



CFA Fire Safety
Fire & Emergency Management
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Telephone: 03 9262 8578

Our Ref: 12000-68492-96671
Council Ref: 2019/115

13th January 2020

Murrindindi Shire Council
P O Box 138
ALEXANDRA VIC 3714

Dear Karen,

LETTER OF ADVICE

Application No: 2019/115
Site address: 630 Buxton-Marysville Road, Buxton
Proposal: DEVELOPMENT OF LAND FOR A DWELLING

I refer to correspondence dated 23rd December 2019 seeking comments on the above application.

CFA acting as a Referral Authority pursuant to Section 55 the *Planning and Environment Act, 1987 (Act)* has considered and provides the following information to assist council.

It is the position of CFA that the proposed development will result in people being placed in an extreme bushfire risk environment dependent on inadequate protection measures.

The site directly adjoins large tracts of unmanaged forests from the north, south, east and west. The proposed site is located at the top of a hill with slopes over 30° to the east and over 20° to the north and west.

Access and egress to and from the site from the Buxton Marysville Road (approximately 900 metres) poses obvious difficulties for timely evacuation. It is also unlikely the proposed access will allow fire brigade access to the dwelling due to the steep gradients.

There are no nearby places of shelter and road travel would be hazardous, the closest Neighbourhood Safer Place is approximately 7 km south of the site in the township of Marysville.

The application has incorrectly assessed the effective slope and proposed defensible space and construction standard of BAL 40 that is totally inadequate. In addition, the practical implementation of any vegetation management on slopes exceeding 20° will be very difficult

especially due to the erosion / landslip potential on the slopes exceeding 30°. The dwelling is likely to be impacted by direct flame from a passing fire front.

It is CFA's view that the location of this development results in the site being classified as Landscape Type 4. DELWP's Technical Guide – Planning Permit Applications – Bushfire Management Overlay identifies the following characteristics for Landscape Type Four:

- The broader landscape presents an extreme risk.
- Evacuation options are limited or not available.

The requirements of the Planning Policy Framework (PPF) at Clause 13.02 to 'prioritise life' have not been achieved. The proposal has not met the relevant objectives of Clause 53.02-4 or addressed the extreme bushfire risk landscape factors this site will be exposed to.

As a "Pathway 2" application the bushfire risk arising from the broader landscape must be considered. Development must at a minimum meet all the relevant objectives of Clause 53.02-4. CFA acknowledges the BMS proposes a private bushfire shelter will be installed in accordance with the requirements of the Building Regulations 2018, however this does not mitigate the bushfire risk to an acceptable level.

If you require further assistance on this matter, please contact me on 8746 1413.

Yours sincerely



Glenn Cockram
Fire Safety Coordinator
FIRE & EMERGENCY MANAGEMENT

cc: Sherryn Doherty
sherryn.cartledge@bigpond.com

<div>PLAN OF SUBDIVISION</div> <div>PLAN UNDER SECTION 35 OF THE SUBDIVISION ACT 1988</div>				<div>PS 835456 X</div>		
<div>LOCATION OF LAND</div> <div>PARISH : THORNTON</div> <div>TOWNSHIP : _____</div> <div>SECTION : _____</div> <div>CROWN ALLOTMENT : 30 (PART)</div> <div>CROWN PORTION : _____</div> <div>TITLE REFERENCE : C/T. Vol. 8962 Fol.433</div> <div>LAST PLAN REFERENCE : LOT 1 ON TP 23306 J</div> <div>POSTAL ADDRESS : No.1087 GOULBURN VALLEY HIGHWAY (At time of subdivision) THORNTON. 3712.</div> <div>MGA94 Co-ordinates : (of approx. centre of land in plan) E 394 520 N 5874 430 ZONE : 55</div>			<div>COUNCIL NAME : MURRINDINDI SHIRE COUNCIL</div>			
<div>VESTING OF ROADS AND/OR RESERVES</div>			<div>NOTATIONS</div>			
IDENTIFIER		COUNCIL/BODY/PERSON		<div>Dimensions shown underlined are not as a result of this survey but have been deduced from title</div>		
ROAD R-1		MURRINDINDI SHIRE COUNCIL				
<div>NOTATIONS</div>						
DEPTH LIMITATION : Does not apply.						
<div>LAND TO BE ACQUIRED BY COMPULSORY PROCESS : NIL</div> <div>LAND TO BE ACQUIRED BY AGREEMENT : ROAD R-1</div> <div>Survey: This plan is based on survey (Partially).</div> <div>This survey has been connected to permanent mark no.1 in Proclaimed Survey Area No. —</div> <div>STAGING: This is not a staged subdivision Planning Permit No. —</div>						
<div>EASEMENT INFORMATION</div>						
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div>						
<div>Easements and rights implied by Section 12(2) of the Subdivision Act 1988 apply to the whole of the land on this plan.</div>						
Easement Reference	Purpose	Width (metres)	Origin	Land Benefited/In Favour Of		
E-1	TRANSMISSION OF ELECTRICITY	SEE PLAN	INST. 1403020	S.E.C. OF VICTORIA		
<div>RODNEY AUJARD & ASSOCIATES</div> <div>Licensed Land Surveyors</div> <div>Level 1, 325 Camberwell Road, CAMBERWELL. 3124. Ph. 9813 2222 Fax. 9813 2244 81 Grant Street, ALEXANDRA. 3714. Ph. 5772 1530 aujard@bigpond.net.au</div>		Surveyors Ref. 19379		Original Sheet Size : A3	SHEET 1 OF 3	
		John F. Egan		Version 1		

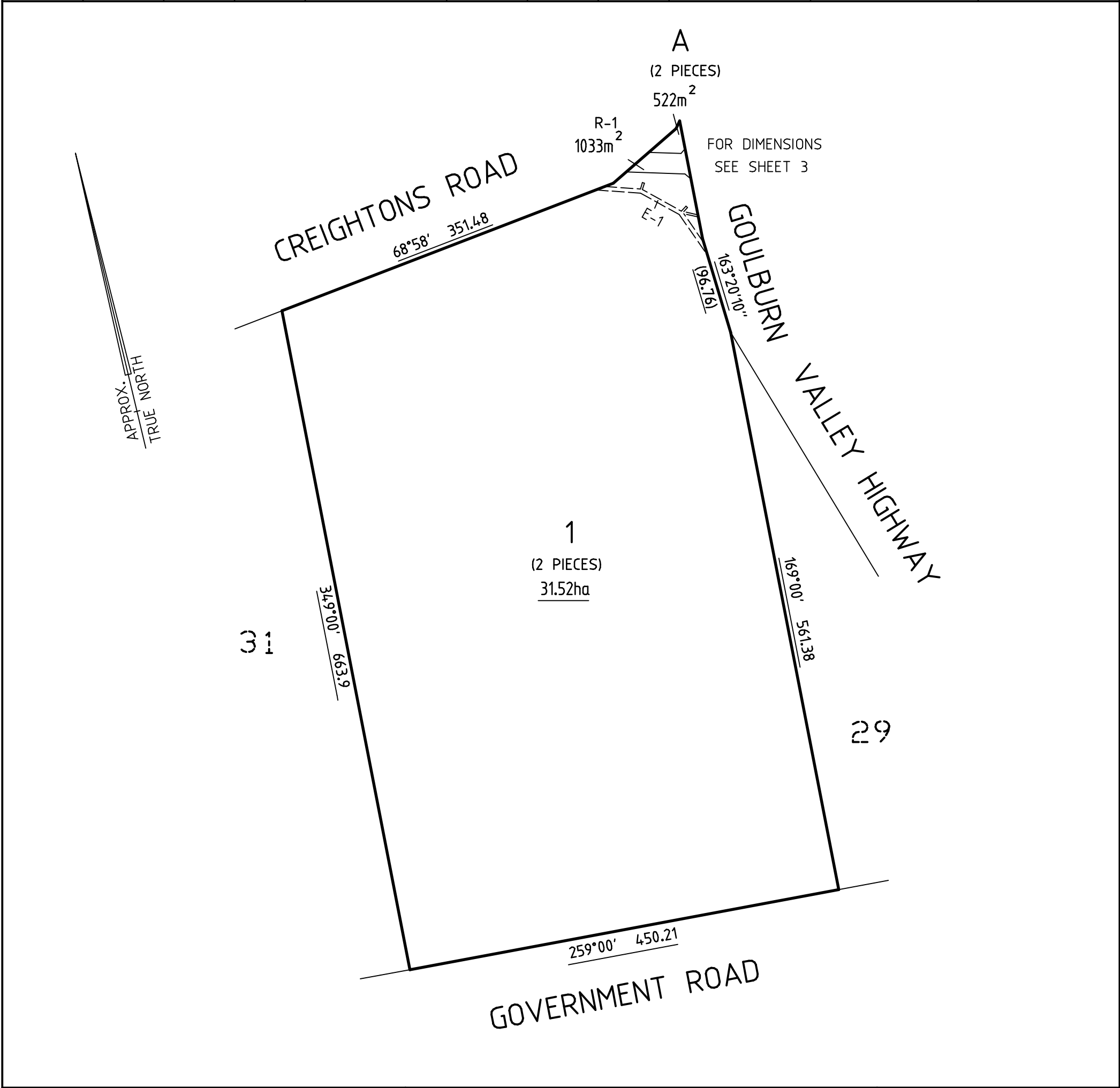
PLAN OF SUBDIVISION

PLAN UNDER SECTION 35 OF THE SUBDIVISION ACT 1988

PS 835456 X

VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND

LAND AFFECTED	LAND ACQUIRED BY COMPULSORY PROCESS PRIOR TO CERTIFICATION			LAND ACQUIRED BY COMPULSORY PROCESS AFTER REGISTRATION OF PLAN				LAND ACQUIRED BY AGREEMENT	LRS REFERENCE OF TRANSFERS OR NOTIFICATIONS OF VESTING DATES	ASSISTANT REGISTRAR OF TITLES SIGNATURE
	VESTING DATE	GOVERNMENT GAZETTE		DATE OF RECORDING OF VESTING DATE	VESTING DATE	GOVERNMENT GAZETTE		DATE OF REGISTRATION OF TRANSFER		
		PAGE	YEAR			PAGE	YEAR			
ROAD R-1										



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SCALE

40 0 40 80 120 160 200

Lengths are in metres

DIGITALLY SIGNED BY LICENSED SURVEYOR :
JOHN F. EGAN
REF : 19379 VERSION 1

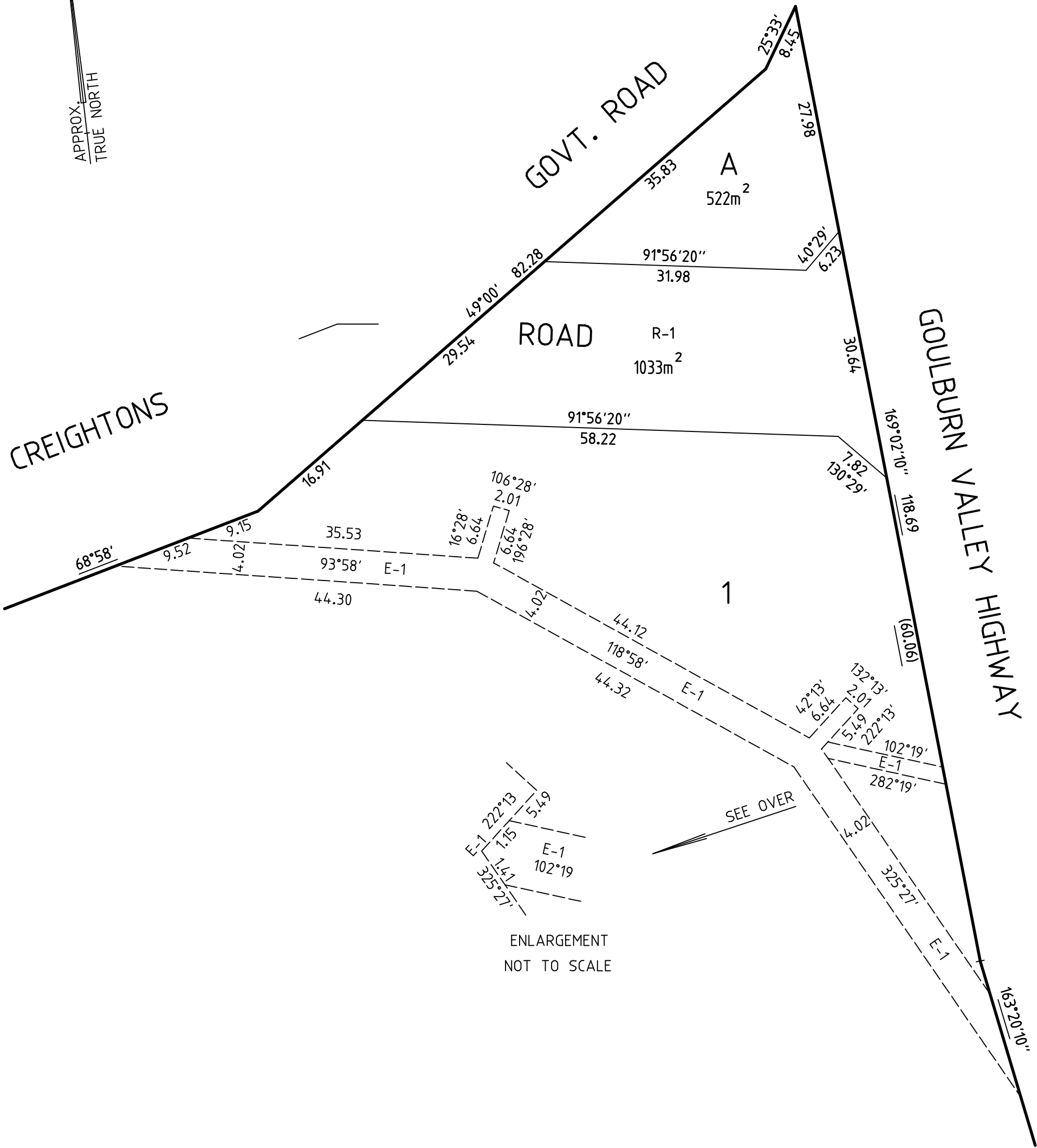
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ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION

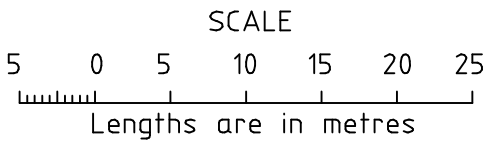
PLAN UNDER SECTION 35 OF THE SUBDIVISION ACT 1988

PS 835456 X



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ORIGINAL
SCALE
1:500

DIGITALLY SIGNED BY LICENSED SURVEYOR :
JOHN F. EGAN

REF : 19379

VERSION 1

Sheet 3

ORIGINAL SHEET SIZE A3

Murrindindi Shire Council

DRAFT

Community Local Law 2020



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PART 1 - PRELIMINARY

1. Local Law

This Community Local Law 2020 is a local law made under Section 111 of the *Local Government Act 1989* and Section 42 of the *Domestic Animals Act 1994*.

2. Objectives

The objectives of this Community Local Law are to provide for:

- (1) The peace, order and good government of the municipality;
- (2) A safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
- (3) The safe and fair use and enjoyment of public places;
- (4) The protection and enhancement of the amenity and environment of the municipality;
- (5) A fair and reasonable use and enjoyment of private land; and
- (6) A uniform and fair administration of this Local Law.

3. Commencement and revocations

- (1) This Community Local Law comes into operation on 1 May 2020
- (2) The following provisions of this Community Local Law come into operation on 1 September 2020:
 - (a) Part 4 (Asset Protection)
- (2) Unless the Community Local Law is revoked sooner, its operation will cease on 1 January 2030.
- (2) Upon the commencement of this Community Local Law 2020, the *Community Local law 2012* is revoked.

4. Application of Local Law

- (1) This Community Local Law applies throughout the municipality.
- (2) This Community Local Law does not apply where any act or thing otherwise prohibited or regulated by this Community Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.
- (3) Laws, regulations and schemes that have been considered as part of the development of this law and to which this law is subordinate (under the *Interpretation of Legislation Act 1984*) include (but are not limited to, and may be revised from time to time) the:
 - (i) *Building Act 1993*
 - (ii) *Country Fire Authority Act 1958*
 - (iii) *Domestic Animals Act 1986*

-
- (iv) *Emergency Management Act 1986 and 2013*
 - (v) *Environment Protection Act 1970*
 - (vi) *Food Act 1984*
 - (vii) *Graffiti Prevention Act 2007*
 - (viii) *Housing Act 1983*
 - (ix) *Impounding of Livestock Act 1994*
 - (x) *Land Act 1958*
 - (xi) *Road Management Act 2004*
 - (xii) *Road Safety Act 1986*
 - (xiii) *Summary Offences Act 1966*
 - (xiv) *Public Health & Wellbeing Act 2008*
 - (xv) *Murrindindi Planning Scheme*
- (4) This Community Local Law exists within a complex legal framework and should not be read in isolation. If the Local Law is silent on a topic it should not be taken that no other law, rule, regulation, provision or scheme applies. Legal advice should always be sought if there is any doubt regarding the legality of any action.
- (5) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations constitute a breach of this Local Law.
- (6) Enforcement and compliance of the Community Local Law 2020 will be completed in accordance with Council's "Compliance and Enforcement Policy"

5. Definitions.

In this Local Law the following words have the meaning given to them unless stated otherwise:

the Act	means the <i>Local Government Act 1989</i>
abandoned vehicle	means a vehicle that has not been moved for 2 months as referred to in clause 3(4) of Schedule 11 of the Act
advertising sign	means a board, notice, banner or similar device used for the purposes of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.
alfresco dining	means any tables and/or chairs that are used for commercial purposes and are located outside of doors on a municipal place at which food or drinks are served and may be consumed in connection with premises adjoining or situated nearby
animal	includes every species of quadruped and every species of bird and includes a kangaroo, ostrich and emu

asset	means a resource or structure that has a public service function and may require management by Council or another service authority, including, but not limited to: a) roads; b) footpaths; c) nature strips; d) kerb and channel; e) drainage pits and pipes; f) street furniture; g) signage; h) street trees; and i) service pits.
Asset Protection Permit	A written permit issued by Council for the protection of public infrastructure assets during works
Authorised Officer	means a person appointed as an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> .
barbecue	means any fixed or portable device designed exclusively for meals preparation fired by gas, electricity or other flammable materials
building site	means any land on which building work is carried out
building work	includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure. Includes retaining walls and pools. Please also see “minor building works”
bulk rubbish container	means a container, bin, skip, hopper or other receptacle which is designed or used for holding refuse or rubbish and is unlikely to be moved without mechanical assistance, but does not include a rubbish receptacle used in connection with the Council's collection service for domestic waste
busk	Means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money
camp	means erecting and occupying a tent, caravan, RV or other similar vehicle or device
caravan	means a vehicle used or adapted for living and designed to be towed by another vehicle and includes vehicles without wheels or axles and whether it is resting directly on the ground or on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used in conjunction with a caravan while it is stationary
Chief Executive Officer	means the person appointed as the Chief Executive Officer of the Council
clothing bin	means any receptacle designed for the collection of donated clothing or goods for recycling

commercial waste	means any rubbish, refuse, sludge, slurry, liquid, hard garbage or other matter whatsoever arising from any trade, industry or commercial undertaking
commercial zone	means land zoned commercial under the <i>Murrindindi Planning Scheme</i>
Council	means the Murrindindi Shire Council
dangerous dog	Has the same meaning as in the Domestic Animal Act 1994. It is defined as: (a) a dog which has been declared to be dangerous by a Council under Part 3 of the Domestic Animals Act 1994; or (b) a dog which by virtue of the operation of section 34A of the Domestic Animals Act 1994 is a dangerous dog.
Domestic Bird	Means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary but excludes large and/or noisy birds (eg: roosters) capable of causing disturbance and discomfort to neighbours, and, , excludes pigeons, fowl and poultry
Droving of Livestock	Means a single driving of Livestock in or through the Municipal District, or from one location to another for the purpose of changing the grazing area, or for the purposes of sale or relocation after sale, but excludes the "Regular Movement of Livestock" or the "Grazing of Livestock"
farm animal	Has the same meaning in this Local Law as "livestock"
fine	A sum of money exacted as a penalty. Fines are calculated by multiplying the value of one penalty unit by the number of penalty units prescribed by the offence. See schedule 9 for the current value of a penalty unit
Fire Danger Period	Has the same meaning as the <i>Country Fire Authority Act 1958</i> , Section 4
grazing of livestock	Means the use of a road for the purposes of grazing livestock, which includes supplementary feeding, but excludes the 'Droving of Livestock' or the 'Regular Movement of Livestock'
heavy vehicle	is any vehicle over 4.5 tonnes gross vehicle mass
incinerator	means a structure, device, contraption (not enclosed in a building) which is: (a) used or intended, adapted, or designed to be used or capable of being used for the purpose of burning anything; (b) not licensed or otherwise subject to control under the provisions of any other legislation; and (c) not a barbecue , fire pit or other structure/device used to contain a fire for warmth
industrial zone	means land zoned industrial under the <i>Murrindindi Planning Scheme</i>

