Briefing meeting	Nhill	
06/03/2024	Council Meeting	Nhill	
13/03/2024	CEO Reviews	Microsoft	

		Teams	
16/03/2024	Nhill cane ball court opening	Nhill	
16/03/2024	Jeparit swimming hole opening	Jeparit	
18/03/2024	Rainbow town committee meeting		
20/03/2024	CEO interviews	Dimboola	
21/03/2024	Enduro working bee	Rainbow	
22/03/2024	Enduro Scrutineering / street party	Rainbow	
23/03/2024	Enduro Off Road Race day one	Rainbow	
24/03/2024	Enduro Off Road Race day two	Rainbow	
25/03/2024	Enduro clean up	Rainbow	

6.6 Cr ALBRECHT

Date	Meeting/Event	Location	Comments
28/02/2024	Budget Meeting	Online	
06/03/2024	Hindmarsh Shire Council Briefing	Nhill	
06/03/2024	Hindmarsh Shire Council Meeting	Nhill	
12/03/2024	Nhill Town Committee Meeting	Kiata	Thanks to all the attendees who joined us at Kiata. It was interesting to see the renovations that are occurring at the Kiata Pub.
13/03/2024	Hindmarsh Shire Council Audit & Risk Meeting	Nhill	
13/03/2024	Review of CEO applications	Online	
20/03/2024	CEO Interviews	Dimboola	
21/03/2024	Harmony Day Celebrations	Nhill	

7 CORRESPONDENCE

Responsible Officer: Acting Chief Executive Officer

Attachment Number: 2

Introduction:

The following correspondence is attached for noting by Council.

Inwards:

- No inwards correspondence.

Outwards:

- 2024/03/07 – Letter of Congratulations to Mr. and Mrs. Flack for 60th Wedding Anniversary

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS W Bywaters/R Ismay

That Council notes the attached correspondence.

CARRIED

Attachment number: 2

MOVED: CRS W Bywaters/R Gersch

That Council writes a letter of congratulations to Michelle Danisch at Desert Blooms and Mr Max Carland who turned 100 recently.

CARRIED

8 PLANNING PERMITS

No planning reports.

9 REPORTS REQUIRING A DECISION

9.1 POLICY UPDATES

Responsible Officer: Acting Chief Executive Officer

Attachment Numbers: 3 – 4

Introduction:

This report presents two Policies for Council consideration:

1. The draft *Privacy and Data Protection Policy* to be endorsed for consultation for the period of 4 April 2024 to 18 April 2024. Consultation is proposed to take place by online survey, with written and verbal submission options also available.
2. The draft Procurement Policy for Council adoption.

Discussion:

Body-Worn Camera Policy

The draft The Body-Worn Camera Policy was presented to Council for endorsement for a period of consultation from 7 March 2024 to 21 March 2024. To give Council adequate time to consider community members' concerns, presentation of the Body-worn Camera Policy for Council consideration has been delayed to the Council Meeting scheduled for 8 May 2024.

Privacy and Data Protection Policy

This Policy was last reviewed in 2020 and has been updated in line with Council's current information landscape to strengthen adherence to the Information Privacy Principles. This update has included additional website information (including third party providers utilised by Council – including Council Committees), an updated collection statement that allows for inter-organisational information sharing where required, third party requirements (i.e. contractors and those collecting information for or on behalf of Council) and expansion of use and disclosure provisions.

It is recommended that this policy be made available for public submissions in accordance with the *Local Government Act 2020* and Council's Community Engagement Policy for the period 4 April 2024 to 18 April 2024.

Procurement Policy

Council's Procurement Policy was last reviewed in 2022 and has been presented as a best practice policy by the Local Government Inspectorate. The policy has been updated in two areas:

- Cumulative Spend

Previously, the policy noted that if the total amount spent on a single supplier over a three-year period exceeds the thresholds for each section under section 2.3.2. then

Council officers would need to meet the quotation/tendering requirements of the cumulative/aggregate amount. This is challenging to monitor/implement and is not suited to Council processes.

The new proposed wording and requirements are contained in section 2.3.2.1., 2.3.2.2. and 2.3.2.3. and are reflective of standard practice across the Local Government Sector.

- Reporting to Audit and Risk Committee – CEO Exemptions

As an additional measure to monitor and prevent possible instances of fraud or non-compliance with the Policy, section 2.3.4. now states that all exemptions requested under this section are reported to the Audit and Risk Committee.

It is recommended that Council adopt this policy.