livestock	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes other than a dog or cat
long vehicle	has the same meaning as the <i>Road Safety Road Rules 2009</i>
minor building work	works are only classified as minor once the municipal building surveyor has made a determination. A determination is only made once the context and circumstances of each case are considered by the municipal building surveyor . Please also see “building works”
motorhome	means a vehicle on a purpose built chassis and designed to serve as self-contained living quarters for recreational travel also referred to as an “RV” or recreational vehicle
motorised recreational vehicle	means all mini bikes, trail bikes, motor bikes, motor scooters, go- karts, motor cars and any other bike or vehicle propelled by a motor which is normally used for recreational purposes, but does not include mobility scooters, motorised wheelchairs or any vehicle used primarily in respect of primary production, construction or maintenance or motor homes or buses
Municipal Environmental Health Officer	Means any Environmental Health Officer appointed by the Council from time to time under section 29 of the <i>Public Health and Wellbeing Act 2008</i> .
Municipal Fire Prevention Officer	Means any Municipal Fire Prevention Officer appointed by the Council from time to time under section 96A of the <i>Country Fire Authority Act 1958</i> .
Municipal Building Surveyor	Means the municipal building surveyor of Council appointed under the <i>Building Act 1993</i> .
municipal road	has the same meaning as the <i>Road Management Act 2004</i> . Namely: any road which is not a State road, including any road which: (a) is a road referred to in section 205 of the <i>Local Government Act 1989</i> ; or (b) is a road declared by VicRoads to be a municipal road under section 14(1)(b) ; or (c) is part of a Crown land reserve under the <i>Crown Land (Reserves) Act 1978</i> and has the relevant municipal council as the committee of management
municipal place	Means any place within the Municipal District that is owned or occupied by the Council and/or controlled or managed by the Council, which the public may or may not have access to (whether an admittance fee is required or not) but also includes Council Land, a Municipal Reserve, Municipal Building, recreation centre, Footpath and Road, and any structures, artworks, public decorations or other public displays erected upon or situated at these places.
municipal reserve	Means any land, either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public

	decorations, other public displays and any structures other than a building, erected upon or situated at these places, but excludes a Road.
notice to comply	means a notice issued by Council under this <i>Community Local Law 2020</i> that requires initiation and/or completion of actions within a required time frame
noxious	substance that is physically harmful or potentially fatal to living beings. When being burned, noxious substances may give off noxious smoke
nuisance	Doing something that stops another person fully using and enjoying land they own or occupy. For example, someone burning off smelly rubbish in their backyard might ruin a neighbour's enjoyment of their garden.
penalty unit	Means a Penalty Unit set out in section 110(2) of the <i>Sentencing Act 1991</i> that is currently fixed at \$100 for each one (1) Penalty Unit and includes any amendments to that amount as determined from time to time
permit	means a permit issued by Council under this <i>Community Local Law 2020</i>
poultry	domestic fowl such as chickens, turkeys, ducks and geese
Planning Scheme	means the <i>Murrindindi Planning Scheme</i> operating in the Murrindindi Shire made under the <i>Planning and Environment Act 1987</i>
public place	has the same meaning as the <i>Summary Offences Act 1966</i>
recyclables	means any substances or articles which the Council designates as Recyclables and are described by the Council in any newspaper generally circulating in the Municipal District
regular movement of livestock	Is defined as movement of livestock along roads or roadsides at least once per month
residential zone	means land in any of the residential zones under the <i>Murrindindi Planning Scheme</i> or land characterised as such if the land is under 1 hectare in size
resource recovery centre	Is a waste recycling, collection and transfer facility aiming to facilitate the reduction of the volume of local waste going into landfill
restricted breed dog	<p>Has the same meaning as in section 3(1) of the <i>Domestic Animal Act 1994</i>, namely a dog that is any one of the following breeds:</p> <ul style="list-style-type: none"> (a) Japanese Tosa; (b) fila Brasileiro; (c) dogo Argentino; (d) Perro de Presa Canario (or Presa Canario); (e) American Pit Bull Terrier (or Pit Bull Terrier);

Roadside	Has the same meaning as the <i>Road Management Act 2004</i> . Namely: any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed
rural zone	means land zoned rural under the <i>Murrindindi Planning Scheme</i>
scaregun	means a gas gun or similar gun or noise emitting device designed to scare birds from attacking crops, but does not include a firearm
sell	includes any of the following: (a) barter or exchange; (b) agree to sell or offer or expose for sale; (c) receive for sale; (d) have in possession for sale; (e) send, forward or deliver for sale; (f) advertise for sale; (g) sell for re-sale; (h) cause, permit or attempt any of the acts or things mentioned in paragraphs (a) to (g); (i) give away.
Senior Officer	Has the meaning ascribed to it in section 3 of the <i>Local Government Act 1989</i> and includes the Chief Executive Officer.
septic tank system	has the same meaning as in section 53J of the <i>Environment Protection Act 1970</i>
spruik	Means attracting custom by public aural appeals to passers-by, with or without sound amplification equipment
toxic	containing or being poisonous material especially when capable of causing death or serious debilitation
unoccupied land	land without a dwelling or land without a residence
vehicle	has the same meaning as “vehicle” in section 3(1) of the <i>Road Safety Act 1986</i>
vehicle crossing	Means the constructed surface between the road pavement to the property boundary for vehicle access, including any Footpath section, crossing culverts, kerb and channel or layback

vermin	has the same meaning as prohibited pest animals, controlled pest animals, regulated pest animals or established pest animals in the <i>Catchment and Land Protection Act 1994</i> and includes (but is not limited to): <ul style="list-style-type: none">• Cattle, Goats, Sheep, Antelope, Camels, Llamas, Deer (certain breeds), Pigs, Cats, Dogs, Rats, Mice, Red Foxes, Rabbits, Hares, Horses, Donkeys,
waste	Has the meaning ascribed to it in section 4 of the <i>Environment Protection Act 1970</i>

PART 2 - SAFETY OF PEOPLE & PROPERTY

Animals

6. Keeping animals

- (1) Without a permit, an owner or occupier of land in a [residential zone](#), must not keep or allow to be kept on that land:
- (a) more than 4 different kinds of animals at any time; or
 - (b) more than the following number of animals:
 - (i) 2 dogs (not being a restricted breed, menacing or declared dangerous dog);
 - (ii) any restricted breed, dangerous or menacing dog
 - (iii) 2 cats;
 - (iv) 10 chickens;
 - (v) 2 ducks, geese, pheasants, turkeys;
 - (vi) 2 rabbits;
 - (vii) 2 guinea pigs;
 - (viii) 2 ferrets;
 - (ix) 50 [domestic birds](#); or
 - (c) any sheep, goats, horses, or cattle unless the land is larger than *0.5 hectares* where an owner/occupier may keep 2; or
 - (d) any pigs, roosters or peacocks.

Penalty Units: 10

- (2) Without a permit, an owner or occupier of land in a [rural zone](#) must not keep or allow to be kept on that land:
- (a) more than 5 dogs;
 - (b) more than 5 cats.
 - (c) any restricted breed, dangerous or menacing dog

Penalty Units: 10

- (3) Without a permit, an owner or occupier of any land must not keep or allow to be kept on any land any pigeons other than those registered with an accredited organisation.

Penalty Units: 10

Accredited organisations include Victorian Racing Pigeon Union, Victorian Homing Association and Victorian Pigeon Racing Association.

7. Animal housing

- (1) The owner or occupier of any land on which animals are kept must ensure they are securely confined to the property at all times.

Penalty Units: 10

- (2) Housing of animals needs to be adequate and appropriate in the circumstances, taking into consideration:

- (a) the type of animals to be kept;
- (b) the height of the shelter;
- (c) the number of animals to be kept;
- (d) the capacity to maintain it in a sanitary and inoffensive condition;
- (e) the capacity to protect neighbours from noise from animals on the land; and
- (f) any other matters considered to be relevant.

Penalty Units: 10

8. Animal excrement

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on any [municipal road](#), [municipal reserve](#) or [municipal place](#).

Penalty Units: 5

- (2) A person in charge of an animal, which litters a public place must immediately collect and dispose of the droppings in such a manner as not to cause a detriment to any other person or to present any environmental pollution.

Penalty Units: 5

- (3) A person in charge of an animal that is deceased, must ensure that the deceased animal is buried, burnt or removed from that land in a timely manner and ensure that the deceased animal is properly disposed of in a humane manner without creating a public health or environmental hazard.

Penalty Units: 5

- (4) If moving livestock in a rural area, removal of excrement is not required unless it poses a safety issue as determined by an authorised officer.

Penalty Units: 5

9. Droving¹, regular movement and roadside grazing of livestock

- (1) Without a permit, a person must not undertake [droving of livestock](#) on any any [municipal road](#), [municipal reserve](#) or [municipal place](#).

Penalty Units: 10

- (2) Without a permit, a person must not undertake [regular movement of livestock](#) on any [municipal road](#), [municipal reserve](#) or [municipal place](#)

Penalty Units: 10

- (3) Without a permit, a person must not allow [livestock](#) onto any [municipal road](#), [municipal reserve](#) or [municipal place](#) for the purposes of grazing.

Penalty Units: 10

Land & General Amenity

10. Dangerous Land

- (1) An owner or occupier of land must not cause or allow the land to be:
- (a) kept in a manner which is dangerous or likely to cause danger to life or property; or
 - (b) used for the storage of any substance, which in the opinion of an authorised officer is dangerous or is likely to cause danger to life or property; or
 - (d) in any condition determined by the Council from time to time to be dangerous or likely to cause danger to life or property and notified by the Council to the owner.

Penalty Units: 20

- (2) An owner or occupier of property who is aware that there is a European Wasps' nest on the property must take steps to cause it to be removed.

Penalty Units: 10

- (3) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove a European Wasps' nest(s)

Penalty Units: 10

11. Unsightly land

- (1) An owner or occupier of land must not allow or permit the land to be kept in a manner that is unsightly or detrimental to the general amenity of the neighbourhood.

Penalty Units: 15

¹ Note that if livestock is to be driven on an arterial road, the consent of VicRoads is required. See rules 400, 402, 403 and 404 of the *Road Safety Road Rules 2017*

-
- (2) For the purposes of clause 11(1), land is deemed to be unsightly or detrimental to the general amenity of the neighbourhood in which the land is located if the land:
- (a) has upon it for more than 7 days, any of the following:
 - (i) uncontained rubbish, construction or demolition rubble;
 - (ii) disused excavation material;
 - (iii) excessive waste or other materials (as determined by an authorised officer);
 - (iv) disused machinery or [vehicles](#);
 - (v) more than two unregistered [vehicles](#) outside of shedding;
 - (vi) graffiti that remains on the premises, unless any Act or regulation relating to graffiti permits such graffiti to remain on the land for a longer period.
 - (vii) uncontrolled [vermin](#);
 - (viii) grass or weeds present on the land which exceed 200 millimetres in height;
 - (ix) shipping containers, unless they comply with clause 13 and the requirements set out in [Schedule 1](#); or
 - (x) any other item or thing as determined by Council from time to time.

Penalty Units: 15

- (3) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove unsightly material and maintain the property in an appropriate manner.

Penalty Units: 15

12. Storage of machinery and second hand goods on property

- (1) A person must not, without a permit, use any land for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.

Penalty Units: 10

- (2) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove machinery and second hand goods and maintain property in appropriate manner

Penalty Units: 15

13. Shipping Containers

- (1) A person must not, without a permit, store, keep or place a shipping container on any land within the municipal district unless permitted under a planning permit issued in accordance with the Murrindindi Planning Scheme.

Penalty Units: 15

- (2) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove a shipping container from any land that is not permitted in accordance with clause 13(1)

Penalty Units: 15

- (3) Shipping containers placed on any land in the Murrindindi Shire must comply with the requirements outlined in [schedule 1](#).

Penalty Units: 15

14. Motorized Recreational Vehicles

- (1) A person must not, without a permit, use a [motorized recreational vehicle](#) on any [municipal reserve](#) or [municipal place](#) (other than any public highway or road) unless the land or reserve has been designated by Council for that purpose.

Penalty Units: 15

- (2) A person must not, without a permit, use a [motorized recreational vehicle](#) on [unoccupied land](#) unless it is for primary production purposes or for the management of that land

Penalty Units: 15

- (3) A person must not use a [motorized recreational vehicle](#) on private land in such a manner as to cause a [nuisance](#) to neighbouring landowners because of sound, smell, dust, smoke, soil erosion or any other factor that causes a [nuisance](#)

Penalty Units: 15

- (4) An owner or occupier if directed or given written notice by an authorised officer, must take steps to ensure [motorized recreational vehicle](#) use does not cause a [nuisance](#)

Penalty Units: 15

- (5) Recreational vehicle use must comply with requirements outlined in [schedule 4](#).

Penalty Units: 10

15. Noise in a public place

- (1) A person must not, without a permit, in a [public place](#) sound, play, control, operate or use a loudspeaker, amplifier, microphone, wireless receiving set or broadcasting set or other like device capable of being used for making or amplifying sounds or noise which is detrimental to the general amenity of the place.

Penalty Units: 10

- (2) An owner or occupier must when directed by an authorised officer, cease making noise in a [public place](#)

Penalty Units: 10

16. Audible Alarms - Buildings

- (1) An owner or occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any alarm which emits a noise audible beyond the boundary of such premises unless such an alarm is so constructed or regulated as to ensure that:

- (a) When a detection device is activated, the audible alarm is automatically rendered inaudible beyond the boundary of the premises within 10 minutes of the device being activated;

Penalty Units: 10

- (b) The audible alarm cannot reactivate until the device has been manually reset.

Penalty Units: 10

- (2) Despite the above provisions an audible alarm may operate for a further period of 10 minutes should an alarm be activated by a different detection device following the cessation of the audible intruder alarm in accordance with paragraph (a) and (b) of clause (1).
- (3) If the owner or occupier of the property housing the audible alarm or other device confirms a complaint, an authorised officer may by notice to comply require that the audible intruder alarm be:
- (a) adjusted to comply with this clause;
 - (b) replaced with a complying audible intruder alarm;
 - (c) switched off; or
 - (d) disconnected.

Penalty Units: 10

17. Council Signs – Code of Conduct

A person must comply with the instructions or 'code of conduct' on any Council sign erected in/on any municipal building, or on any [municipal reserve](#) or [municipal place](#) (see [Schedule 2](#) and [Schedule 3](#))

Penalty Units: 5

18. Camping

- (1) A person must not, without a permit, [camp](#) on any municipal road, [municipal reserve](#) or [municipal place](#) unless otherwise designated.

Penalty Units: 10

- (2) A person must not, without a permit, camp on [unoccupied land](#) unless they comply with requirements in [Schedule 8](#)

Penalty Units: 5

19. Events and festivals

- (1) A person must not, without a permit, conduct a festival or other similar event on on any [municipal reserve](#) or [municipal place](#).

Penalty Units: 10

- (2) Clause (1) does not apply where the Council's planning scheme allows an event to be held subject to a planning permit being obtained or required.

20. Consumption of Alcohol

- (1) A person must not without a permit:

- (a) Consume alcohol or be in possession of [alcohol](#) in an open container in a [municipal place](#) or [municipal reserve](#) outside the hours of 12pm (noon) and 8pm unless otherwise permitted.

Penalty Units: 10

- (b) Consume alcohol at any time in a [municipal place](#) or [municipal reserve](#) designated as an alcohol free zone (see [schedule 2](#) for a list of zones) unless otherwise permitted.

Penalty Units: 10

- (2) Subclauses 20(1)(a) and 20(1)(b) do not apply to a person taking part in an event or festival for which Council has granted a permit which allows the consumption of liquor or allows the possession of liquor or is an authorised premises under the *Liquor Control Reform Act 1998*.

Open Air Burning

21. Any Fire

- (1) An authorised officer may direct any person to extinguish any fire.

Penalty Units: 20

- (2) Clauses relating to burning of vegetation (clauses 22 and 23) do not apply during the Country Fire Authority's annual declared [Fire Danger Period](#).

22. Burning of vegetation piles – land size less than one hectare

- (1) A person may light a fire to burn vegetation piles on land less than one hectare without a permit - if they comply with the conditions set out in [Schedule 5](#).

Penalty Units: 20

- (2) A person must not without a permit light a fire to burn vegetation piles on land up to one hectare for any fire that does not comply with the requirements set out in [Schedule 5](#).

Penalty Units: 20

23. Burning of vegetation piles – land size greater than one hectare

- (1) A person may light a fire to burn vegetation piles on land greater than one hectare without a permit - if they comply with the conditions set out in [Schedule 6](#).

Penalty Units: 20

- (2) A person must not without a permit light a fire to burn vegetation piles on land greater than one hectare for any fire that does not comply with the requirements set out in [Schedule 6](#).

Penalty Units: 20

24. Nuisance

- (1) A person must not light a fire on land that causes a [nuisance](#) to any other person.

Penalty Units: 20

- (2) A person must not on any land burn any [noxious](#) or [toxic](#) substance.

Penalty Units: 20

-
- (3) A person who directs another person to light a fire in contravention of subclause (1) and (2) is guilty of an offence.

Penalty Units: 20

- (4) For the purpose of subclause (2) materials containing the following substances are classified as [noxious](#) or [toxic](#):

- (a) any manufactured chemical;
- (b) any rubber, plastic, foam or fabric, or article which is comprised of these in whole or part;
- (c) any petroleum or oil;
- (d) any item which is painted in whole or part, or any receptacle which contains liquid or dried paint;
- (e) food waste or other offensive or noxious matter;
- (f) construction or demolition waste, including but not limited to manufactured timbers, painted timbers, plasterboard, insulation, pipework, cladding, flooring, cabinetry, asbestos;
- (g) household items, including but not limited to furniture, bedding, clothing, kitchen goods;
- (h) business or industrial waste, including but not limited to cardboard, fabric, silage wrap, bale twine, bale netting, chemical drums; and
- (i) any other material as determined by the Council from time to time.

25. Incinerators

- (1) Without a permit, a person must not light an [incinerator](#) at any time.

Penalty Units: 20

Disposal of Waste

26. Removing, placing or interfering with waste and recyclable material

- (1) A person must not remove or interfere with waste or recyclable material left for municipal collection on a road, or at any other collection point.

Penalty Units: 10

- (2) A person must not place waste or recyclable material in another person's bin or waste receptacle without prior approval

Penalty Units: 5

- (3) Clause (1) does not apply to a person authorised by Council to remove such materials.

27. Domestic waste

This clause applies to the occupier/owner of every dwelling or other property where the Council provides a garbage service.

-
- (1) All domestic garbage and [recyclables](#) must be placed in authorised garbage and recycling bins provided by Council for collection in accordance with Council requirements and on the days from time to time specified by the Council.

Penalty Units: 10

- (2) The bins used should be those wheelie bins provided by Council and marked with the Council logo. They include:
- (a) a garbage bin that meets Council requirements. Approved garbage bins are a red lidded wheelie bin with Council logo;
 - (b) a recycling bin that meets Council requirements. Approved recycling bins are a yellow lidded wheelie bin with Council logo.

Council may alter the shape, volume and colour of the bin bodies at any time.

In exceptional circumstances, an authorised officer may authorise the collection of a non-shire bin, but the bin must still be an appropriately sized wheelie bin of strong construction with a fitted lid.

Penalty Units: 10

- (3) When the Council supplies or arranges the supply of bins, any domestic garbage or [recyclables](#) left for collection must be stored in the appropriate bin supplied.

Penalty Units: 10

- (4) Bins must be placed on the verge of the vehicle crossing or roadway abutting the property the night before the waste is to be collected. If this is not possible - such as if property is on the turn-around area of a court, the bin is to be left on the verge of a non-turn-around section of the road.
- (5) The following material is prohibited from being placed in garbage bins for collection by the Council:
- (a) liquid waste of any kind;
 - (b) grossly offensive material, including but not limited to animal carcasses;
 - (c) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
 - (d) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;
 - (e) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
 - (f) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
 - (g) disposable nappies unless they have been securely wrapped in impervious material prior to being placed in the bin;
 - (h) construction or demolition waste; and

-
- (i) trade wastes of any kind.

Penalty Units: 10

- (6) The recycling bins provided are for the collection of domestic recycling only, typically those items generated in the kitchen, bathroom and laundry. Only the following items are allowed in a recycle bin:
 - (a) dry, clean paper or cardboard;
 - (b) tin or aluminium cans;
 - (c) glass bottles or jars; and
 - (d) solid plastic containers marked with recyclable symbols 1-7

Penalty Units: 10

- (7) It is not permitted to place the following items in recycle bins:
 - (a) any recyclable product that is grossly contaminated with food or other product remnants;
 - (b) any other material approved by Council from time to time.

Penalty Units: 10

- (8) Once the waste has been collected by the Council, the empty bins must be returned to the property between collections. Any small amounts of waste which has inadvertently spilled onto the road, nature-strip or surrounding area during collection must be removed by the occupier responsible for the bin.

Penalty Units: 10

- (9) Bins must be maintained in a sound, clean and odour-free condition suitable for collection.

Penalty Units: 10

- (10) A property must not have, or place out for collection more bins than legally provided (and being paid for) by the resident.

Penalty Units: 10

28. Temporary trade waste and industrial waste hoppers, skips and bins

- (1) The owner, builder or appointed agent who arranges for the collection of trade waste or for the placement of a waste skip or recycling skip must ensure that the requirements of this clause are complied with.

Penalty Units: 5

- (2) Waste skips or bins used for the collection and storage of trade waste must:
 - (a) be constructed of approved impervious material to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and

-
- (b) have a waterproof lid that can also exclude vertebrate and insect [vermin](#) unless they are for construction waste; and

Penalty Units: 5

- (3) Waste hoppers or bins must be emptied at least monthly or more regularly if the contents become offensive.

Penalty Units: 5

- (4) The occupier must ensure that:

- (a) the bin is stored and maintained in a clean, sanitary and inoffensive condition and must at all times keep clean any footway, pavement or ground adjoining the storage area;
- (b) the surface upon which the bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required;
- (c) the bin is screened in an approved way; and
- (d) the bin is cleaned thoroughly after each emptying if it has contained degradable or odorous waste.

Penalty Units: 5

- (5) Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

Penalty Units: 5

- (6) A person must not place any waste or material in a trade waste, waste hopper or recycling bin, contrary to the notice on it.

Penalty Units: 5

- (7) A skip bin or trade waste bin must not be placed in a [municipal place](#) or [municipal reserve](#) without a permit.

Penalty Units: 5

29. Depositing of Waste at Resource Recovery Centre

- (1) A person who uses the [resource recovery centre](#) must deposit waste in accordance with the directions of the site operator or other authorised officer of Council, and any signs erected at the [resource recovery centre](#).

Penalty Units: 5

30. Depositing of household or commercial waste in public litter bin

- (1) No person shall place any domestic waste or [commercial waste](#) in any public litter bin located in a [municipal place](#) or [municipal reserve](#)

Penalty Units: 10

Builders Rubbish

31. Control of Builder's Refuse

- (1) When any [building work](#) (other than [minor building work](#)) is being carried out on any land, the owner, builder or appointed agent must:
- (a) provide a facility for the purpose of disposal of builder's refuse and provided the facility contains all builders' refuse on the land to the satisfaction of Council, its size, design and construction will be at the discretion of the builder;
 - (b) place the facility on the land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) not place the facility in a [municipal place](#) or [municipal reserve](#) without a permit; and
 - (d) empty the facility whenever full and if necessary, a replacement facility should be provided during the emptying process.

Penalty Units: 15

- (2) Any requirement to provide a facility may be waived at Council's discretion.

32. On-site management of Builder's Refuse

During [building work](#):

- (1) the owner, builder or appointed agent must ensure that all builders refuse, which requires containment is placed in the facility referred to in Clause 31(1)(a); and

Penalty Units: 15

- (2) the owner, builder or appointed agent must ensure that the builders' refuse is not deposited in, or on any land other than in accordance with Clause 33; and

Penalty Units: 15

- (3) the owner, builder or appointed agent must ensure that the builder's refuse is not deposited in or over any part of the stormwater system.

Penalty Units: 15

33. Disposal of Builders Refuse

- (1) On any land where [building work](#) is being, or has been carried out, the owner, builder, or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the facility referred to in Clause 31.1(a), within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.

Penalty Units: 10

- (2) All builders waste, whether construction or demolition waste, must be taken for disposal to a facility that is a lawfully designated waste disposal facility licensed to accept that particular type of waste.

Penalty Units: 10

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- (3) The driver of any vehicle involved in placing or removing builders' refuse facilities must access the building site by way of a [temporary vehicle crossing](#), unless otherwise permitted by council and in accordance with that permission.

Penalty Units: 10

PART 3 - STREETS AND ROADS

Streets and Roads

34. Vegetation on roads and roadsides

- (1) A person must not, without a permit, cut down, remove, interfere with or damage any vegetation including wood, timber, branches or trees on a [municipal road](#), [municipal place](#) or [municipal reserve](#).

Penalty Units: 20

- (2) In regards to clause 34(1), in deciding whether to grant a permit, the Council or its authorised officer, must give regard to any adopted policy, either State or Local Government, which is relevant to the matter being considered.
- (3) The requirement to obtain a permit under sub-clauses (1 and 2) does not apply if:
- (a) A planning permit is granted under the *Murrindindi Planning Scheme* to remove native vegetation;
 - (b) the removal of any vegetation is required under the Roadside Management Plan
- (4) A person must not, without a permit, plant vegetation in a [municipal place](#) or [municipal reserve](#)

Penalty Units: 20

35. Vegetation not to obstruct or obscure

A person must not allow any vegetation on land owned or occupied by him or her to obstruct or interfere with the passage of traffic by:

- (1) Overhanging any footpath or other part of the road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage; or

Penalty Units: 10

- (2) Extending over any part of the road in such a way that it:
- (a) obstructs the view between vehicles at an intersection; or
 - (b) obstructs the view between vehicles and pedestrians where they come close to each other; or
 - (c) obscures a traffic control item from an approaching vehicle or pedestrian; or
 - (d) obscures street lighting.

Penalty Units: 10

- (3) In the opinion of an authorised officer, otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the [road](#).

Penalty Units: 15

36. Property numbers to be displayed

- (1) For each property that has been allotted a property number under this clause, the owner or occupier must clearly mark the property with the number allotted.

Penalty Units: 10

- (2) A property is marked with a number in a clear manner if the number:

- (a) is of sufficient size; and
- (b) is displayed accurately and completely; and
- (c) is in good repair; and
- (d) is distinct from its background; and
- (e) is free from obstruction; and
- (f) can be clearly read under all normal lighting conditions from the road immediately adjacent to the front boundary.

Penalty Units: 10

- (3) From time to time, the Council may make changes to property numbers.

37. Vehicle Crossings

- (1) The owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty Units: 10

- (2) Any vehicle crossing requires a permit under the Murrindindi Planning Scheme, *Road Management Act 2004* or local law permit from Council.

Penalty Units: 10

- (2) For the purposes of this clause a vehicle crossing is properly constructed if-

- (a) it was constructed by or in accordance with the terms of an approval by the Council; or
- (b) the Council has approved in writing the method of construction of the particular vehicle crossing.

Penalty Units: 10

- (3) If the Council or an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise is in an unsatisfactory condition, the Council or the authorised officer may serve a Notice to Comply on the owner of occupier of the property to be served by the crossing.

Penalty Units: 15

38. Temporary vehicle crossings

The installation of temporary vehicle crossings is covered in Part 4 – Asset Protection Permits.

39. Riding horses on reservations, public reserves and recreation grounds

- (1) A person must not without a permit ride or lead a horse or cause or authorise another person to ride or lead a horse on a [municipal reserve](#) unless designated for that purpose.

Penalty Units: 5

- (2) Clause (1) does not apply to a [municipal reserve](#), which is signposted by the Council or other authorised authority as being available for horse riding.

40. Trading Activities

- (1) Without a permit a person must not on a [municipal road](#), [municipal reserve](#) or [municipal place](#):

- (a) [busk](#);
- (b) place any [advertising sign](#) or a-frame sign;
- (c) display any goods;
- (d) distribute any handbills or any other unsolicited material;
- (e) place any outdoor eating furniture or associated facilities ([alfresco dining](#));
- (f) place any structure for the purpose of [selling](#) or offering to [sell](#) any goods or services (roadside trading); or
- (g) collect (collection on roads or collect from house to house).

Penalty Units: 10

41. Signs

- (1) If an [advertising sign](#) is erected or placed on a [municipal road](#), [municipal reserve](#) or [municipal place](#) or contrary to any Council requirement or in contravention of any permit conditions, an authorised officer may remove and impound the sign(s).

Penalty Units: 10

- (2) This clause does not apply to an [advertising sign](#) for a garage sale or auction if:
- (a) The sign is no larger than 1 metre by 1 metre or more than 0.5 metre thick; and
 - (b) The sign does not obstruct any constructed footpath or any walkway; and
 - (c) The sign is not located on any area of the [road](#) to which vehicles have access; and
 - (d) The sign is not displayed other than on the day preceding and on the day or days of the garage sale or auction.

42. Street parties, street festivals and processions

- (1) A person must not, without a permit, hold a street party, street festival or procession on a [municipal road](#)

Penalty Units: 10

43. Placing temporary bulk rubbish containers

- (1) A person must not, without a permit, place, cause or permit another person to place a [bulk rubbish container](#) or skip bin on a [road](#) or [roadside](#).

Penalty Units: 10

- (2) A [bulk rubbish container](#) placed on any part of a [road](#) or [roadside](#) contrary to this division or in contravention of any conditions of a permit may be removed by an authorised officer and impounded.

Vehicles

44. Repair and Sale of vehicles

- (1) A person must not dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a [vehicle](#) on a [municipal place](#) or [municipal reserve](#) and a person must not permit or authorise another person to do so.

Penalty Units: 10

- (2) An owner or person in charge of a vehicle must not offer to sell that [vehicle](#) from a [municipal place](#) or [municipal reserve](#)

Penalty Units: 10

45. Unregistered and abandoned vehicles

- (1) A person must not leave an unregistered [vehicle](#) or [abandon](#) a vehicle in a [municipal place](#) or [municipal reserve](#)

Penalty Units: 10

46. Heavy Vehicles in Residential Zones

- (1) A person must not without a permit park, keep, store, repair or authorise another person to keep, store or repair a [heavy vehicle](#) on any land in any of the [residential zones](#).

Penalty Units: 10

- (2) This clause does not apply in relation to a [heavy vehicle](#), which is parked, kept, stored or repaired for less than one hour or the driver is picking up or setting down goods.

47. Other obstructions – Municipal place or Municipal Reserve

If, in the opinion of an authorised officer, a rubbish container, movable structure, device, material or other object is:

- (1) Causing an unlawful obstruction; or
(2) A danger to road users; or
(3) Getting in the way of, or likely to get in the way, of traffic.

Maximum Penalty Units: 10

- (3) If a registered [vehicle](#) is impounded the Council must notify in writing the registered owner.

An authorised officer can have them removed and impounded.

48. Filming

- (1) A permit is not required to undertake [low impact filming](#) on any [municipal reserve](#) or [municipal place](#) if conditions set out in [Schedule 7](#) are met.

Penalty Units: 10

- (2) A person must not, without a permit, undertake any other filming other than [low impact filming](#) on any [municipal reserve](#) or [municipal place](#)

Penalty Units: 10

PART 4 – ASSET PROTECTION

49. Asset Protection

- (1) A person must obtain an Asset Protection Permit before either:

- (a) obtaining a building permit;
- (b) obtaining a permit for a temporary vehicle crossing; or
- (c) obtaining a permit for works in the road reserve.

Penalty Units: 20

- (2) An application for an Asset Protection Permit must:

- (a) be accompanied by such fee and/or bond as is fixed by council;
- (b) include a statement from the Person in Charge of the location and the extent of any pre-existing damage and latent defects in public infrastructure assets adjacent to the building site; and
- (c) be lodged with council prior to commencement of doing the thing for which the Asset Protection Permit is necessary.

- (3) Any Asset Protection Permit issued by Council:

- (a) may be issued subject to conditions; and
- (b) will not be operative until the applicant for the Asset Protection Permit has paid such permit fee as is fixed by Council.

- (4) An Asset Protection Permit issued by Council is applicable for the entire validity period of any permit issued for related works.

- (5) A person to whom an Asset Protection Permit has been issued must comply with any conditions contained in that Asset Protection Permit.

Penalty Units: 20

- (6) Council may exempt any person from one or more of the obligations imposed by this Part subject to conditions it considers appropriate.

- (7) A person granted an Asset Protection Permit under this Clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted.

- (8) When the Council receives notice of the completion of the works the subject of the Permit, the land may be inspected by the Council and the amount of the security bond:

- (a) may be retained by the Council to the proportion necessary to offset the costs of carrying out any works to rectify any damage, provided the person who lodged the bond is first notified of the damage and declines or fails within 30 days to make good the damage at their own expense to the Council's satisfaction; or
- (b) must be refunded to the person who lodged it upon the Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to the Council's satisfaction.

50. Damage to Council Assets

- (1) A person must not damage a Council Asset

Penalty Units: 20

51. Temporary Vehicle Crossings

- (1) A person must not, without a permit, enter a property in a vehicle via any means other than a properly constructed vehicle crossing.
Penalty Units: 15
- (2) Temporary vehicle crossings must be built to a standard approved by an authorised officer.
Penalty Units: 15
- (3) Council may require a bond for the installation of a temporary vehicle crossing.
- (4) Any damage to Council's assets may incur a penalty and must be reconstructed or reinstated at the applicants cost to Council's satisfaction.
Penalty Units: 15
- (5) When a temporary crossing is no longer required, the land must be restored to its original state or to the satisfaction of an authorised officer.
Penalty Units: 15

PART 5 - ADMINISTRATION

Permits, fees and delegations

Any permit issued under the Local Law can be the subject of a FOI request and available to the public

52. Applying for a permit

- (1) A person who wishes to apply for a permit may do so by:
 - (a) lodging with the Council an application, in a form approved by the Council; and
 - (b) paying to the Council the appropriate application fee.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for an exemption.
- (3) The Council may require a person making an application for a permit to give public notice, which will entitle any person to make a submission and to be heard in accordance with section 223 of the *Local Government Act 1989*.

53. Fees and Bonds

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this local law.
- (2) In determining any fees and charges, the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

54. Issue of permits

The Council may:

- (1) issue a permit, with or without conditions; or
- (2) refuse to issue a permit.

55. Duration of permits

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

56. Conditional permits

- (1) A conditional permit may be subject to conditions, which the Council considers to be appropriate in the circumstances including:
 - (a) the payment of a fee or charge;
 - (b) a time limit to be applied either specifying the duration, commencement or completion date;

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- (c) the happening of an event;
 - (d) the rectification, remedying or restoration of a situation or circumstance;
 - (e) when the applicant is not the owner of the subject property, the consent of the owner;
and
 - (f) the granting of some other permit or authorisation.
- (2) The conditions of a permit must be set out in the permit.
 - (3) The Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
 - (4) A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.

Maximum Penalty Units: 10

57. Cancellation or amendment of permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if he or she considers that there has been:
 - (a) a material misstatement, false representation or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the use of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions of the permit; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- (2) The Council or the Authorised Officer must notify the holder of a permit of the Council's or Authorised Officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- (3) If the Council or the Authorised Officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or Authorised Officer must note that cancellation or amendment in the register of permits.

58. Exemptions

- (1) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (2) In determining whether to grant an exemption to the requirement to obtain a permit, an Authorised Officer will have regard to:
 - (a) the circumstances of the application;
 - (b) whether the application is to raise funds for community or charitable purposes;
 - (c) whether the proposed activity or use will have an overall community benefit;

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- (d) whether the proposed activity or use could have a detrimental effect on adjoining properties;
 - (e) whether the applicant will be given an unfair advantage over any other person or organisation; and
 - (f) any other matters relevant to the circumstances of the application.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.

Penalty Units: 5

- (4) An exemption may be cancelled or corrected as if it were a permit.

59. False Representation

- (1) A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty Units: 5

60. Delegation

- (1) In accordance with Section 114 of the *Local Government Act 1989*, the Council hereby:
- (a) delegates to the [Senior Officer](#) and to any person for the time being acting for such persons all the powers, discretions, authorities and considerations of Council under this Local Law including the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, to waive the need for any permit, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the Council; and
 - (b) delegates to the Manager Development Services and the Coordinator Community Safety and to any person for the time being acting for those persons the power to issue or refuse permits and apply conditions, exercise discretions and require additional information.

PART 5 – ENFORCEMENT

Infringement notices issued under the Local Law are subject to the *Infringements Act 2006*. Section 12 sets out the manner of service of an infringement notice

61. Power of authorised officers to direct - notice to comply

- (1) An authorised officer may serve a written notice given on a person who appears to be in breach of this local law directing that person to remedy any situation, which constitutes a breach under this local law.

62. Time to comply

- (1) A notice to comply must state the time and date by which the situation must be remedied.
- (2) The time required by a notice to comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

63. Failure to comply with a notice to comply

- (1) A person who fails to comply with a notice to comply is guilty of an offence.

Maximum Penalty Units: 15

64. Power of authorised officers to act in urgent circumstances

- (1) In urgent circumstances an authorised officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:
 - (a) the authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
 - (b) wherever practicable, a [Senior Officer](#) is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an authorised officer must take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:
 - (i) the person by whose default, permission or sufferance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and

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- (b) whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.
 - (3) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement or minimise the risk or danger involved.
 - (4) An authorised officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
 - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) a report of the action taken is submitted to the Chief Executive Officer.

65. Power of authorised officers to impound

- (1) If an authorised officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- (2) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- (3) As soon as possible after the impounding and where practicable to do so, the authorised officer must, serve written notice on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and time by which the item must be retrieved.
- (4) If after the time required in a notice of impounding an impounded item is not retrieved, an authorised officer may take action to dispose of the impounded item according to the following principles:
 - (a) when the item has no saleable value, it may be disposed of in the most economical way; and
 - (b) when the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located within six months after the date of the notice of impounding, any proceeds of the sale cease to be payable to that person, and may be retained by the Council for municipal purposes.

66. Offences and Penalties

- (1) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

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- (2) Where any provision in this Local Law requires that something must not be done, any person who does that act is guilty of an offence.
 - (3) Where any provision in this Local Law requires that something must not be done between specified hours of the day or night, during specified months of the year, or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part of a location is guilty of an offence.
 - (4) Where any provision in this Local Law requires that a person obtain a permit from Council for the purpose of engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without first obtaining a permit from Council.
 - (5) Where any permit granted under this Local Law contains conditions any person who contravenes or fails to comply with a condition of a permit is guilty of an offence.
 - (6) Where a provision in this Local Law requires a person to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law a person who fails to comply with those requirements is guilty of an offence.
 - (7) The penalty for an offence against this Local Law that appears at the foot of a provision is the maximum amount that may be imposed by a Court. Where an infringement notice is issued the fixed penalty for infringement purposes is contained in [Schedule 9](#).

Resolution Regarding Local Law

Resolution for making this Local Law was agreed to by the Murrindindi Shire Council on ? March 2020 and

THE COMMON SEAL of the)
MURRINDINDI SHIRE COUNCIL was)
hereunto affixed in the presence of:)
)

.....
Chief Executive Officer

.....

Mayor

.....

Councillor

“I certify that this is a true copy of the Community Local Law made by the Murrindindi Shire Council on ? in accordance with the requirements of the Local Government Act 1989.

The notices required to be given by Section 119(2) of the Act appeared in the Government Gazette No. ? ON DATE and in the Alexandra Standard and Yea Chronicle on ?, Marysville Triangle on ? and Whittlesea Review on ?.

A copy of the Local Law was sent to the Minister for Local Government in a letter dated day date.

The Local Law commenced operation on day date and will expire on DATE unless revoked earlier.

.....
Chief Executive Officer

Infringement Notice - example

MURRINDINDI SHIRE COUNCIL
P.O. BOX 138 ALEXANDRIA VICTORIA 3714
Email: msc@murrindindi.vic.gov.au

INFRINGEMENT NOTICE

DPF Form 101
Penalty Notice (DPF Form No. 20)
Replaces: MVR Infringement Notice (DPF Form No. 100)

Date of Notice: / /

Traffic ☐ Parking ☐ Regulation Vehicle ☐ Environment Protection ☐
Local Laws ☐ Litter ☐ Transport ☐ Tobacco ☐ Domestic Animals ☐
Other:

Family Name (or Company or Firm Name):
Given Names:
Address:
Include Postcode:

Date of Birth: / / Licence No.: State:
Sex: Licence Type: Expiry Date: / /
M ☐ F ☐

Information and nature of alleged offence/infringement:

Local Law and/or Regulation under which this notice given:

FIXED PENALTY
\$

Date of Offence: / / Street: **CODE NO.** Side:
Time of Offence: Place:
am ☐ pm ☐

Vehicle/Animal Registration No.: Check Digit: State: Reg. Type: Expiry Date: / /
Vehicle Make / Animal: Vehicle type / Animal breed: Colour:
Other Identification details: Sex: M ☐ F ☐

HOW TO PAY THE PENALTY

BY POST
Within 28 DAYS send this notice, and a cheque or money order for the FULL AMOUNT (not part payments) to:
MURRINDINDI SHIRE COUNCIL
P.O. Box 138
Alexandria Vic. 3714

IN PERSON
Within 28 DAYS take this notice and your payment for the FULL AMOUNT to:
ALEXANDRIA
Parline Street
Alexandria Vic. 3714
Ph: (03) 5772 0033

NOTE: CHEQUES or MONEY ORDERS
should be marked "Not Negotiable" and payable to:
MURRINDINDI SHIRE COUNCIL

INFRINGEMENT NOTICE
IF YOU PAY THE PENALTY WITHIN 28 DAYS OF THE DATE OF THIS NOTICE AT THE ABOVE ADDRESS, THIS MATTER WILL NOT BE BROUGHT BEFORE A COURT UNLESS A WITHDRAWAL NOTICE IS SENT TO YOU BEFORE THE END OF THE PERIOD SPECIFIED IN THIS NOTICE AS THE TIME FOR PAYMENT OF THE PENALTY.

Name of Issuing / Authorised Officer:
Signature of Issuing / Authorised Officer:

**MURRINDINDI SHIRE COUNCIL**

P.O. BOX 138 ALEXANDRA VICTORIA 3714

Email: msc@murrindindi.vic.gov.au

OFFICE COPY ONLY – WHEN RECEIPTED

DATE	RECEIPT No.	AMOUNT	DATE
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Infringement will not be deemed to have been expiated until the imprint of cash register appears hereon

DATE	RECEIPT No.	AMOUNT	DATE
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INFRINGEMENT NOTICE**IF YOU PAY ON TIME**

In the case of a parking offence, the matter is finished. It will not go to Court.
Regarding Domestic Animal offences, if you pay the penalty indicated within **28 days** from the date of this Notice, the matter will not be brought before a Court unless a Withdrawal Notice is sent to you before the end of the period specified in the Notice as the time for payment of the penalty.