Both the Privacy and Data Protection Policy, and Procurement Policy were presented to the Audit and Risk Committee meeting on 13 March 2024 where the committee endorsed the policies for consideration by Council.

Options:

1. Council can choose to adopt the Procurement Policy and endorse the Privacy and Data Protection Policy for community consultation; or
2. Council can choose to amend the Policies prior to adoption and endorsement; or
3. Council can choose to not adopt the Procurement Policy and not endorse the Privacy and Data Protection Policy for community consultation, retaining the existing policies previously adopted.

Link to Council Plan:

A community well informed and engaged.
Strong governance practices.

Financial Implications:

Nil.

Risk Management Implications:

Strategic Risk Description	Risk Management Discussion
Governance	Establishing a Privacy and Data Protection Policy ensures that Council is compliant with the <i>Privacy and Data Protection Act 2014</i> . Embedding the effective application of the Policy across the organisation ensures that we are complying with the Information Privacy Principles and minimising the risk of a privacy breach. This ensures the appropriate protection of public information and mitigates risks associated with the costs and damage of a privacy breach – including maintaining public trust.

	<p>Ensuring that Council's Procurement Policy is maintained in line with best practice and is effectively implemented across the organisation ensures that Council remains fair, consistent and compliant when procuring goods and services. Maintaining the policy and communicating it effectively mitigates risks of fraud and the mismanagement of Council resources.</p>
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Relevant legislation:

Local Government Act 2020

Privacy and Data Protection Act 2014

Community engagement:

The draft Privacy and Data Protection Policy is proposed to be made available for public comment from 4 April 2024 to 18 April 2024.

Gender equality implications:

Privacy and Data Protection Policy

It has been determined that while this policy has a direct impact on the public, it is not significant. Council is bound by the *Privacy and Data Protection Act 2014* and the scope of change within the Policy is limited. Collection and recording of data are regulated to take into consideration issues that may be gender-based, including suppression of voter information and handling of personal information in instances of family violence (e.g. rates correspondence where there are two listed parties and there is an IVO or other order in place, and processes for confirming details before disclosing any personal information).

Procurement Policy

The Procurement Policy applies to contractors, vendors, suppliers, and Council staff, it does not have a direct and significant impact on the public.

Conflict of Interest:

Under section 130(2) of the *Local Government Act 2020*, officers providing advice to Council must disclose any conflict of interest, including the type of interest.

Author – Petra Croot, Acting Director Corporate and Community Services

In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Monica Revell, Acting Chief Executive Officer.

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Communications Strategy:

If endorsed, the draft Privacy and Data Protection Policy will be made available on Council's website and in hardcopy on request. The consultation period and process will be advertised via Council's website, newsletters, Facebook page and via public advertisement in local newspapers and posters in public locations, including libraries and businesses.

If adopted, the Procurement Policy will be distributed to Councillors and staff, published on Council's website and advertised via Council's Social Media pages.

Next Steps:

Council officers will undertake the consultation and communication processes detailed in this report.

RECOMMENDATION:

That Council:

- 1. Endorses the draft Privacy and Data Protection Policy for community consultation for the period 4 April 2024 to 18 April 2024; and***
- 2. Adopts the Procurement Policy.***

MOVED: CRS R Gersch/W Bywaters

That Council:

- 1. Endorses the draft Privacy and Data Protection Policy for community consultation for the period 4 April 2024 to 18 April 2024; and***
- 2. Adopts the Procurement Policy.***

CARRIED

Attachment Numbers: 3 – 4

10 COUNCIL COMMITTEES

10.1 ADVISORY COMMITTEES

Responsible Officer: Acting Chief Executive Officer

Attachment Numbers: 5 – 8

Introduction:

Council has received notification from the Nhill Town Advisory Committee of the resignation of Ross Barker. This resignation is for noting by Council.

The following Hindmarsh Shire Council Advisory Committees held meetings on the following dates:

- **Audit and Risk Committee**
General meeting on 13 March 2024 (*see attachment 5*)
- **Jeparit Township Advisory Committee**
General meeting on 19 February 2024 and 11 March 2024 (*see attachments 6 & 7*)
- **Rainbow Township Advisory Committee**
General meeting on 18 March 2024 (*see attachment 8*)

A copy of the minutes for each meeting are included as an attachment for the information of Council.