In the case of other offences, the Enforcement Agency or Local Government Authority are entitled to withdraw this notice and take the matter to Court. However, this happens rarely. If it happens in this case, the Enforcement Agency or Local Government Authority will write to you and your payment will be refunded.

HOW TO PAY

If expiating, you have to pay the penalty within **28 days** of the date of this Notice. Payment whether posted or delivered must reach the Office of the Enforcement Agency or Local Government Authority as shown on the front of this Notice.

HOW TO DEFEND THE CHARGE

You will be sent a letter after 28 days which will tell you what to do.
You are responsible for parking and litter offences committed with your car unless you can show somebody else was using your car at the time of the offence.
Infringement Notices in such cases are addressed to "The Owner".
Contact the Enforcement Agency or Local Government Authority who charged you to find out what you need to do.

For Local Law offences, the local Government Act 1989 provides that the alleged offender is entitled to disregard the Infringement Notice and defend the prosecution for the offence in Court.

IF YOU DO NOT PAY THE PENALTY WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, COSTS WILL BE ADDED AND THE MATTER TAKEN TO COURT.

This is an "Infringement Notice" in relation to the offence.
Road Safety Act 1986, Transport Act 1983,
Environment Protection Act 1970,
Tobacco Act 1987, Local Government Act 1989,
Domestic Animals Act 1994.

Form approved by the Environment Protection Authority.

Schedule 1 – Shipping Container Requirements

The shipping container must, unless otherwise permitted by Council, be entirely located on a private property. Permits for containers on nature strips or other sites may be issued under special circumstances.

The following applies to temporary shipping container site locations and placement unless otherwise permitted. Containers:

- (a) must be placed at least 5 metres from the property boundary
- (b) cannot be located over effluent treatment disposal areas/systems
- (c) cannot be located over underground power lines
- (d) cannot be located over water, wastewater/stormwater mains or dedicated drainage easements
- (e) cannot be located in flood prone areas
- (f) must be painted a neutral colour to blend with the surrounding natural environment and built structures, with the proposed colour to be approved by Council
- (g) must not be stacked
- (h) must be placed on flat, solid ground. Any associated earthworks (cut & fill) must be in accordance with Council requirements
- (i) must be located within any building envelope associated with the lot
- (j) near overhead power lines must comply with the setback requirements of the relevant electricity authority
- (k) must comply with any other requirements as determined by an authorised officer.

Schedule 2 – Consumption of Alcohol

- (1) Designated alcohol free zone – means an area designated as an ‘alcohol free zone’ either by way of signage or specification within this schedule and includes:
 - (a) Bollygum Park – Kinglake
 - (b) Hec Ingram Reserve – Alexandra
 - (c) Yea Railway Reserve – Yea
 - (d) All community skate parks and swimming pools
 - (e) Within 100 metres of school
- (2) Subclause (1) does not apply to areas defined as a licensed premises under the *Liquor Control Reform Act 1998*.

Schedule 3 – Designated Areas (Rail Trail Code of Conduct)

For the purpose of clause 20 and 46 – ‘designated areas’ are defined as areas associated with the Great Victorian Rail Trail (GVRT). ‘Code of Conduct’ signs apply to all areas of the GVRT, which are located at major entry points and clearly stipulate the requirements that apply to the GVRT ‘Code of Conduct’.

GVRT – Code of Conduct

This is a shared trail. To ensure enjoyment for all, please respect the following:

Respect the rights of other users at all times:

- Cyclists give way to walkers

-
- Approach horses with care
 - Warn others when approaching from behind and passing
 - Keep left and don't obstruct the trail

Respect the rights of landholders:

- Stay within the rail reserve
- Give way to stock at crossing points
- Move quietly near stock
- Leave gates as you find them
- Report any wandering stock within the Reserve to your local Council

Help protect the environment:

- Leave all flora and fauna undisturbed
- Take your rubbish home
- Camp in designated areas only

Horses:

- Ride horses off the bike/walking track unless signage indicates otherwise
- Remove horse manure from the bike/walking track
- Riders must dismount to cross bridges where signage indicates

Dogs:

- Keep dogs on a leash and under control at all times
- Remove dog faeces from the reserve

For your safety:

- Wear approved helmets
- Be careful at road crossings
- Observe all signs and local regulations
- Be prepared for changes in weather conditions
- Vehicles including motor bikes are not permitted within the reserve
- Plan your journey

Carry:

- Water and food (the availability of drinking water along the trail is limited)
- Bicycle repair kit and a good pump
- Mobile phone

Regulations:

- Crown Land Reserves (Great Victorian Rail Trail Reserve) regulations 2010 apply to this reserve
- Permits may be required for some events or activities. Contact the Council listed below for more information.

Signage for Code of Conduct also includes the location where sign is placed and the following:

- In Case of Emergency dial 000, noting your location.
- Unauthorised vehicles or motor bikes are not permitted on the trail, penalties apply.
- Help us to maintain and improve our trail by reporting misuse and damage to:
- Murrindindi Shire Council - Perkins Street Alexandra
- 03 5772 0333 msc@murrindindi.vic.gov.au
- www.greatvictorianrailtrail.com.au

Schedule 4 – Recreational Vehicle Noise Guidelines

In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a [nuisance](#), a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her:

- (a) unless the motorised recreation vehicle is not used continuously for a period in excess of 1-hour after which no motorised recreation vehicle must be used for a minimum 2-hour period; and
- (b) unless the motorised recreation vehicle is not used other than between 7am-8pm Monday to Friday and 9am to 6pm on Saturdays, Sundays and public holidays
- (c) if on a day declared to be a Total Fire Ban Day under the *Country Fire Authority Act 1958*
- (d) in the case of land in a residential zone, unless the motorised recreational vehicle is under 50cc in size.

Schedule 5 – Burning of Vegetation Piles on Land Less Than One Hectare

Burning of vegetation piles on land less than one hectare must:

- (a) Not be more than 1m wide or high. Material may be continuously fed into fires of this size but must not be greater than 1m wide or high.
- (b) Be cleared of flammable material for a minimum radius of 3 metres
- (c) Have adequate means available at all times for preventing the escape of and for extinguishing the fire.
- (d) Have an adult person with the fire at all times whilst it is alight.
- (e) Be registered with the burn off line on 1800 668 511 before being lit.
- (f) Not include damp or green materials. Materials to be burned must be suitably dry or cured
- (g) Be extinguished if directed to do so by an authorised officer.
- (h) Not be within the Country Fire Authority's declared [Fire Danger Period](#).
- (i) Have ashes and all residual material scattered and thoroughly extinguished at the completion of the burn

Schedule 6 – Burning of Vegetation Piles on Land Greater than One Hectare

Burning of vegetation piles on land greater than one hectare must:

- (a) Be lit only when wind speed is below 15kph.
- (b) Not be located closer than 5 metres to the property boundary or 5 metres to any building.
- (c) Be cleared of flammable material for a minimum radius of 3 metres.
- (d) Have adequate means available at all times for preventing the escape of and for extinguishing the fire
- (e) Be adequately supervised
- (f) Be registered with the burn off line on 1800 668 511 before being lit.
- (g) Not be greater than 20 cubic meters in size. Piles over this size always require a permit regardless of time of year
- (h) Not include damp or green materials. Materials to be burned must be suitably dry or cured
- (i) Be extinguished if directed to do so by an authorised officer.

- (j) Not be within the Country Fire Authority's declared [Fire Danger Period](#).
- (k) Have ashes and all residual material scattered and thoroughly extinguished at the completion of the burn

Schedule 7 – Low impact filming

Low impact filming is identified as:

- (a) a filming activity of six people or less (includes all production crew and talent);
- (b) no more than one camera, one tripod, and handheld sound recording equipment;
- (c) public safety is maintained at all times and all public pathways, footpaths and roads must not be blocked;
- (d) no exclusive use of public space; and
- (e) filming content and messaging do not undermine Council's core values and the sustainability of our destination.
- (f) A current copy of Public Liability insurance must be provided to Council two weeks prior to filming
- (g) the issue of any permit will be in accordance with the *Filming Approval Act 2014* and the film friendly guidelines.

<https://www.film.vic.gov.au/images/uploads/Victorian-Film-Friendly-Guidelines.pdf>

Schedule 8 – Camping on Unoccupied Private Land

Camping on [unoccupied land](#) must:

- (a) Only occur up to 20 nights a year without a permit
- (b) Camping equipment must be removed when not being used or occupied
- (c) Not be [unsightly](#) and not constitute a [nuisance](#)
- (d) Only occur in rural zones. Camping on unoccupied land is not allowed in the [residential zones](#)
- (e) Not be for commercial purposes

Schedule 9 – Penalty Units and Calculated Penalties table

- (1) Penalty units for Local Government are set under Section 110(2) of the *Sentencing Act 1991* as \$100.00 per unit.
- (2) As per the *Sentencing Act 1991*, the maximum penalty for any Local Law infringement is 20 penalty units or \$2,000.00.
- (3) The following calculated penalty table lists both maximum penalty units and infringement notice penalty units for all offences under the *Community Local Law 2020*.

Calculated Penalties Table

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
6(1)(a-c)	001	Failing to obtain permit for keeping excess animals	10	2.5
6(2)	002	Failing to obtain permit for more than 5 dogs or cats – rural property	10	2.5
6(3)	003	Failing to obtain permit for pigeons	10	2.5
7(1)	004	Failing to securely confine animals to property	10	3
7(2) (a-f)	004	Failure to provide adequate animal housing	10	3
8(1)(4)	005	Failing to remove animal excrement creating nuisance or hazard	5	1
8(2)	006	Failure to remove animal excrement causing nuisance or environmental pollution	5	2
8(3)	007	Failing to dispose of deceased animal in correct manner	5	3
9(1)	008	Failing to obtain permit for droving of livestock	10	3
9(2)	009	Failing to obtain permit for regular movement of stock	10	3
9(3)	010	Failure to obtain permit for grazing of livestock	10	3
10(1)(a)	011	Land that is likely to cause danger to life or property	20	5
10(1)(b)	012	Unpermitted storage of dangerous goods	20	5
10(2)	013	Failure to remove wasps nests if occupier aware	10	3
10(3)	014	Wasp nests - Failure to comply with officer or notice	10	3
11(1)	015	Unightly land	15	5
11(3)	016	Unightly land - Failure to comply with officer or notice	15	10
12(1)	017	Storage of unpermitted second hand goods/machinery	10	5
12(2)	018	Storage of unpermitted second hand goods/machinery - Failure to comply with officer or notice	15	10
13(1)	019	Unpermitted Shipping Container	15	5
13(2)	020	Failure to comply with officer or notice to remove shipping container	15	10

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
13(3)	021	Failure to comply with conditions – Shipping Container	15	5
14(1)	022	Unpermitted motorised recreational vehicle use – Municipal reserve/place	15	5
14(2)	023	Unpermitted motorised recreational vehicle use – Private land	10	5
14(3)	024	Motorised recreational vehicle creating nuisance	10	5
14(4)	025	Motorised recreational vehicle use - Failure to comply with officer or notice	10	5
14(5)	026	Failure to comply – recreational vehicle use guidelines	10	5
15(1)(a)	027	Unpermitted noise - public place	10	4
15(2)	028	Noise in public place - Failure to comply with notice	10	8
16(1)	029	Audible alarm - heard outside of property	10	2
16(2)	030	Audible alarm – failure to reset appropriately	10	2
16(3)(a-d)	031	Audible alarm - Failure to comply with notice	10	5
17(1)	032	Code of conduct on Council signs – Failure to comply	5	2
18(1)	033	Camping without a permit – municipal reserve/place	10	3
18(2)	034	Unpermitted camping or camping not in alignment with schedule – private land	5	3
19(1)	035	Unpermitted event or festival	10	5
20(1)	036	Unpermitted consumption of alcohol – Municipal place/reserve	10	2.5
21(1)	037	Open air burning – failure to extinguish fire after direction	20	9
22(1)	038	Burning of vegetation piles – less than one hectare – noncompliance with schedule	20	5
22(2)	039	Burning of vegetation piles – less than one hectare – noncompliance with permit	20	5
22(1)	040	Burning of vegetation piles – greater than one hectare – noncompliance with schedule	20	5
23(2)	041	Burning of vegetation piles – greater than one hectare – noncompliance with permit	20	5
24(1)	042	Fire or smoke causing nuisance	20	2.5
24(2)	043	Burning a noxious or toxic substance	20	5
24(3)	044	Directing a person to light a fire that causes nuisance or burns toxic/noxious substance	20	5
25(1)	045	Unpermitted Incinerator use	20	2.5
26(1)	046	Interfering with waste or recyclable material	10	2
26(2)	047	Using a private bin without approval	5	1

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
27(1)	048	Improper disposal/placement of domestic waste	10	2.5
27(2-3)	049	Use of non-compliant bin	10	2.5
27(5)	050	Placement of prohibited material in domestic rubbish bin	10	2.5
27(7)	051	Contaminated recycling material placed in recycle bin	10	1
27(8)	052	Uncontrolled waste spilled from domestic bin/recycling bin	10	1
27(9)	053	Domestic bin/recycling bin not appropriately maintained	10	0.5
27(1)	054	Using unpaid or unpermitted bins	10	2
28(1-2), 28(4)	055	Non-compliant trade waste bin	5	2.5
28(3)	056	Trade waste not emptied monthly or as required	5	2.5
28(5)	057	Non-compliant signage on trade waste bin	5	2.5
28(6)	058	Placing waste in a trade waste receptacle against signage instructions	5	2.5
28(7)	059	Unpermitted placement of skip/trade waste bin on Council land	5	2.5
29(1)	060	Non-compliant placement of waste at resource recovery centre	5	2.5
30(1)	061	Placement of commercial/domestic waste in public litter bin	10	2.5
31(1)	062	Management of building refuse – Failure to comply	15	5
32(1-3)	063	On site management of builders refuse – Failure to comply	15	5
33(1)	064	Builders refuse disposal within 7 days – Failure to comply	10	8
33(2)	065	Builders refuse not taken to appropriate facility	10	2
33(3)	066	Accessing site to remove rubbish – by inappropriate means	10	2
34(1)	067	Unauthorized removal of vegetation	10	5
34(4)	068	Unauthorized planting of vegetation – municipal reserve/place	20	5
35(1)	069	Private trees/vegetation – impeding pedestrian/road access/egress	10	2.5
35(2)	070	Private trees/vegetation - overhanging road	10	2.5
35(3)	071	Private trees/vegetation – danger to pedestrians/vehicles	15	5
36(1)	072	Property number incorrect, faded or missing	10	1
36(2)	073	Property numbers – Failure to comply with standards	10	2.5
37(1)	074	Vehicle crossing – improper construction, failure to meet standards	10	2.5

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
37(2)	075	Unpermitted vehicle crossing	10	2.5
37(3)	076	Vehicle crossing- Failure to comply with notice to comply	15	5
39(1)	077	Unpermitted horse riding on municipal reserve or municipal place	5	2
40(1)	078	Unpermitted trading on a municipal road, municipal reserve or municipal place	10	3
41(1)	079	Unpermitted, or failing to adhere to conditions - advertising sign	10	3
42(1)	080	Unpermitted street party, festival, procession – Municipal Road	10	3
43(1)	081	Unpermitted placement of bulk rubbish container - road	10	3
44(1)	082	Unpermitted repair of vehicles – Municipal place/reserve	10	3
44(2)	083	Unpermitted selling of vehicles – Municipal place/reserve	10	2.5
45(1)	084	Abandoned or unregistered vehicle – Municipal place/reserve	10	3
45(1)	085	Unpermitted heavy vehicle parking – residential zone	10	2.5
47(1-3)	086	Unlawful or dangerous obstruction – Municipal place/reserve	10	3
49(1-2)	087	Unpermitted filming	10	5
50(1)	088	Asset Protection– Fail to obtain permit	20	5
50(5)	089	Asset Protection– Failure to comply with conditions	20	5
51(1)	090	Damage to a Council Asset	20	5
52(1)	091	Entering property without using properly constructed crossing or without permit	15	2
52(2)	092	Non-compliant temporary vehicle crossing	15	5
52(3)	093	Non-compliant temporary vehicle crossing – failure to pay bond	15	2
52(4)	094	Temporary vehicle crossing – damage to Council assets	15	5
52(5)	095	Restoration of vehicle crossing – Failure to comply	15	5
57(4)	096	Failure to comply with conditions of permit	10	2.5
59(4)	097	Failure to comply with conditions of an exemption	5	2.5
60(1)	098	False representation or declaration	5	1
64(1)	099	Failure to comply with notice to comply	15	5



MINUTES
of the
AUDIT AND RISK ADVISORY COMMITTEE MEETING
THURSDAY 12 DECEMBER 2019
at
Murrindindi Shire Council
Council Chamber
Alexandra
3.00 pm

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1. PRESENT/APOLOGIES

Present:

- Claude Baxter (Chair)
- Ian McKaskill
- Michele Sheward
- Cr Leigh Dunscombe (Mayor)
- Cr Margaret Rae

Apologies:

- Cr Charlotte Bisset

In attendance:

- Craig Lloyd, Chief Executive Officer
- Michael Chesworth, Director Corporate and Shared Services
- Vito Albicini, Director Assets and Development
- Tara Carter, Manager Governance and Risk
- Graham Haylock, Manager Business Services
- Kapil Kukreja, Partner, HLB Mann Judd

2. DECLARATIONS OF INTEREST

Nil

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Audit Advisory Committee Meeting held on 13 September 2019.

Officer Recommendation

That the Minutes of the Audit Advisory Committee Meeting held on 13 September 2019 be confirmed.

RESOLUTION:

M Sheward / I McKaskill

That the Minutes of the Audit Advisory Committee Meeting held on 13 September 2019 be confirmed.

CARRIED

4. REVIEW ANY BUSINESS ARISING FROM PREVIOUS MINUTES

4.1. CORPORATE CREDIT CARD POLICY

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The Committee provided feedback to the Director Corporate and Shared Services following the September Committee meeting regarding the Corporate Credit Card Policy. The Corporate Credit Card Policy was adopted by Council on 26 September 2019.

RESOLUTION:

M Sheward / I McKaskil

Note that the Corporate Credit Card Policy has been adopted by Council and will be circulated to the Audit and Risk Advisory Committee.

CARRIED

5. RISK MANAGEMENT

5.1. CEO'S QUESTIONNAIRE

Attachment(s): Chief Executives Questionnaire to Directors – 2019-11 Nov – CEO (refer Attachment 5.1)

The Chief Executive Officer presented this at the meeting.

Officer Recommendation

That the Audit and Risk Advisory Committee note the CEO's Questionnaire.

RESOLUTION:

M Rae / M Sheward

That the Audit and Risk Advisory Committee note the CEO's Questionnaire

CARRIED

5.2 CEO'S UPDATE

A verbal report will be provided by the Chief Executive Officer, including updates relating to:

- Organisational Structure
- Local Government Act Bill
- Council Election Period Policy
- VAGO Investigation into Yarriambiack Shire Council

Officer Recommendation

That the Audit and Risk Advisory Committee note the CEO's update.

RESOLUTION:

I McKaskil / M Sheward

That the Audit and Risk Advisory Committee note the CEO's update.

CARRIED

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5.3 REVIEW RISK REGISTER (SUMMARY OF CHANGES)

The Council's Strategic Risk Register and the Highest Operational Risks were presented to the Audit and Risk Advisory Committee at the September 2019 meeting. There has not been any new or emerging significant risks, or changes to the risk status of the risks previously reported to the Committee since the last meeting.

Officer Recommendation

That the Audit and Risk Advisory Committee note the review risk register (summary of changes) report.

RESOLUTION:

M Rae / M Sheward

That the Audit and Risk Advisory Committee note the review risk register (summary of changes) report.

CARRIED

5.4 REPORTS AND PUBLICATIONS OF INTEREST TO LOCAL COUNCILS

Attachment(s) Internal Audit – Recent Reports and Publications November 2019 (refer Attachment 5.4)

This report was presented by Kapil Kukreja from HLB Mann Judd.

Officer Recommendation

That the Audit and Risk Advisory Committee note the Recent Reports and Publications November 2019.

RESOLUTION:

M Sheward / M Rae

That the Audit and Risk Advisory Committee note the Recent Reports and Publications November 2019.

CARRIED

5.5 REVIEW BUSINESS CONTINUITY PLAN

Attachment(s) Business Continuity Plan – V 3.0 August 2019 (refer Attachment 5.5)

Purpose

This report provides a summary of the status of business continuity planning at Murrindindi Shire Council.

Officer Recommendation

That the Audit and Risk Advisory Committee note the current status of the Business Continuity Planning arrangements.

Background

Local councils provide a wide range of services. Disruptions to the continuity of these services could have a significant adverse impact on the community and prevent a council from meeting its obligations.

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The *Local Government Act 1989* commits councils to developing and maintaining adequate internal control systems. Business continuity plans, risk registers and disaster recovery plans are widely recognised as critical elements of such systems.

A business continuity plan helps an organisation consider the risks, organise adequate insurance, and understand what needs to happen to remain operational before, during and after an emergency or disaster.

The Council's Business Continuity Plan (BCP) is a guidance document for the Business Recovery Team (BRT) to use so it can make informed decisions about how best to respond to a given event. It therefore considers response and recovery to the event from an "All-Hazards" approach. It has been designed to assist Council to respond to business interruption events affecting the operations and business of Council based on a prioritised critical business and service recovery hierarchy.

The aim of the BCP is to:

- minimise the duration of a serious disruption to business operations
- implement a major business interruption prevention program
- facilitate effective co-ordination of recovery task
- reduce the complexity of the recovery effort.

For the purposes of the Plan, any incident that impacts upon the provision of services or business operations can invoke the BCP. The timeframe for invoking the BCP will be determined on the assessment of the type of disaster/interruption and disruption on business processes.

The decision to enact the BCP is made by the CEO on advice and recommendation from the BRT. If an event also involves a municipal emergency then advice from the Municipal Emergency Resources Officer (MERO) would be sought.

In its deliberations, the BRT will have to:

- agree on the level and urgency of recovery necessary for business continuity
- choose a strategy that will produce an effective recovery
- advise the CEO of recommended actions.

The Murrindindi Shire Council BCP was last formally reviewed and tested in November 2016. A scheduled review and test of the BCP during 2018 was postponed due to the focus of the Executive and new CEO on implementing an organisation-wide restructure during 2018/19.

As has been discussed with this Committee, the delay in reviewing and testing the BCP arrangements represents a considerable risk for Council should a serious business interruption occur.

Discussion

To assist in progressing and enhancing the organisations business continuity planning arrangements, the organisational restructure has enabled the creation of a role that includes within its scope the day to day management of Council's business continuity planning.

As of the date of this report, Council's BCP has been redrafted to reflect the recent structure changes in the organisation and is attached to this report (refer Attachment 5.5. Similarly, all business unit sub-plans have been re-drafted. However, these will require further updating and consolidating into Departmental sub-plans following the proposed test outlined below.

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The previous iteration of BCP sub-plans were based at the business unit level. In conjunction with management it was determined to combine these 25 plans into 6 integrated departmental plans. These new plans mean that each manager or director has only one or two sub-plans in the instance of a business continuity interruption making co-ordination and planning more efficient.

Test Exercise

As part of the process of updating the plans, a test of the BCP and the role of the BRT is planned for 9 December. This will consist of a desktop exercise designed to test a common contingency. A verbal report will be provided at this meeting on the preliminary outcomes of the test exercise.

The following table (overleaf) highlights a schedule for the BRT and business continuity planning process. This will be considered and updated at the BRT meeting and exercise on 9 December. Following the exercise a report will be prepared for the Executive Management Team highlighting key gaps in our current BCP and the recommended actions to address business continuity planning at Council.

It is planned to undertake at least one test exercise of the BCP each year. Whilst the current test will utilise a relatively standard test scenario, more complex business interruption scenarios and contingencies will be tested in subsequent exercises. It did not make sense to test a highly complex scenario now given the recent structural changes to the organisation and lack of recent updates to the plan and sub-plans.

Item	Details	Due Date
Present to leadership team	Present plan to leadership team on BCP Sub Plan development. Discuss timelines and implementation strategy.	31 October 2019 Completed
BCP Sub Plans in <i>DRAFT</i> form for each Department or stand-alone business unit (if required)	<p>Corporate and Shared Services:</p> <ul style="list-style-type: none"> • Business Services <ul style="list-style-type: none"> ○ One plan for IT ○ One plan for finance, accounting, payroll, rates, Information management • Governance and Risk <ul style="list-style-type: none"> ○ One plan for Governance, Corporate Reporting, Procurement, Insurance, Leases and Licenses, Risk Management, Business Continuity, Human Resources <p>Community Engagement:</p> <ul style="list-style-type: none"> • Community Wellbeing <ul style="list-style-type: none"> ○ One plan for Aged and disability, children's services, community engagement, youth services, recreation and aquatic services, maternal and child health, Grants. ○ One plan for municipal relief and recovery (RRP) • Customer Experience <ul style="list-style-type: none"> ○ One plan for customer services, customer first, transformation project, communications and on-line services, library services, • Tourism and events <ul style="list-style-type: none"> ○ One plan <p>Assets and Development</p> <ul style="list-style-type: none"> • Community Assets <ul style="list-style-type: none"> ○ One plan for asset management, plant/fleet management, Road and Drainage maintenance, parks 	14 November 2019 Completed;

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Item	Details	Due Date
	<ul style="list-style-type: none"> and gardens, building and swimming pool maintenance, waste management ○ One plan for Yea Saleyards ○ One plan for emergency management (MEMP) • Development Services <ul style="list-style-type: none"> ○ One plan for strategic planning, statutory planning, development engineering, building services, environmental health services, community safety, complex case management • Environmental sustainability <ul style="list-style-type: none"> ○ One plan. <p>CEO's office</p> <ul style="list-style-type: none"> ○ One plan 	
BCP exercise	<p>Exercise to test the draft BCP plans. Will consist of a desktop exercise led by the Business Recovery Team on a simply contingency.</p> <p>A component of the exercise will also be to review:</p> <ul style="list-style-type: none"> • Unit/department plans • Review the Business Impact Analysis – determines the criticality of services. This is essential to developing plans to support Council's current critical services (health and aged care for example) • Determine the structure and makeup of the BRT 	9 December 2019
Report for EMT and ELT	Prepare report on BCP gaps identified as part of the BCP exercise. Report will also include plan to fill gaps and any potential requirements for training/induction for new staff.	20 December 2019
Final BCP Sub Plans	All sub-plans finalised and signed off as complete by relevant managers	28 March 2020
Draft BCP Reviewed	Whole of organisation BCP reviewed, updated and signed off by Executive team	30 April 2020
Review by Audit and Risk Advisory Committee	Review of BCP arrangements by Audit and Risk Advisory Committee	May 2020 (date to be confirmed)
Review of all BCP Plans	All plans to be reviewed by 1 January each year	Ongoing, 1 January each year.
Comprehensive re-write of BCP and all sub-plans	BCP and Sub-Plans to have full rewrite and review.	2022

RESOLUTION:

M Sheward / M Rae

That the Audit and Risk Advisory Committee note the current status of the Business Continuity Planning arrangements and a report to be provided to the March 2020 Committee Meeting.

CARRIED

5.6 FRAUD AND CORRUPTION CONTROL POLICY

Attachment(s): Fraud and Corruption Control Policy - DRAFT (refer Attachment 5.6)

Purpose

This report seeks the Audit and Risk Advisory Committee's feedback on the revised Fraud and Corruption Control Policy (Attachment 5.6).

Officer Recommendation

That the Audit and Risk Advisory Committee note the revised Fraud and Corruption Control Policy.

Background

Council adopted the Fraud Prevention & Control Policy in September 2014.

In September 2016 an internal audit was conducted which included fraud and corruption control. Although the audit conclusion found no issues of a higher risk nature, it was found that current controls in place needed strengthening, including:

- formal appointment of a fraud control officer
- undertake an organisation-wide risk assessment on a periodic basis
- development of a fraud and corruption incident register
- provide periodic fraud awareness training at least every two years.

This report considers a recent review of Council's Fraud and Corruption Control Policy which is the primary document governing Council's approach to fraud and corruption control initiatives. The review was informed by the recommendations of the *internal audit 2016*, *VAGO Fraud and Corruption Control in Local Government 2019* and *IBAC Local Government Integrity Framework Review 2019*.

In the interest of best-practice, the updated policy has been benchmarked against equivalent policies from other councils, and it was also reviewed by Council's current internal auditor HLB Mann Judd.

Discussion

Fraud and corruption are serious issues that can impact on any organisation, and Local Government is no exception. According to the Australian Institute of Criminology fraud is the most costly type of crime, with estimated losses in the region of \$8.5 billion per year. To protect the organisation from this threat, it is fundamental that Council builds a culture of integrity that is supported by clear policies, procedures and risk management initiatives.

The policy reinforces Council's zero-tolerance position towards fraudulent and corrupt behaviour with a clearer, realigned policy structure by Prevention, Detection and Investigation stages according to the Australian Standard.

Although the responsibility to prevent fraud and corruption sits with everyone in the organisation, the updated policy outlines redefined roles and responsibilities at every level. This includes changes in the reporting and assessment for investigation which is proposed to rest with the Director Corporate & Shared Services to increase protection of individuals providing information.

The policy strengthens Council's internal controls and prevention strategies with the inclusion of:

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- a new fraud risk assessment process to assist departments in the detection and response initiatives on a regular basis;
- fraud awareness programs tailored to each department's risks
- clearer processes for reporting suspected incidents
- a new fraud and corruption incident register to record any suspected activities.

The policy also includes Council's obligations under the updated *Public Interest Disclosure Act 2012* (formerly *Protected Disclosures Act*) in the event an allegation meets the requirements under the new Act effective 1 January 2020. This is also reflected in the selection of the Director Corporate & Shared Services as the first point of contact for reporting and assessment, this synergy allows for assessment of the whether the person reporting should be treated as a "whistle-blower".

The revised Policy was presented to Council at its recent Briefing Session, subject to the Audit and Risk Advisory Committees input the Policy is being proposed to Council for adoption at its 18 December 2019 Ordinary meeting.

Council Plan/Strategies/Policies

This report relates to Council Plan 2017-2021 Our Promise strategic objective to ensure we deliver the best possible outcomes in all that we do.

Relevant Legislation

The endorsement and consequent implementation of this policy will enable Council to meet its obligations under the *Local Government Act 1989 (Vic)*, which requires Councils to develop and maintain internal control systems.

Financial Implications and Risk

The policy addresses the recommendations from the 2016 Crowe Horwath internal audit. All fraud and corruption awareness initiatives, associated risk assessment and mitigation strategies arisen from the endorsement of this policy will be delivered within Council's existing resources.

Council has also made a commitment to the minister for Local Government to incorporate the outcomes of the 2019 VAGO audit on fraud and corruption in Local Government, which this Policy forms the basis of many of the recommended actions.

Conflict of Interest

There are no declared conflict of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Community consultation was not required in relation to the review of this policy.

RESOLUTION:

I McKaskill / M Sheward

That consideration be given to the changes below, noting that the policy will be presented to Council for consideration at the 18 December 2019:

- **Role of Audit and Risk Advisory Committee to be limited to advisory in nature**
- **Greater emphasis on definition of gift versus bribe**
- **Recognise that non-compliance with a policy, where there is suspicion of personal gain, needs to be assessed as a potential fraud**

CARRIED

5.7 REVIEW OF CHIEF EXECUTIVE OFFICER CREDIT CARD EXPENDITURE

For the period 1 July 2019 to 30 September there were no transactions on the Chief Executive Officer's Credit Card.

Officer Recommendation

That the Audit and Risk Advisory Committee note that there were no transactions on the Chief Executive Officers Credit Card for the 1 July 2019 to 30 September 2019 quarter.

RESOLUTION:

I McKaskill / M Rae

Note that the Audit and Risk Advisory Committee was advised that there were no transactions on the Chief Executive Officers Credit Card for the 1 Jul 2019 to 30 September 2019 quarter.

CARRIED

6. AUDITS – INTERNAL

6.1 REVIEW AND RECOMMEND INTERNAL AUDIT PLAN AND RESOURCING

Attachment(s): Murrindindi Shire Council Strategic Internal Audit Plan (2019-2022) (refer Attachment 6.1)

The Internal Audit Plan for 2019 – 2022 (attachment 6.1) outlines the areas of focus for 2020. The review of Rates and Revenue was brought forward into 2019 in lieu of the Business Continuity Plan review, which will now be undertaken in 2020.

Officer Recommendation

That the Audit and Risk Advisory Committee note the Murrindindi Shire Council Strategic Internal Audit Plan for 2020 with the addition of the Business Continuity Plan and acknowledge the Review of Rates and Revenue has been completed.

RESOLUTION:

M Rae / M Sheward

That the Audit and Risk Advisory Committee note the Murrindindi Shire Council Strategic Internal Audit Plan for 2020.

CARRIED

6.2 REVIEW INTERNAL AUDIT REPORTS AND MANAGEMENT RESPONSES

Attachment(s): Internal Audit – Review of Rates Revenue – Final Report (refer Attachment 6.2)

The Internal Audit Report for the Review of Rates Revenue was presented by Kapil Kukreja from HLB Mann Judd.

Officer Recommendation

That the Audit and Risk Advisory Committee receive the Internal Audit Report for the Review of Rates Revenue presented by HLB Mann Judd.

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RESOLUTION:

I McKaskill / M Rae

That the Audit and Risk Advisory Committee receive the Internal Audit Report for the Review of Rates Revenue presented by HLB Mann Judd.

CARRIED

6.3 FOLLOW UP SIGNIFICANT ISSUES RAISED BY INTERNAL AUDIT

Nil to report

6.4 REVIEW IMPLEMENTATION OF PREVIOUS AUDIT ACTIONS

Attachment(s): Internal Audit – Follow Up Review – Final Report (refer Attachment 6.3)

The annual Internal Audit Follow Up Review Report was presented by Kapil Kukreja from HLB Mann Judd.

The Implementation of Previous Audit Actions report was presented by the Director Corporate & Shared Services.

Officer Recommendation

That the Audit and Risk Advisory Committee receive the Internal Audit Follow Up Review Report presented by HLB Mann Judd.

RESOLUTION:

M Sheward / M Rae

That the Audit and Risk Advisory Committee:

- 1. receive the Internal Audit Follow Up Review Report presented by HLB Mann Judd.**
- 2. request that a review of outstanding audit item actions and the associated risk ratings be conducted in conjunction with HLB Mann Judd and reported back to the March 2020 meeting.**

CARRIED

6.5 REVIEW SCOPES OF AUDITS BY HLB MANN JUDD

Nil to report.

6.6 COMMITTEE MEET WITH INTERNAL AUDITORS

Opportunity for a closed discussion with the Committee and the internal auditor, Kapil Kukreja, without Council officers present to raise any relevant questions or matters.

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7 AUDITS – EXTERNAL

7.1 MAV WORKCARE SISAP AUDIT

Attachment(s): MAV WorkCare – SISAP Audit – Final Report 2019 (refer Attachment 7.1)

Purpose

This purpose of this report is to present the “SISAP report – Murrindindi Shire Council” as attached (attachment 7.1) which was the result of an external audit undertaken by Verus as a part of Murrindindi Shire Council’s membership of the MAV WorkCare scheme.

Officer Recommendation

That the Audit and Risk Advisory Committee note the “SISAP report – Murrindindi Shire Council”.

Background

Council joined the Municipal Association Victoria (MAV) WorkCare self-insured workers compensation scheme in 2017. Council was one of the three members nominated by the MAV to be audited on how our Occupational Health and Safety Management System (OHSMS) is achieving the requirements of the National Self-Insurer OHS Management System Audit Tool Version 3 (the NAT), 4 August 2014.

Since joining the Scheme, Council has been developing a new OHSMS, which is yet to be fully implemented.

The outcome of the audit was not to provide detailed recommendations for solutions to any identified problems, the purpose is to gather objective evidence during an audit to enable the auditor to evaluate conformance or non-conformance (or other ratings as appropriate) against the audit criteria. This provides MAV and Council with evidence-based information that can be used to review the effectiveness of Council’s OHSMS and plan change that is designed to deliver continual improvement in managing health and safety in the workplace.

An OHSMS audit is separate from a workplace inspection program. Inspections are conducted to detect hazards in the workplace and to check how well risk controls are working for particular activities, processes or areas. Audits look at the procedures and processes that are intended to manage the entire health and safety program, rather than the individual deficiencies and failures identified during inspections.

MAV engaged Verus to undertake this audit in late June 2019. The final report was issued on 19 July 2019.

Discussion

Council was assessed on 57 of the National Audit Tool criteria as part of the Audit. The auditor attended both the Alexandra Council Office and the Infrastructure Operations Centre. The following outlines a summary of the audit findings:

Finding	Number
Conformance	26
Non-Conformance	29
Not Applicable	0
Not Able to be Verified	2

The audit confirmed that Council is in the implementation stage of its OHSMS under the direction of the MAV WorkCare Scheme. Most of our procedures were either under development or

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development is yet to occur. Considering Council at the time of the audit was in its second year of involvement, the audit outcome was inevitably going to reflect non-conformance.

One of the factors that contributed to non-conformance recognised that process of reviewing the strategic and operational risk registers and Council's approach to managing risk had not yet been completed by the Executive Management Team. Therefore documented controls were found to be inadequate and the review process was not implemented. Since the audit was completed Council has endorsed the revised Enterprise Risk Management Policy and the Executive Management Team has undertaken a review of the Strategic and Operational Risk Registers and subsequent controls.

The theme across all of Council's non-conformance areas was that we have strong OH&S practices however we fall down in our overarching OH&S systems of management. The critical change that is required is for all levels of leadership to take greater responsibility for OH&S and ensure that all are informed with increased accountability.

It is important to note that this audit is reviewing the effectiveness of the MAV WorkCare Self Insurance scheme, our result forms part of the report submitted to Worksafe as part of the ongoing endorsement of the MAV Work Care Scheme.

Since the report, Council officers from the Governance and Risk and the Community Assets Teams have been working closely with both the MAV and JLT (the insurer of the scheme) to review and implement the action plan.

JLT presented the audit report to the Leadership Team and workshopped actions in relation to raising the profile and accountability of OH&S.

The action plan works toward achieving conformance across the various outlined areas, it focuses on simple and achievable outcomes. Council officers will continue to work with the MAV and JLT representatives to fulfil the action plan requirements and realign the responsibilities across all levels of management.

Council Plan/Strategies/Policies

This report relates to Council Plan 2017-2021 Our Promise strategic objective to ensure we deliver the best possible outcomes in all that we do.

Relevant Legislation

The MAV WorkCare Self Insurance scheme is regulated by WorkSafe Victoria. The National Audit tool defines the criteria that relevant regulators will use within their jurisdictions to assess a self-insurer's OHSMS. In order to remain accredited, self-insurance schemes must prove a level of improvement and compliance annually.

Financial Implications and Risk

Risk with respect to Occupational Health and Safety is reflected as High on Council's strategic risk register. This audit report assists management to implement improvements as part of its roll out of a new OHSMS, to ultimately minimise OHS risks.

Council became a member of the MAV WorkCare self insurance scheme in an effort to strengthen its OHS performance and risk controls.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to this report.

RESOLUTION:

I McKaskill / M Sheward

That the Audit and Risk Advisory Committee note the “SISAP report – Murrindindi Shire Council”.

CARRIED

8. FINANCIAL REPORT

8.1 REVIEW SIGNIFICANT ACCOUNTING AND REPORTING ISSUES

Nil to report.

8.2 QUARTERLY FINANCIAL REPORT TO 30 SEPTEMBER 2019

Attachment(s): 1st Qtr Financial Report (refer Attachment 8.2)

Purpose

The report provides the quarterly financial report for the period ending 30 September 2019.

Officer Recommendation

That the Audit and Risk Advisory Committee notes this report.

Background

The Quarterly Financial Report for the period ended 30 September 2019, was presented for consideration by Council, in accordance with the *Local Government Act 1989* at the Council meeting held 23 October 2019.

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow
- Reconciliation of Non-Discretionary Cash & Reserves.

Discussion

The statements for the first quarter to 30 September 2019 are included in Attachment 8.2.

Carry Forward Adjustments to 30 September 2019

One of the first priorities in preparing the statements for the first quarter of each financial year is to appropriately recognise and adjust for the financial impact of all items carried forward from the 2018/19 financial year. This includes items that were budgeted to occur in the 2018/19 financial year that were incomplete or not achieved prior to 30 June 2019, as well as the impact of items that were budgeted to occur from 1 July 2019 onwards, that were in fact recognised in last year's financial statements.

Other Budget Adjustments to 30 September 2019

During the September quarter a number of budget adjustments were identified, these adjustments are listed in the table below. The changes relate to new grants and budget corrections based on the latest available information.

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The table below is a reconciliation between Council's adopted budget 2019/20 and these carry forward and other budget adjustments.