RECOMMENDATION:

That Council:

- 1. notes the resignation of Ross Barker from the Nhill Town Committee;***
- 2. write to Ross thanking him for his service;***
- 3. notes the minutes of the following Advisory Committees:***
 - ***Audit and Risk meeting held on 13 March 2024;***
 - ***Jeparit Town Committee meetings held on 19 February 2024 and 11 March 2023;***
 - ***Rainbow Town Committee meeting held on 18 March 2024; and***
- 4. approves the allocation of Jeparit Township Advisory Committee funds of \$3,181.00 exc. GST to the Jeparit Historical Society to assist them with storing and archiving historical photos and documents.***

MOVED: CRS R Ismay/D Nelson

That Council:

- 1. notes the resignation of Ross Barker from the Nhill Town Committee;***
- 2. write to Ross thanking him for his service;***
- 3. notes the minutes of the following Advisory Committees:***

- *Audit and Risk meeting held on 13 March 2024;*
 - *Jeparit Town Committee meetings held on 19 February 2024 and 11 March 2023;*
 - *Rainbow Town Committee meeting held on 18 March 2024; and*
- 4. approves the allocation of Jeparit Township Advisory Committee funds of \$3,181.00 exc. GST to the Jeparit Historical Society to assist them with storing and archiving historical photos and documents.**

CARRIED

Attachment Numbers: 5 – 8

10.2 COMMUNITY ASSET COMMITTEES

Responsible Officer: Acting Chief Executive Officer

Attachment Numbers: 9 – 10

Introduction:

The following Hindmarsh Shire Council Community Asset Committees held meetings on the following dates:

- **Wimmera Mallee Pioneer Museum Community Asset Committee**
General meeting on 20 February 2024 (*see attachment 9*)
- **Yurunga Homestead Community Asset Committee**
General meeting on 22 February 2024 (*see attachment 10*)

A copy of the minutes for each meeting are included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the following Community Asset Committees;

- ***Wimmera Mallee Pioneer Museum meeting on 20 February 2024; and***
- ***Yurunga Homestead meeting on 22 February 2024.***

MOVED: CRS W Bywaters/D Nelson

That Council notes the minutes of the following Community Asset Committees;

- ***Wimmera Mallee Pioneer Museum meeting on 20 February 2024; and***
- ***Yurunga Homestead meeting on 22 February 2024.***

CARRIED

Attachment Numbers: 9 – 10

11 LATE REPORTS

No late reports.

12 NOTICES OF MOTION

No notices of motion.

13 OTHER BUSINESS

MOVED: CRS R Gersch/D Nelson

That the Senior Management Team review Council's Local Laws following Council's 2024 Local Government elections.

CARRIED

14 CONFIDENTIAL REPORTS

In accordance with Section 66 (2) (a) of the *Local Government Act 2020*, Council may close the meeting to the public to consider confidential information. Confidential information is defined by part IV of the *Freedom of Information Act 1982*, and by Section 3 of the *Local Government Act 2020* as being:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or

- ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

RECOMMENDATION:

That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020, and/or Part IV of the Freedom of Information Act 1982:

14.1 SWIMMING POOL MANAGEMENT AND OPERATIONS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters; and

15.1 CEO EMPLOYMENT AND REMUNERATION COMMITTEE – this report contains “personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to CEO employment matters.

MOVED: CRS R Gersch/R Ismay

That the meeting be closed in accordance with section 66 (2) (a) of the Local Government Act 2020, to consider reports that contain confidential information as defined by section (3) of the Local Government Act 2020, and/or Part IV of the Freedom of Information Act 1982:

14.1 SWIMMING POOL MANAGEMENT AND OPERATIONS – this report contains “Council business information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released” insofar as it pertains to contractual matters; and

15.1 CEO EMPLOYMENT AND REMUNERATION COMMITTEE – this report contains “personal information, being information which if released would result in the

unreasonable disclosure of information about any person or their personal affairs” insofar as it pertains to CEO employment matters.

CARRIED

15 LATE CONFIDENTIAL REPORTS

16 RESUMING INTO PUBLIC SESSION

RECOMMENDATION:

That Council resumes in open session releasing the details of item 14.1 as deemed appropriate by the CEO, and 15.1 as deemed appropriate by the Mayor.

MOVED: CRS D Nelson/R Ismay

That Council resumes in open session releasing the details of item 14.1 as deemed appropriate by the CEO, and 15.1 as deemed appropriate by the Mayor.

CARRIED

17 MEETING CLOSE

There being no further business, Cr B Ireland declared the meeting closed at 4:24pm.