Table 1

September Budget Review - Reconciliation of 2019/20 Revised Budget Adjustments		
	2019/2020	2019/2020
	Operating Result	Capital Works
	Surplus / (Deficit)	Budget
Adopted Budget 2019/2020	1,162,950	10,697,078
Capital Works Program 2017-18 End of Year Report - 28 Aug 2018		
Carry Forwards and reserve allocations - Tables CF1, CF2 & CF3 as per reports presented 22 Aug 2019		4,858,698
Operational Carry forward adjustments - Executive Group - 8 Aug 2019		
Community Wellbeing Funded Programs	(187,475)	
Special Charge Schemes - Pendlebury & Snodgrass	87,000	
Community Development - IAG Community planning Initiative	(22,174)	
Grant Funds Fire Services Levy Admin Support	(54,978)	
Sale of Land - 25 Murchison St Marysville Income	195,000	
Sale of Land - 25 Murchison St Marysville Carrying Asset Value	(217,047)	
Income Plant & Fleet - sales & trades	271,687	
Value of Plant to be sold	(271,687)	
Grant Funding received 2018/19 - and to be spent 2019/20	(1,131,438)	
Grant Funding budgeted 2018/19 but to be received 2019/20	376,986	
September Revised Budget 2019/2020 - with carry forwards	208,824	15,555,776
Other Budget Adjustments		
Income		
Murrindindi Library Service Overdue Charges - removal	(2,435)	
Motor Vehicle - Employee recoupment	(4,473)	
Grants Commission - Final Allocation - reduction	(71,841)	
Environmental Projects - grant funded	1,408	
Eildon Boat Ramp Fee Abolishment grant	25,000	
Lake Eildon Boating & Fishing Show grant	50,000	
Local Gov Energy Saver Program - Funding adjustment	(6,586)	
MAV 16 Days Activism Against Gender Violence grant	1,500	
Roadside Weeds & Pests Program grant	32,774	
Skyline Road Blackspot grant	48,533	
Social Seniors Program grant	1,500	
Expense		
Marysville Caravan Park - Camp Kitchen replacement		27,920
Local Gov Energy Saver Program - Funding adjustment		(13,171)
Skyline Road Blackspot grant		48,533
Eildon Boat Ramp Fee Abolishment grant	(25,000)	
Rubicon Waste Water	(225,000)	
Lake Eildon Boating & Fishing Show grant	(50,000)	
MAV 16 Days Activism Against Gender Violence grant	(1,500)	
Roadside Weeds & Pests Program grant	(32,774)	
Social Seniors Program grant	(1,500)	
September Revised Budget 2019/2020 - (Deficit)	(51,570)	15,619,058

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Budget Comparison September Year to Date.

The adjustments identified in Table 1 have been incorporated into a revised set of financial statements as attached in Attachment 8.2.

Income Statement (Statement A)

The Income Statement for the period 1 July 2019 to 30 September 2019 is presented below (and in Attachment 8.2):

Murrindindi Shire Council
Income Statement
For the period ended 30th September 2019

	Original Budget 2019/20 \$	Annual Revised Budget 2019/20 \$	YTD Budgets 30/09/2019 \$	YTD Actual 30/09/2019 \$	Budget/ Actual Variance (unfav) \$	%
Revenue						
Rates & Charges	21,381,684	21,381,684	21,257,411	21,335,825	78,414	0%
Special Charge	-	87,000	-	-	-	
Statutory fees and fines	1,082,669	1,080,234	193,521	221,245	27,724	14%
User fees	2,393,305	2,393,305	534,886	453,823	(81,063)	-15%
Grants - Operating	7,992,170	8,263,040	1,575,751	1,616,502	40,751	3%
Grants -Capital	2,034,235	2,085,682	173,948	173,592	(356)	0%
Contributions - Cash	49,105	124,105	6,718	2,125	(4,593)	-68%
Contributions - Non Cash	400,000	400,000	-	-	-	
Reimbursements	385,062	385,062	50,722	54,234	3,512	7%
Other revenue	1,134,182	1,134,182	197,464	182,904	(14,560)	-7%
Total Revenue	36,852,412	37,334,294	23,990,421	24,040,250	49,829	0%
Expenses						
Employee Benefits	15,474,271	15,548,853	3,547,304	3,406,794	140,510	4%
Materials and Services	10,550,050	12,149,323	2,834,029	2,808,903	25,126	1%
Depreciation and amortisation	9,281,520	9,281,520	5,802	-	5,802	100%
Bad and Doubtful Debts	-	500	124	909	(785)	-633%
Other Expense	313,805	313,805	72,397	49,146	23,251	32%
Finance Costs (Interest)	36,809	36,809	(7,764)	(7,764)	(0)	0%
Total Expenses	35,656,455	37,330,810	6,451,892	6,257,988	193,904	3%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	(33,007)	(55,054)	2,867	-	(2,867)	-100%
Increase/(Decrease) Landfill Provison	-	-	-	-	-	-100%
Surplus (deficit) for the period	1,162,950	(51,570)	17,541,396	17,782,261	240,865	1%

The \$17.54 million operating result for the September 2019 quarter is \$240,000 or 1% favourable compared to the year to date budget. This variance is explained below.

The major year to date variances for the quarter include:

Line item	Variance	Main contributing factors
Rates and charges	\$78,414	Due to supplementary rates and hydro agreement. This will be monitored over the next quarter.
User fees	(\$81,063)	Variances in saleyard and aged care fees below year to date expectations.
Other revenue	(\$14,560)	This is an early indication of the lower interest rates and the impact on interest income. As investments mature, the reinvestment rates are typically 0.5% to 0.75% lower than the previous investment rate. The full impact of lower interest earnings will be determined as part of the December quarterly review.
Employee benefits	\$140,510	Due to staff vacancies primarily in Community Assets and Governance and Risk Departments

Balance Sheet (Statement B)

Assets

As at 30 September 2019 this statement shows a variance Cash and Cash Equivalents and Other Financial Assets of \$34 million. These variances are offsetting as an investment can fall into either category depending on the term of the investment. All investments terms are less than one year so for practical purposes all investments should be considered as cash.

Prepayments show a variance of \$172,000, this variance will reduce throughout the year as more prepayments are made.

Liabilities

Provision Other shows a variance of \$667,000 which is in relation to the rehabilitation at the Alexandra Landfill. Based on budget costings to complete the capping works at the Landfill it may be that the budgeted provision is overstated. The Landfill provision requirement is reviewed annually. A more detailed analysis of the required provision will be completed as part of the December quarterly review.

Equity

The favourable variance of \$240,000 is an outcome of the improved operating result position. This is explained in Statement A.

Cash Flow Statement (Statement C)

This statement provides a holistic picture and reports the important information on Council's cash inflows and outflows.

Cash Flow from Operating Activities

Cash flow from operations shows the amount of cash being generated from the operating statement. This is a critical figure as it indicates the funds that are being generated to fund capital works, debt reduction of cash balance increases.

The year to date budget variance is unfavourable \$167,000. While cash from rate collection is \$168,000 better than expected, this is offset by \$486,000 variance in payments to suppliers. This is more about the budget timing of works and the payment to suppliers than a deterioration in cash flow.

Cash flow from Investing Activities

The variance of \$110,000 indicates that the capital works in terms of cash spend is ahead of budget expectations.

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Cash Flow from Financing Activities

At a variance of \$4,000 this is in line with budget expectations.

Non-Discretionary Cash and Council Reserves (Statement D)

Included as part of this report is a statement of Council's Non-Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust which are required to be refunded, and an allowance for the provision of employee entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability. This is then offset against the level of projected cash at year end.

The critical figure is the bottom line being the Surplus/Deficit cash. The original budget figure was \$13.9 million, the revised budget figure is now \$13.8 million. This indicates that while the operating result reported in the income statement can move widely depending on timing of grants and other variables, the cash figure has remained stable.

Year to date analysis of this table is not particularly useful as transfers to and from reserves occur on an annual basis at year end.

Councillor Expenses (GST Exclusive)

The *Local Government (Planning and Reporting) Regulations 2014 Part 4 - Annual Report, Division 1* requires Council to report annually regarding Councillor expenses under prescribed categories.

As agreed in the Councillor Reimbursement Policy that was adopted by Council at its February 2017 Ordinary Meeting, Council reports quarterly on the Councillor related expenses. The following table details Councillor expenses for the first quarter period ending 30 September 2019.

Councillor Expenses for 3 months ended 30 September 2019:

	Allowances	Travel Expenses	Milage	Childcare Expenses	Information & Communication Expenses	Conference & Training Expenses	Cr Specific Other Expenses
Cr S McAulay	\$22,502.60	\$5.59	\$0.00	\$0.00	\$243.64	\$547.28	\$63.64
Cr C Bissett	\$7,532.16	\$0.00	\$153.96	\$0.00	\$243.64	\$92.73	\$147.73
Cr J Ashe	\$7,532.16	\$0.00	\$0.00	\$0.00	\$203.64	\$401.82	\$147.73
Cr R Bowles	\$7,532.16	\$0.00	\$0.00	\$0.00	\$203.64	\$92.73	\$182.73
Cr L Dunscombe	\$7,532.16	\$480.00	\$2,033.34	\$0.00	\$243.64	\$92.73	\$182.73
Cr E Lording	\$7,532.16	\$80.00	\$1,109.44	\$0.00	\$243.64	\$92.73	\$182.73
Cr M Rae	\$7,532.16	\$0.00	\$0.00	\$0.00	\$243.64	\$92.73	\$147.73

It should be noted that travel costs include the reimbursement of the claims which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting they may also claim the statutory remote area allowance.

It should also be noted that Councillors can elect for part of their allowance to be deducted for superannuation purposes.

Council Plan/Strategies/Policies

This report, in relation to the Annual Budget and quarterly financial reporting, is consistent with the *Council Plan 2017-2021 Our Promise* strategy 'to maintain Council's financial sustainability through sound financial and asset management practices'.

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Relevant Legislation

The *Local Government Act 1989* (the *Act*) requires, under Section 126, that a Council must prepare a Strategic Resource Plan for a period of four years.

The *Act* also sets out in Section 127 that the Council must prepare a budget for each financial year. Then, in Section 138, the *Act* requires that quarterly financial reports must be presented to Council.

Financial Implications and Risk

The financial governance of a council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

There was no community consultation required for the preparation of this quarterly budget report.

RESOLUTION:

M Sheward / M Rae

That the Audit and Risk Advisory Committee notes this first quarter financial report.

CARRIED

9. MANAGEMENT REPORTING

9.1 LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK

Attachment(s): 2018/19 Performance Summary (refer to Attachment 9.1)

Purpose

The purpose of this report is to provide the Audit and Risk Advisory Committee the 2018/19 LGPRF results, which have been published on the Know Your Council website.

Officer Recommendation

That the Audit and Risk Advisory Committee notes the 2018/19 Local Government Performance Management Framework results.

Background

The Local Government Performance Reporting Framework (LGPRF) is a mandatory system of performance reporting for all Victorian councils. It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.

The primary objective of the LGPRF is to provide comprehensive performance information that meets the needs of a number of audiences. In meeting this objective:

- councils will have information to support strategic decision-making and continuous improvement
- communities will have information about council performance and productivity

- regulators will have information to monitor compliance with relevant reporting requirements
- state and federal governments will be better informed to make decisions that ensure an effective, efficient and sustainable system of local government.

The framework is made up of a range of measures across several services including roads, planning, animal management, libraries and waste. It is complemented by a Governance and Management checklist of 24 items, which shows the policies, plans and procedures in place at each council. Together, they build a comprehensive picture of council performance, which is then published on the Know Your Council website.

Ten of the service performance indicators are audited by Council's external auditor together with the financial performance indicators and sustainable capacity indicators. These indicators form the Performance Statement, which is included in the 2018/19 Annual Report.

The 2018/19 LGPRF results were released on the Know Your Council on 2 December 2019.

Discussion

For the preparation of the 2018/19 exercise, a review of previous year's results and the data collection methods was conducted. This review revealed some inconsistencies in the previous year's data and data collection methods.

Previously, data was sourced by a single officer from Council's corporate systems with limited consultation with the responsible service managers.

Where these inconsistencies were identified, comments were provided and uploaded to the Know Your Council website. Unfortunately, Local Government Victoria (LGV) does not allow councils to correct previously reported results.

Following an organisation restructure and the review of LGPRF data collection methodology, the following process was adopted with more oversight by the relevant service managers and Leadership team.

Process

- Manager Business Services met with each department manager to review the 2018/19 Performance Reporting Framework Indicator Workbook (Local Government Better Practice Guide). This included discussing the previous year's results and confirming data sources.
- Each manager then completed the relevant sections of the data collection template for the services they manage.
- The data was consolidated into the official template to generate the results, which included trends from the previous three financial years.
- Comments on material variances from the previous year were drafted by the responsible manager.
- The draft results and comments were then discussed and peer reviewed by the Leadership team.
- These draft results were uploaded to the online council portal for review by Local Government Victoria (LGV).

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- An initial exceptions report was automatically generated by the website – which compared the results to expected ranges. These exceptions were discussed with relevant managers.
- LGV provided feedback on the initial data submission.
- Based on LGV feedback, the comments and data was refined by the responsible manager.
- Final data was submitted and published on the Know Your Council Website.

In regards to LGV feedback, the following comment was received following the initial data submission:

Overall, we are happy with your submission. In particular, we commend you on your high-quality commentary for service indicators. Ensuring high quality commentary is the LGV focus for the 2018/19 reporting period, so we're pleased you are making the most of this opportunity.

Nevertheless, there are a number of material variances that are due to improvements in our systems and data collection methods, and not necessarily reflected in changes to service performance.

Exceptions (results outside the expected range)

Out of all the reportable measures, 3 results fell outside the range expected by LGV

Measure	Service Area	Result	Exception
Health inspections of aquatic facilities	Aquatic Facilities	0	Outside expected range (1 to 4 inspections) by over 25% - negative result
Sealed local road requests per 100km of sealed local roads	Roads	8.79 requests	Outside expected range (10-120 requests) by 10-25% - positive result
Kerbside collection bins missed per 10,000 households	Waste Collection	0.98 bins	Outside range (1 – 20 bins) by 0-10% - positive result

Material variances and trends

The follow table is an extract of the results that have material variances from the previous year. The trend data from the previous 3 years is included for reference.

	2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19 Actual	Similar Councils 2018-19	All Councils 2018-19	Comment
Animal Management							
Animals reclaimed	65.45%	71.01%	60.00%	30.48%	46.45%	50.95%	The lower proportion of animals reclaimed in 2018/19 reflects changes in the definition of "reclaimed" and a substantial increase in the number of cats, in particular feral cats collected over the year. Cats, particularly feral cats, typically do not have a high return rate. 93% of dogs were either returned to their owner or rehomed in 2018/19.
Cost of animal management service	\$34.92	\$33.89	\$39.52	\$53.29	\$64.39	\$63.27	The cost increase is due to a changed approach in managing feral animals.
Food Safety							
Cost of food safety service	\$608.23	\$591.15	\$553.05	\$1,124.23	\$556.98	\$484.34	Data cleansing associated with transition to a new system for health data reporting identified that the number of premises previously used for calculation of the average cost was incorrect due to inclusion of inactive premises. This resulted in an artificially low cost per premises.
Governance							
Council decisions made at meetings closed to the public	8.16%	7.43%	6.19%	15.34%	11.92%	9.55%	In 2018/19 Council reviewed the 2017/18 figure and found the previously reported 6.19% was inaccurate. The correct figure for 2017-18 was 26.47%. In 2018/19 there was a substantial decrease in the amount of items discussed by Council within Ordinary or Special Meeting that is closed to the public. A total of 11 items were discussed in closed meetings of Council and all resolutions were made publicly available via the Ordinary Meeting Minutes of the corresponding meeting.

	2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19 Actual	Similar Councils 2018-19	All Councils 2018-19	Comment
Satisfaction with community consultation and engagement	45.00	42.00	46.00	55.00	55.00	56.00	A 19% increase in community satisfaction index for community consultation and engagement in the last 12 months is noted for 2018/19.
Satisfaction with council decisions	42.00	41.00	45.00	55.00	54.00	55.00	A 22% increase in community satisfaction index for satisfaction for council decisions in the last 12 months is noted for 2018/19.
Libraries							
Cost of library service	\$18.93	\$5.21	\$5.50	\$7.54	\$7.76	\$7.07	Cost to deliver the library service has not increased materially, but the number of visits appears to have decreased which accounts for this variance. The number of visits is counted via door counters which are unreliable measurement tools for all library services, but particularly services like Murrindindi's which are joint customer service and library facilities.
Maternal and Child Health (MCH)							
Participation in first MCH home visit	95.28%	98.32%	95.00%	106.12%	107.41%	101.44%	Participation and engagement in Maternal and Child Health Services continues to be high in Murrindindi Shire, the 2018/19 result is over 100% due to our service conducting first home visits to babies where birth notices were received in other locations.
Cost of the MCH service	\$110.15	\$109.11	\$104.78	\$73.63	\$84.27	\$81.48	The cost of the Maternal and Child Health Service has remained relatively stable over the past two years of reporting, considering the 2017/18 figure was incorrectly calculated. The correct figure for 2017-18 was \$77.35.
Participation in the MCH service	95.28%	98.36%	100.00%	86.75%	81.38%	77.87%	This measure reflects the level of participation in Key Age and Stage (KAS) assessments which can fluctuate in some years if KAS assessments are not due for older toddlers.

	2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19 Actual	Similar Councils 2018-19	All Councils 2018-19	Comment
Roads							
Sealed local road requests	20.92	4.60	14.35	8.79	30.39	45.30	The number of sealed road requests has been variable across the last 4 years and the 18-19 result is in the range of previous years. The number of requests can be affected by a range of environmental factors affecting sealed road conditions. Further the implementation of a new maintenance management system and creation of asset maintenance categories has streamlined the correct allocation of maintenance works orders which should assist in providing more consistent data in the future.
Cost of sealed local road resealing	\$7.94	\$7.82	\$7.89	\$4.18	\$6.09	\$13.24	A collaborative procurement approach with other North East Victorian councils delivered very significant savings in the cost of resealing works. Council also achieved a reduction in the square metre cost for these works by targeting larger areas in the reseal program, allowing greater efficient delivery.
Satisfaction with sealed local roads	51.00	46.00	42.00	48.00	52.00	57.00	A focused approach to sealed road network has seen an improvement in community satisfaction.
Statutory Planning							
Council planning decisions upheld at VCAT	100.00%	66.67%	66.67%	100.00%	48.61%	52.64%	One Council Planning decision was referred to VCAT in 2018/2019, Council's decision was upheld.
Waste Collection							

	2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19 Actual	Similar Councils 2018-19	All Councils 2018-19	Comment
Kerbside bin collection requests per 1,000 households	10.00	9.02	18.91	85.18	66.81	104.58	The implementation of a comprehensive customer request system has resulted in a more complete record of the range of waste related requests to Council. This has resulted in a significant increase in the number of requests recorded.
Kerbside collection bins missed per 10,000 households	1.51	1.64	1.12	0.98	3.15	4.91	This reflects a minor improvement in the missed bin rate reported and may reflect improvements in data management.

SUBJECT TO CONFIRMATION

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Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Promise strategy 'to maintain Council's financial sustainability through sound financial and asset management practices'.

Relevant Legislation

Legislation was introduced in early 2014, which set up the requirement for councils to report on their performance through their annual report to their community. The reporting format for the indicators and measures in the annual report is prescribed by the Local Government Act 1989 (the Act) and the Local Government (Planning and Reporting) Regulations 2014.

Financial Implications and Risk

There are no direct financial implications for management of the performance reporting framework, however there is staff time in collecting, reporting and monitoring the data and information.

Risk is mitigated through the external audit of the indicators that form the annual performance statement that is included in the Annual Report, and an internal review of other indications by the Leadership Team.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to this report.

Community and Stakeholder Consultation

There was no community consultation required for the preparation of this report.

RESOLUTION:

M Rae / I McKaskill

That the Audit and Risk Advisory Committee notes the 2018/19 Local Government Performance Management Framework results.

CARRIED

10. GENERAL BUSINESS AND FUTURE PLANNING

10.1 ESTABLISH/SCHEDULE MEETINGS FOR FORTHCOMING YEAR

Currently the Audit Advisory Committee meetings are held four times a year on a Thursday afternoon in the Council Chamber at Alexandra.

Officer Recommendation

The following meeting dates are proposed for 2020:

Meeting Date	Venue	Time
Thursday 12 March 2020	Alexandra - Council Chamber	3 pm
May 2020 (Budget) (Date to be confirmed)	Alexandra - Council Chamber	1 pm
Thursday 10 September 2020	Alexandra - Council Chamber	3 pm
Thursday 10 December 2020	Alexandra - Council Chamber	3 pm

Council has brought forward its intended date for adoption of the Budget to 27 May 2020. In order to allow sufficient time for the Audit and Risk Advisory Committee to review the draft budget prior to its adoption it will be necessary to bring forward the meeting that is normally scheduled for the

second week of May. It is necessary to discuss with committee members their availability to attend an earlier meeting.

RESOLUTION:

M Rae / M Sheward

That the following Committee meeting dates be confirmed for 2020:

Meeting Date	Venue	Time
Thursday 5 March 2020	Alexandra - Council Chamber	3 pm
Tuesday 5 May 2020 (Budget)	Alexandra - Council Chamber	3 pm
Thursday 10 September 2020	Alexandra - Council Chamber	1 pm
Thursday 10 December 2020	Alexandra - Council Chamber	3 pm

CARRIED

10.2 ANNUAL ASSESSMENT OF COMMITTEE'S PERFORMANCE

This report will be circulated by the Director Corporate and Shared Services prior to the meeting.

RESOLUTION:

M Rae / I McKaskill

That the Audit and Risk Advisory Committee endorse the circulated Self-Assessment Questionnaire noting the change to a numeric rating scale from poor to excellent

CARRIED

10.3 REVIEW/ASSESS ADEQUACY OF AUDIT COMMITTEE CHARTER

Attachment(s): Audit and Risk Advisory Committee Charter (refer Attachment 10.3)

The Charter for the Audit and Risk Advisory Committee (Committee) is presented in Attachment 10.3 for annual review by the Committee. The Committee undertook a comprehensive review in December 2018 and subsequently proposed the revised Charter to Council for adoption. Council adopted the Audit and Risk Advisory Committee Charter at its 23 January 2019 Ordinary Meeting of Council.

The Committee is able to suggest areas for improvement or change for Council's consideration.

Officer Recommendation

That the Audit and Risk Advisory Committee endorse the Audit and Risk Advisory Committee Charter (Attachment 10.3), subject to any changes recommended at this meeting.

RESOLUTION:

I McKaskill / M Sheward

That the Audit and Risk Advisory Committee defer a review of the Committee Charter until after the Local Government Bill is enacted.

CARRIED

10.4 REVIEW AUDIT ADVISORY COMMITTEE ANNUAL PLAN

Attachment(s): Audit & Risk Advisory Committee Annual Plan 2020 DRAFT (refer Attachment 10.4)

This report will be presented by the Director Corporate and Shared Services.

Officer Recommendation

That the Audit and Risk Advisory Committee endorse the Audit and Risk Advisory Committee Annual Plan 2020.

RESOLUTION:

I McKaskill / M Sheward

That the Audit and Risk Advisory Committee endorse the Audit and Risk Advisory Committee Annual Plan 2020 with addition of review of the Policy Register annually and the Insurance & WorkCover claims report on a quarterly basis.

CARRIED

10.5 CONFIRM TERMS AND APPOINTMENT OF COMMITTEE MEMBERS

As per Section 2(c) of the Audit Advisory Committee Charter, 'appointments of external independent persons shall be made by Council by way of public advertisement and be for a term of two years with an option of a one year extension'.

Committee Member	Original appointment date	Last appointment by Council for 2 year period	Extension by Council for 1 year period
Michele Sheward	November 2013	22 February 2017	23 January 2019
Ian McKaskill	13 February 2013	23 May 2018	Due for consideration May 2020
Claude Baxter	27 July 2018	27 July 2018	Due for consideration July 2020

The Committee membership for Michele Sheward expires at the end of January 2020. This position will be publically advertised and appointed by Council prior to the 12 March 2020 meeting of the Audit and Risk Advisory Committee Meeting.

Officer Recommendation

That the Audit and Risk Advisory Committee note this report regarding the terms and appointment of committee members.

RESOLUTION:

I McKaskill / M Sheward

That the Audit and Risk Advisory Committee note this report regarding the terms and appointment of committee members.

CARRIED

11. OTHER REPORTS

11.1 REVIEW INTERNAL AUDIT FUNCTION PERFORMANCE

Committee Chair, Claude Baxter, lead a discussion to review the performance of the internal audit function.

12. **NEXT MEETING**

Thursday 5 March 2020 at 3pm.

There being no further items of business, the Chairperson declared the meeting closed at 5:55pm.

CONFIRMED THIS

CHAIRPERSON

SUBJECT TO CONFIRMATION



MINUTES
of the
AUDIT AND RISK ADVISORY COMMITTEE MEETING
THURSDAY 5 MARCH 2020
at
Murrindindi Shire Council
Council Chamber
Perkins Street
Alexandra
3.00 pm

Audit and Risk Advisory Committee Meeting Minutes
5 March 2020

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1. PRESENT/APOLOGIES

Present:

- Claude Baxter (Chair)
- Ian McKaskill
- Craig Nisbet
- Cr Leigh Dunscombe (Mayor)
- Cr Margaret Rae
- Cr Sandice McAulay

Apologies:

- Mark Holloway, Partner, HLB Mann Judd

In attendance:

- Craig Lloyd, Chief Executive Officer
- Michael Chesworth, Director Corporate and Shared Services
- Vito Albicini, Director Assets and Development
- Shivaun Brown, Director Community Engagement
- Tara Carter, Manager Governance and Risk
- Graham Haylock, Manager Business Services

2. DECLARATIONS OF INTEREST

Nil.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Audit Advisory Committee Meeting held on 12 December 2019.

Officer Recommendation

That the Minutes of the Audit Advisory Committee Meeting held on 12 December 2019 be confirmed.

RESOLUTION:

I McKaskill / M Rae

That the Minutes of the Audit Advisory Committee Meeting held on 12 December 2019 be confirmed.

CARRIED

4. REVIEW ANY BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

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5. RISK MANAGEMENT

5.1 CEO'S QUESTIONNAIRE

Attachment(s): *Chief Executive's Questionnaire to Directors - 2019-02 February - CEO (refer Attachment 5.1)*

The Chief Executive Officer will present this at the meeting.

RESOLUTION:

I McKaskill / M Rae

That the Audit and Risk Advisory Committee note the CEO's Questionnaire.

CARRIED

5.2 CEO'S UPDATE

The Chief Executive Officer provided a verbal update on the following matters:

- Local Government Bill and proposed roll out of provisions
- Representation Review – Update on future of Wards in the Shire
- State Government Circular Economy announcements – what we know

RESOLUTION:

I McKaskill / M Rae

That the Audit and Risk Advisory Committee note the CEO's update.

CARRIED

5.3 REVIEW RISK REGISTER

Attachment(s): *Strategic Risk Register – 2020 (refer Attachment 5.3a)*
Top Operational Risks – February 2020 - Audit & Risk Committee (refer Attachment 5.3b)

Purpose

This report presents the strategic risk register and highest operational risks for review by the Audit and Risk Advisory Committee

Officer Recommendation

That the Audit and Risk Advisory Committee note the report on strategic and operational risk registers.

Background

This report provides the regular update to the Committee on Council's key strategic and operational risks.

Discussion

Strategic Risk Register

A full review of the status of Council's Strategic Risks was undertaken by Council's Executive Team and Leadership Team in February 2020. The current SRR is presented in *Attachment 5.3a*.

Since the last report to the Committee, with the completion of some treatments and enhancements of controls there has been slight improvement in the severity of risk ratings.

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Of the eight risks listed, five remain high risks, one has moved from high to medium risk and two remain medium risk. There are no risks in the extreme category which is consistent with Council's risk appetite.

The highest strategic risks are listed below:

- failure to adequately protect the health and safety of employees, contractors, volunteers or members of the public in the delivery of Council services
- adverse impacts of climate change on Council's assets and service delivery

The Executive has reduced the likelihood of 'Significant damage to Council's reputation', from possible to unlikely (reducing the residual risk from High to Medium) as consequence of the new Directorate – Community Engagement – having now been established, the finalisation and implementation of Council's Communications Strategy and the maintenance of generally healthy relationships with other levels of government, with a strong advocacy role being undertaken by Council's CEO.

Operational Risk Register – Top Operational Risks

As previously reported to the Committee, each Directorate maintains an Operational Risk Register. As per the request of the Committee those operational risks with a residual risk rating of High are provided in the *Attachment 5.3b*. It is noted that there are no operational risks with a risk rating of extreme consistent with Council's risk appetite.

The highest operational risks continue to be as follows:

- risk of injury to members of the public and/or property damage associated with falling trees/tree limbs on Council land
- failure to identify and manage risks in delivering services and meeting corporate objectives
- inadequate contract management leading to poor financial and service quality outcomes and business continuity
- lack of compliant archival storage facility/arrangements (OHS Risks, accessibility).

Council's failure to meet compliance (enforcement) obligations associated with Development Services has reduced from High to Medium Risk due to the establishment of an internal Compliance Management Committee to ensure a more consolidated approach to managing compliance related issues across Council.

Emerging Risks

The Executive and Leadership Teams are focusing on the risks posed by the potential coronavirus pandemic.

The Victorian Government's Department of Health and Human Services is the lead agency for managing disease outbreaks. Murrindindi Shire Council is participating in regular DHHS briefings and receiving daily emails from the DHHS, to ensure we are kept up to date with the latest news on the coronavirus spread.

While the virus is currently contained in the Australian context, there is a need for all agencies to be prepared for this to be an ongoing and potentially prolonged event. The economic impacts are also being considered at senior government levels. The updated *Australian Health Sector Emergency Response Plan for Novel Coronavirus (COVID-19)* has been released by the Australian Government and is now the key whole-of-government planning document providing useful information about this specific virus and government arrangements.

As there may be specific public health and community roles for councils if this crisis escalates, the MAV has raised the need for specific advice to be developed to assist local government preparedness. Scenario planning is also underway within DHHS to consider the particular features of this virus, to inform the appropriate management response.

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In the event of a disease outbreak in Murrindindi Shire, Council would enact its pandemic plan in consultation with DHHS. Council's pandemic plan focusses on providing business continuity for Council to ensure the safety of both staff and the public in the conduct of Council operations. Council would also provide support for the community, including any immunisation program and communications of key health messages. Council is currently reviewing its pandemic plan to ensure it takes into account the most up-to-date knowledge of this specific virus.

A possible pandemic will also be the focus of the next Municipal Emergency Management Planning Committee meeting on 5 March 2020.

As the scenario unfolds the nature of the risks and control treatments become clearer, a risk assessment will be undertaken with respect to Council's preparedness and this will be included in council's risk registers as appropriate.

General Comments

It is recognised that the two risk registers are in different formats and that both need continuous improvement. A new software package has been procured that will greatly improve the management of the two risk registers as well as improving the ability to track and report on progress of risk treatments and internal/external audit actions. It is anticipated this system will be live for the commencement of the new financial year.

Council Plan/Strategies/Policies

This report relates to Council Plan 2017-2021 Our Promise strategic objective to ensure we deliver the best possible outcomes in all that we do.

Relevant Legislation

The *Local Government Act 1989* has a general requirement that the audit committee will provide advice on financial management and broader aspects of the council's operations, particularly where compliance issues and risks are involved.

Financial Implications and Risk

This report directly relates to the management of risk by Council that it is best able to realise its strategic objectives and opportunities.

Conflict of Interest

There were no conflicts of interest declared by Council officers in relation to this report.

RESOLUTION:

M Rae / C Nisbet

That the Audit and Risk Advisory Committee:

1. note the report on strategic and operational risk registers
2. recommend that a risk category around Councillors be considered as a risk and a mid- term Councillor refresher training be incorporated as a risk control.

CARRIED

5.4 BUSINESS CONTINUITY PLAN UPDATE

Purpose

This report provides an update on the status of business continuity planning at Murrindindi Shire Council.

Officer Recommendation

That the Audit and Risk Advisory Committee note the update report on the Business Continuity Planning arrangements.

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Background

The prior report to this Committee (December 2019) summarised the background and principles of Business Continuity at the Local Government level. This report aims to build on previous documentation and report back on developments, timelines and actions undertaken.

Unexpected events

This year, 2020, began with a number of large bushfires that affected most of the Eastern states of Australia. Murrindindi staff were seconded to East Gippsland Shire, Wangaratta and the Towong Shire for part of January as the *Protocol for inter-council resource sharing*, to which Murrindindi Shire Council is a signatory, was enacted by the Municipal Association of Victoria.

Following those fires, Murrindindi Shire was faced by a number of large storm events impacting Council assets and infrastructure. Council crews and contractors have been working continuously to remove trees from roads, infrastructure and parks since. To date over 4,000 trees have been assessed by arborists on Council's behalf.

The total costs for the storm events may exceed \$1.2 million when completed. Emergency Management Victoria (EMV) has determined that two of Murrindindi Shire Council's claims for works will be eligible for reimbursement through the national emergency funding measures. Council is still required to pay the first \$100,000.00 in each instance however.

This has resulted in the diversion of Council resources across a number of areas. Council's Coordinator Emergency Management and Business Continuity for example has been required to assist Council's across the Hume region in the ongoing recovery process.

This has pushed out some timelines for the Business Continuity Project. However, there are still a number of timelines that will be met.

Discussion

All BCP sub-plans were updated and presented to unit coordinators and managers by the end of November. This gave managers and coordinators time prior to the desktop exercise conducted on 9 December to review them.

Each of the sub-plans was drafted which required meeting with each business unit coordinator and manager to ensure consistency of approach.

As planned, a Business Continuity desktop exercise was undertaken on 9 December. The minutes from that meeting list a number of gaps and tasks that are required to be undertaken to further strengthen business continuity at Council. They include:

1. Undertaking a review and re-prioritisation of the Business Impact Analysis (or Critical Impact Analysis) of Council business. The BIA determines what aspects of Council's services and operational activities are critical and those that are not and the order to reinstatement.

It is hoped that the BIA will be completed by March and incorporated into the sub-plans and BC Plan by the end of May. Unfortunately, this pushes the date of the main plan review back June 2020.

2. Review structure of Business Recovery Team
The BRT determined that we need to review the makeup of the BRT to ensure that all areas of Council are represented effectively. This includes ensuring we have appropriate secondary representatives in place to back up the main BRT members.

Item	Details	Due Date
Present to leadership team	Present plan to leadership team on BCP Sub Plan development. Discuss timelines and implementation strategy.	31 October 2019 Completed
BCP Sub Plans in <i>DRAFT</i> form for each Department or stand-alone business unit (if required)	<p>Corporate and Shared Services:</p> <ul style="list-style-type: none"> Business Services <ul style="list-style-type: none"> One plan for IT One plan for finance, accounting, payroll, rates, Information management Governance and Risk <ul style="list-style-type: none"> One plan for Governance, Corporate Reporting, Procurement, Insurance, Leases and Licenses, Risk Management, Business Continuity, Human Resources <p>Community Engagement:</p> <ul style="list-style-type: none"> Community Wellbeing <ul style="list-style-type: none"> One plan for Aged and disability, children's services, community engagement, youth services, recreation and aquatic services, maternal and child health, Grants. One plan for municipal relief and recovery (RRP) Customer Experience <ul style="list-style-type: none"> One plan for customer services, customer first, transformation project, communications and on-line services, library services, Tourism and events <ul style="list-style-type: none"> One plan <p>Assets and Development</p> <ul style="list-style-type: none"> Community Assets <ul style="list-style-type: none"> One plan for asset management, plant/fleet management, Road and Drainage maintenance, parks and gardens, building and swimming pool maintenance, waste management One plan for Yea Saleyards One plan for emergency management (MEMP) Development Services <ul style="list-style-type: none"> One plan for strategic planning, statutory planning, development engineering, building services, environmental health services, community safety, complex case management Environmental sustainability <ul style="list-style-type: none"> One plan. <p>CEO's office</p> <ul style="list-style-type: none"> One plan 	14 November 2019 Completed
BCP Test exercise	<p>Exercise to test the draft BCP plans. Will consist of a desktop exercise led by the Business Recovery Team on a simply contingency.</p> <p>A component of the exercise will also be to review:</p> <ul style="list-style-type: none"> Unit/department plans Review the Business Impact Analysis – determines the criticality of services. This is essential to developing plans to support Council's current critical services (health and aged care for example) – identified as GAP Determine the structure and makeup of the BRT 	9 December 2019 Completed

Item	Details	Due Date
Report for EMT and ELT	Report on BCP gaps identified as part of the BCP exercise. Report will also include plan to fill gaps and any potential requirements for training/induction for new staff.	20 December 2019 Completed
Revise BIA	Revise the Business Impact Analysis – hierarchy of critical services for restoration following a business interruption	February – March 2020
Final BCP Sub Plans	All sub-plans finalised including revised BIA and signed off as compete by relevant managers	31 May 2020
Draft BCP Reviewed	Whole of organisation BCP reviewed, updated and signed off by Executive team	30 June 2020
BCP Live Testing	Final Live Testing of BCP with Scenarios	July – August 2020
Review by Audit and Risk Advisory Committee	Review of BCP arrangements by Audit and Risk Advisory Committee	September 2020
Internal Audit of BCP	Internal Audit of Councils Business Continuity Planning Arrangements	October 2020
Review by Audit and Risk Advisory Committee	Review of BCP audit by Audit and Risk Advisory Committee	December 2020
Review of all BCP Plans	Ongoing	Ongoing

Other Developments

Since the December Audit and Risk Advisory Committee meeting, the IT department has undertaken a successful test of the remote site set up in Yea. This involved reviewing the IT business continuity sub plan and will be the focus of another report directly from the IT department.

RESOLUTION:

I McKaskill / S McAulay

That the Audit and Risk Advisory Committee note the update report on the Business Continuity Planning arrangements.

CARRIED

5.5 REVIEW INVESTMENT AND BORROWING POLICIES

Attachment(s): *Investment Policy (refer Attachment 5.5a)*
Borrowing Policy (refer Attachment 5.5b)

Purpose

The purpose of this report is to table the investment and borrowing policies for review and comment as per the Audit and Risk Advisory Committee Annual Plan.

Officer Recommendation

That the Audit and Risk Advisory Committee note the current investment and borrowing policies.

Discussion

Both policies were last reviewed and adopted in 2019. The Investment Policy is an organisational policy that was approved by the CEO at the 19 September 2019 Executive Team Meeting and is due for review in 2021.

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The Borrowings Policy is a Council policy and was adopted at the 26 June 2019 Council meeting and is due for review in 2022.

As both policies are not due for review, officers are not proposing any changes to the current policies. However, officers welcome any comments from the Committee.

It is noted that in regards to borrowings, Council is not undertaking any new borrowing in 2019/20, however for the 2020/21 draft budget, Council is currently considering an opportunity to fund a couple of significant capital projects through the State Government Community Infrastructure Loans Scheme. This scheme offers a low interest rate through the Treasury Corporation of Victoria and 50% of interest costs are subsidised by the State.

Council Plan/Strategies/Policies

This report, is consistent with the Council Plan 2017-2021 Our Promise strategy to "Maintain Council's financial sustainability through sound financial and asset management"

Relevant Legislation

The Local Government Act 1989 (the Act) provides councils the power to borrow under sections 145 to 149. The Act allows for cash to be invested in authorised financial institutions under section 143.

RESOLUTION:

I McKaskill / M Rae

That the Audit and Risk Advisory Committee note the current investment and borrowing policies.

CARRIED

5.6 REVIEW PROTECTED DISCLOSURE ARRANGEMENTS AND REPORTS

Attachment(s): *Public Interest Disclosure Policy (refer Attachment 5.6a)*
Guidelines for reporting public interest disclosures (refer Attachment 5.6b)

Purpose

This report seeks to advise the Audit and Risk Advisory Committee of the adoption of the revised Public Interest Disclosure Policy (previously Protected Disclosure Policy).

Officer Recommendation

That the Audit and Risk Advisory Committee note the revised Public Interest Disclosure Policy.

Background

Council adopted the "Protected Disclosures Policy" in January 2017.

Changes in legislation effective 1st January 2020 require government agencies to update their policies and procedures related to the former "*Protected Disclosures Act 2012*". The legislation has been revised and renamed "*Public Interest Disclosures (PID) Act 2012*" ("the Act").

The legislated changes under the revised Act aim to improve access for individuals wanting to report acts of improper conduct or detrimental action. The key changes include:

- definitions have been expanded to increase the protection of individuals. Under the revised Act, detrimental action no longer has to be deemed "substantial";
- a broader range of disclosures can be made, including acts of serious professional misconduct.
- new pathways for disclosures have been included. The Act takes a "No wrong door approach" for disclosures made to the wrong agency (misdirected disclosures). Under the

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- revised legislation, agencies must assist the discloser and liaise with the right agency to facilitate the process; and
- the establishment of the new Integrity and Oversight Commission to monitor the performance of Victorian integrity agencies.

Overall, the changes in the Act seek to remove barriers for disclosers and as a result, increase transparency and accountability of public officials.

Discussion

The revised Public Interest Disclosure Policy builds on the strengths of its predecessor the "Protected Disclosures Policy" to ensure Council encourages the disclosure of improper conduct or detrimental action in confidence, and that any disclosure is managed in line with the current statutory requirements in the Act.

These changes will ensure that we continue to facilitate a safe and robust process for the receipt and management of disclosures of improper conduct and protect the welfare of those who provide information.

In order to give effect to the changes to the Act, the following changes have been made to the policy:

- the Policy has been re-titled "Public Interest Disclosures";
- the list of definitions has been updated to allow a broader range of disclosures of improper conduct to be made and increase protection of disclosers from detrimental action;
- the roles and responsibilities section has been reviewed to improve role clarity and accountability;
- a new section "misdirected disclosures" has been included to comply with the "no wrong door" provision in the Act; and
- a new email address Disclosures@murrindindi.vic.gov.au with restricted access has been created to enhance privacy and confidentiality of disclosures.

The Policy supports Council's focus on ensuring a strong culture of integrity and accountability, aimed to mitigate the risk of acts of fraud, corruption, serious misconduct and substantial mismanagement of resources.

The revised Policy was adopted by Council at its January 2020 Ordinary to give effect to the legislative changes. Further changes can be considered following advice from this Committee.

In the addition to the Policy update, new guidelines for reporting public interest disclosures are proposed to replace the current content on Council's website. The aim is to give the general public easy-to-access information, summarised by category. As a result, readers will be informed on the process and relevant contacts if they are considering making a disclosure or if they have been the subject of an allegation.

There have been no public interest disclosures received by Council over the last 12 months.

Council Plan/Strategies/Policies

This report relates to *Council Plan 2017-2021* Our Promise strategic objective to ensure we deliver the best possible outcomes in all that we do.

Relevant Legislation

By adopting the policy and making it available to all employees and members of the public, Council is meeting its obligations under the Act, and promoting an ethical and accountable culture. The review ensures relevance to current legislation and reflects Council practices.

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Financial Implications and Risk

Breaches of the Act may give rise to civil liabilities and on occasion criminal penalties. By reviewing the Policy in line with the revision of the legislation, Council maximises its capacity to defend claims of vicarious liability.

Conflict of Interest

There are no declared conflict of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Community consultation was not required in relation to the review of this policy.

RESOLUTION:

I McKaskill / C Nisbet

That the Audit and Risk Advisory Committee note the revised Public Interest Disclosure Policy subject to a recommendation to include a flow chart of the process as part of section 5.3 in the Guidelines.

CARRIED

5.7 REPORTS AND PUBLICATIONS OF INTEREST TO LOCAL COUNCIL'S

Attachment(s): *Recent Reports and Publications – Local Government Issue – February 2020 (refer Attachment 5.7)*

RESOLUTION:

M Rae / S McAulay

That the Audit and Risk Advisory Committee note the report.

CARRIED

5.8 REVIEW OF CEO CREDIT CARD EXPENDITURE

Purpose

The purpose of this report is to provide the Audit and Risk Advisory Committee with a summary of the Chief Executive Officer's (CEO) credit card transactions for noting.

Officer Recommendation

That the Audit and Risk Advisory Committee notes that the Chief Executive Officer's credit card transactions for the period 1 October 2019 to 31 December 2019 have been appropriately approved.

Discussion

The CEO's credit card transactions for the period 1 October 2019 to 31 December 2019 have been reviewed and approved by the Mayor and Director Corporate and Shared Services in accordance with the Corporate Card Policy. The transactions are included in the table below:

CEO Credit Card Transactions - 1 October 2019 to 31 December 2019

Date	Delegated Officer	Supplier	Description	\$ Value
29/10/19	Craig Lloyd	Wilson Parking	Parking - Com Infrastructure Loans Scheme	60.75
29/10/19	Craig Lloyd	Wilson Parking	Parking - MAV State Council Meeting	25.00
28/11/19	Craig Lloyd	News Limited	Herald Sun online subscription	20.00
31/12/19	Craig Lloyd	News Limited	Herald Sun & Digital 12mth plan	20.00
Total				125.75

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RESOLUTION:

I McKaskill / S McAulay

That the Audit and Risk Advisory Committee notes that the Chief Executive Officer's credit card transactions for the period 1 October 2019 to 31 December 2019 have been appropriately approved.

CARRIED

5.9 INSURANCE & WORKCOVER CLAIMS REPORT

Purpose

The purpose of this report is to provide the Audit and Risk Advisory Committee with claims data relating to both insurance and work place injury claims.

Officer Recommendation

That the Audit & Risk Advisory Committee note this report

Background

The Audit and Risk Advisory Committee has a responsibility to monitor that Council is actively managing risks and its liability in relation to claims or the potential for claims. As part of the December 2019 Committee meeting, it was requested that Council officers provide a report on all Insurance and work place injury claims on an annual basis. This report covers all claims for the 2019 calendar year.

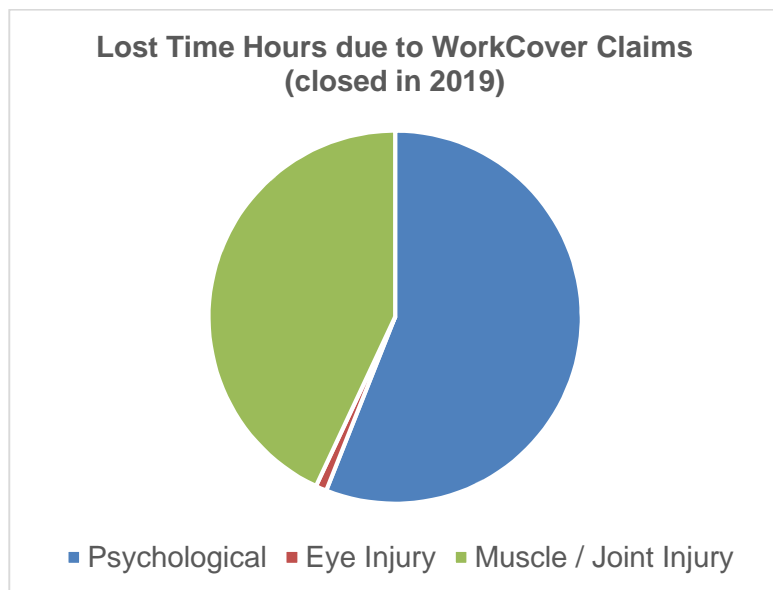
Discussion

2019 Closed Workplace Injury claims

Council is a member of the MAV WorkCare Self Insurance Scheme, under this scheme the claims are managed by JLT in conjunction with Council officers.

The data provided in this report relates to the workplace injury claims that were closed in the 2019 calendar year. Claims were closed where Council received a "Claim Clearance" for the individual to return to normal duties or employment was terminated.

General Description	Total Claims	Lost Time Hours
Muscle / Joint Injury	8	2049
Psychological	1	2668
Eye Injury	1	46



Of the 10 closures in 2019, eight were related to injuries that occurred in 2019 and two were related to claims opened in previous years. The average amount of days a claim was open for was 196 days.

Council officers work with injured staff members to provide alternative duties where applicable during the open claim period. This enables staff members to return to work during their recovery period and reduces Council lost time due to injury hours during the claim open period.

Four claims were closed due to employment termination in 2019. Three staff were made redundant as a consequence of Council's decision to cease being a provider of aged and disability services, and were unable to return to normal duties or a suitable alternative role. One staff member (psychological injury) was deemed to be incapable of returning to work due to the ongoing nature of the injury and the employment was terminated, with the ongoing claim continuing to be managed directly by JLT.

Open Workplace Injury Claims

Council currently has one open claim, which relates to a muscle/joint injury that occurred on 7 December 2019. This claim is currently being managed and is likely to be closed within the next 4 weeks.

2019 Insurance Claims

Council has a suite of insurance policies with JLT operating as Council's broker for the majority.

The following table shows all claims that were made in the 2019 calendar year. Assessment was undertaken of each claim as to whether it was a valid claim, whether Council was liable and whether the amount warrants referral to the Insurer. Where a claim amount fell below the excess payment required Council handles the claim directly, if the claim is higher than the excess amount then the claim is referred to the appropriate insurance agency.

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Claim type	Under Excess (Council managed directly)			Over Excess (Processed through insurer)		
	Number	Total Value	Cost to Council	Number	Total Value	Cost to Council
Asset Damage	Nil.	Nil.	Nil.	3	\$15,653	\$7,500
Motor Vehicle	4	\$ 4,358	\$4,358	6	\$9,379	\$6,000
Public Liability	10	\$8,018	\$3,348	Nil.	Nil.	Nil.
TOTAL	14	\$12,376	\$7,706	9	\$25,032	\$13,500

Council's claims in 2019 were relatively low, particularly in relation to asset damage. All asset damage claims in 2019 related to assets owned by Council directly. Council does insure various community buildings which it does not directly own or manage. In those instances, the excess is payable by the occupant of the building and not Council directly.

For Council to be liable for payments in relation to public liability claims it needs to be proven that Council did not meet its obligations in some way. These claims undergo a rigorous assessment before Council agrees to pay. Every claim is discussed with the relevant operational area and where necessary the nature of the underlying risk is added to Council's operational risk register and controls implemented to minimise the risk in the future.

The 2019 public liability claims are summarised as follows:

- Nine of the claims relate to vehicle or asset damage
- One claim relates to medical expense reimbursement.

Council's expenses in relation to public liability is lower than the claimed amount due to two claims being denied and two claims being referred to other parties for payment.

The vehicle claims are predominantly due to incidents involving animals or reversing into another object.

In addition to the above claims, Council has one ongoing lodged claim under its Councillors and Officers liability policy for partial reimbursement for legal expenses related to the action being brought upon the CEO by a local resident under the *Wrongs Act 1958*. This claim is ongoing and the full extent of the value and cost to Council is not yet known.

2020 Insurance Claims

Due to the recent February 2020 storm events, Council has two vehicle and two asset damage claims lodged with the relevant insurance agencies. The value of these claims is still unknown due to quotes for repair still being assessed.

As this is the first report to the Committee in relation to Council's annual claims record, officers are seeking feedback on whether the information supplied meets the Committee's requirements and any other information that could be provided to support the Committee's role.

Council Plan/Strategies/Policies

This report and Council's commitment to minimising its claims and liability is consistent with the *Council Plan 2017-2021 Our Promise* strategy 'to maintain Council's financial sustainability through sound financial and asset management practices'.

Relevant Legislation

Council has a responsibility to all staff, Councillors, Volunteers, Contractors and visitors to its sites to ensure that we are complying with Occupational Health and Safety legislation and regulations. The MAV WorkCare Scheme is directly responsible for ensuring that all of its members are compliant with the Self Insurance Scheme regulations set by WorkCover.

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Financial Implications and Risk

The four WorkCover claims that were closed due to termination of employment will have a direct impact on Council's premiums. This full financial impact is not yet known. Officers will report to the Audit and Risk Advisory Committee on this at a subsequent meeting.

Council's premiums in relation to Asset, Motor Vehicle and various other smaller policies remained quite stable in the 2019 renewal. Council's Public Liability premium increased substantially due to a sector wide increase. A large increase is anticipated for the 2020 renewal, due to national increases following on from recent disasters. The direct impact on Council's premiums will be known closer to the end of the financial year.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No community consultation was required in relation to this report.

RESOLUTION:

M Rae / I McKaskill

That the Audit & Risk Advisory Committee note this report.

CARRIED

6. AUDITS - INTERNAL

6.1 REVIEW INTERNAL AUDIT REPORTS AND MANAGEMENT RESPONSES

Under Council's annual internal audit plan, it was proposed to conduct an internal audit of Council's Infrastructure Operations in February, with a report being presented to this meeting. Due to two severe storm events in late January and early February, which caused significant tree damage and public safety risks across the municipality, the relevant staff were unavailable to participate in an audit.

It was agreed with HLB Mann Judd to reorganise the annual plan and bring forward the internal audit of Family Day Care (FDC) services, which was scheduled for later in the year. This resulted in some delays in the schedule. The internal audit fieldwork for FDC has been completed, but it has not been possible to provide a final report with management responses in time for this meeting. This report will be distributed prior to the next Committee Meeting.

RESOLUTION:

I McKaskill / S McAulay

That the Audit and Risk Advisory Committee note the change to the order of Internal Audits for this year and the change to the proposed Infrastructure Operations Internal Audit to focus on waste management.

CARRIED

6.2 FOLLOW UP SIGNIFICANT ISSUES RAISED BY INTERNAL AUDIT

Nil to report.

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6.3 REVIEW IMPLEMENTATION OF PREVIOUS AUDIT ACTIONS

Attachment(s): *Internal Audit Recommendations - Status of Actions February 2020 (refer Attachment 6.3a)*
Internal Audit Outstanding Actions Risk Assessment (refer Attachment 6.3b)

This report will be presented by the Director Corporate and Shared Services.

RESOLUTION:

M Rae / C Nisbet

That the Audit and Risk Advisory Committee note the report on outstanding audit actions and approve the new report format.

CARRIED

6.4 REVIEW SCOPES OF AUDITS BY HLB MANN JUDD

Nil.

7. FINANCIAL REPORT

7.1 REVIEW SIGNIFICANT ACCOUNTING AND REPORTING ISSUES

Nil to report.

7.2 REVIEW QUARTERLY FINANCIAL STATEMENTS

Attachment(s): *2nd Qtr Financial Report (refer Attachment 7.2)*

Purpose

The report provides the quarterly financial report for the period ending 31 December 2019.

Officer Recommendation

That the Audit and Risk Advisory Committee notes financial report for second quarter of 2020/21.

Background

The Quarterly Financial Report for the period ended 31 December 2019, was presented for consideration by Council, in accordance with the *Local Government Act 1989* at the Council meeting held 26 February 2020.

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow
- Reconciliation of Non-Discretionary Cash & Reserves.

Discussion

The statements for the second quarter to 31 December 2019 are included in *Attachment 7.2*.

Income Statement (Statement A)

The Income Statement for the period 1 July 2019 to 31 December 2019 (also within the attached report) is presented on the next page:

Murrindindi Shire Council
Income Statement
For the period ended 31st December 2019

	Note	Original Budget 2019/20 \$	September Revised Budget 2019/20 \$	Annual Revised Budget 2019/20 \$	(1) Forecast Adjustment 2019/20 \$	YTD Budgets 31/12/2019 \$	YTD Actual 31/12/2019 \$	(2) YTD Budget V Actual Variance 31/12/2019 \$	%
Revenue									
Rates & Charges		21,381,684	21,381,684	21,401,886	20,202	21,344,557	21,372,581	28,024	0%
Statutory fees and fines	1	1,082,669	1,080,234	1,104,294	24,060	575,550	528,073	(47,477)	-8%
User fees	2	2,393,305	2,393,305	1,902,200	(491,105)	1,051,183	1,049,769	(1,414)	0%
Grants - Operating	3	7,992,170	8,263,040	7,895,974	(367,066)	3,000,698	3,055,286	54,588	2%
Grants - Capital	4	2,034,235	2,085,682	2,525,454	439,772	194,811	199,147	4,336	2%
Contributions - Cash	5	49,105	124,105	124,105	-	23,730	33,625	9,895	42%
Contributions - Non Cash	6	400,000	400,000	600,000	200,000	-	-	-	-
Reimbursements	7	385,062	385,062	349,338	(35,724)	102,471	104,523	2,052	2%
Other revenue	8	1,134,182	1,134,182	1,083,240	(50,942)	493,697	533,907	40,210	8%
Total Revenue		36,852,412	37,334,294	37,073,491	(260,803)	26,786,697	26,876,911	90,214	0%
Expenses									
Employee Benefits	9	15,474,271	15,548,853	15,075,567	(473,286)	8,261,743	8,233,186	28,557	0%
Materials and Services	10	10,550,050	12,149,323	12,436,433	287,110	5,349,289	5,542,851	(193,562)	-4%
Depreciation and amortisation	11	9,281,520	9,281,520	8,869,011	(412,509)	46,950	46,983	(33)	0%
Other Expense		313,805	313,805	319,805	6,000	143,405	166,259	(22,854)	-16%
Finance Costs (Interest)		36,809	36,809	36,809	-	13,594	13,747	(153)	-1%
Total Expenses		35,656,455	37,330,810	36,737,880	(592,930)	13,815,236	14,004,181	(188,945)	-1%
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	12	(33,007)	(55,054)	(327,047)	(271,993)	7,000	7,000	-	0%
Increase/(Decrease) Landfill Provison		-	-	-	-	-	-	-	-
Surplus (deficit) for the period		1,162,950	(51,570)	8,564	60,134	12,978,461	12,879,730	(98,731)	-1%

This statement provides information on two budgetary components:

1. The budget adjustments made to the September budget review figures (refer to the column titled "(1) Forecast Adjustment"). The forecast position for the financial year has improved by \$60,134 moving from a predicted deficit of \$51,570 to a surplus of \$8,564. While this movement in net terms is minimal, there has been significant offsetting revenue and expenditure movements due to the transition out of the provision of Aged and Disability services. The table in the next section isolates the financial impact of the transition out of this service
2. The variance between December's revised year to date budget and the year to date result (refer to column titled "(2) Budget Actual Variance"). This indicates a \$98,731 or 1% unfavourable variance.

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Aged and Disability Service Budget Isolation

The following table shows effect of the transition out of Aged & Disability Services. The forecast adjustment column highlights the impact to each line item in the Income Statement.

	Annual Original Budget	Sep Budget Review	Annual Revised Budget	Forecast Adjustment	YTD Revised Budget	YTD Actuals	YTD Revised Variance
Revenue							
Grants - Operating	1,257,246	1,257,246	669,457	(587,789)	629,212	649,963	20,751
Reimbursements	65,000	65,000	13,776	(51,224)	13,776	15,791	2,015
User Fees	821,200	821,200	333,832	(487,368)	333,832	353,679	19,847
Expenses							
Bad and Doubtful Debts		500	255	(245)	255	246	(9)
Employee Benefits	2,084,808	2,084,808	1,058,467	(1,026,341)	1,001,644	1,013,411	11,767
Materials and Services	267,749	362,885	231,443	(131,442)	180,769	132,749	(48,020)
Total	(209,111)	(304,747)	(273,100)	31,647	(205,848)	(126,973)	78,875
Redundancies Cost	-	-	696,000	696,000	600,000	603,687	3,687

The table above highlights that the forecast position has improved by \$31,647 from the September budget review. This result is the net movement of the large changes in expenditure and revenue line items. The September budget review showed a service cost figure of \$304,747, the annual revised budget (forecast position at the end of the financial year) is now predicted to be \$273,100.

In addition to the services costs, the redundancy cost due to ceasing to provide the Aged and Disability service is forecast to be \$696,000. The year to date figure is on track with a variance of \$3,647. There will be some further expenditure post 31st December 2019 to pay final redundancies and outplacements services in accordance with Councils Enterprise Agreement. These redundancy cost are included in Statement A.

Overall, Council has managed the financial impact of the transition out of Aged and Disability Services within the existing budget as highlighted by the improved predicted forecast bottom line surplus of \$8,564.

The table below provides further details of the variances as outlined in Statement A

Note	Line item	(1) Explanation: Forecast Adjustment	(2) Explanation: YTD Budget V Actual Variance
1	Statutory Fees and Fines	\$24,060 favourable. Anticipated increased income from building approval fees.	\$47,477 unfavourable. Planning fees and plan checking income running behind original budget expectation. It is expected that this income will catch up to budget in the second half of the year.
2	User Fees	\$491,105 unfavourable. Cessation of Aged and Disability Service.	Within budget tolerance.
3	Grants - Operating	\$367,066 unfavourable. Reduced Aged and disability funding offset by extra funds for Family Day Care and a prior year's flood damages claim.	\$54,588 favourable. Family Day Care funding ahead of budget expectations.

Note	Line item	(1) Explanation: Forecast Adjustment	(2) Explanation: YTD Budget V Actual Variance
4	Grants - Capital	\$439,772 favourable. Extra funds Roads to Recovery \$217,272, Recognition of Kinglake Streetscape grant stage 1 \$122,500. E-waste grant \$90,000.	Within budget tolerance.
5	Contributions - Cash	Within budget tolerance.	\$9,895 Favourable. Developer contribution to public open space ahead of budget \$31,500 partly offset by the waste contact education contribution yet to be received \$21,480.
6	Contributions - Non Cash	\$200,000 favourable. Recognition that assets to be handed to Council for Developers is likely to exceed the original budget expectation.	Within budget tolerance.
7	Reimbursements	\$35,724 unfavourable. Cessation of Aged and Disability Service \$51,224, partly offset by increased insurance and other minor reimbursements.	Within budget tolerance.
8	Other revenue	\$50,942 unfavourable. \$85,000 lower interest earnings due to lower interest rates. Partly offset by the increased income from the sale of scrap metal and additional rental income	\$40,210 favourable. Timing issues around maturity of term deposits. Also timing issues with regard to the pick-up and payment for scrap metal
9	Employee Benefits	\$473,286 favourable. Cessation Aged and Disability service, savings \$1,058,467 this is reduced by the \$675,000 redundancy cost. Other minor restructures have occurred, with the costs offset by savings across the wages budget. Some vacant positions have resulted in a wages savings; however, these savings in wages have been offset by the engagement of short-term contract positions.	Within budget tolerance.
10	Materials and Services	\$287,110 unfavourable. Additional expenditure \$118,612 to complete prior years flood works claim and extra expenditure in Family Day Care due to service demand. Both items are cost neutral see item (3) above. As indicated in (9) above some vacant positions have been temporarily filled using contractors. This is budget neutral but causes offsetting variances between the Wages, and Services and Materials line items	Within budget tolerance.
11	Depreciation and amortisation	\$412,509 favourable. The required deprecation for Buildings and Bridges has reduced following the latest condition and valuations assessment.	Within budget tolerance.

Note	Line item	(1) Explanation: Forecast Adjustment	(2) Explanation: YTD Budget V Actual Variance
12	Net gain/(loss) on disposal of property,	\$271,993 Unfavourable. Removal of the income and cost associated with the previously planned sale of land. Amount of \$200,000 has been included to allow for the book value of infrastructure assets being renewed or upgraded as part of the capital works program.	Within budget tolerance.

Balance Sheet (Statement B)

The Balance Sheet is included Attachment 11.1.

Assets

As at 31 December 2019, the statement shows a \$168,510 reduction in assets. While cash has increased, the value of Property, Plant and Equipment has decreased as part of the capital works program will carry over to the 2020/21 financial year. A reduction in debtors of \$328,933 is forecast. Year to date, the budget is showing a minor variance of \$28,356

Liabilities

As at 31 December 2019 the statements shows a slight reduction of liabilities of \$228,643. The provision for leave entitlements has decreased following the cessation of the Aged and Disability services and the paying of leave entitlements to former staff. Year to date the budget is showing a minor variance, which relates the timing of leave entitlements following the cessation of the Aged and Disability services.

Equity

As at 31 December 2019 the statements shows a favourable \$61,334 increase in equity. The year to date variance is unfavourable \$98,731. These variances are explained in more detail by the commentary outlined in Statement A – Income Statement.

Cash Flow Statement (Statement C)

This statement combines the cash related movements from the Income Statement and the Balance Sheet into one statement. This Statement shows how funds are being generated and consumed. The revised budget projects that cash reserves will grow by \$846,747.

Cash from Operating Activities

The statement shows a slight fall \$180,092 in cash generated by operations. Due to the cessation the Aged and Disability Services there has been an impact in terms of redundancies cost and paying out leave entitlements. Extra funds are anticipated coming from rates as the debtors balances are expected to fall, while less cash coming in from interest earnings has had an impact. Year to date cash flows are better than anticipated.

Cash Flow from Investing Activities

The variance \$1,026,878 is reduced due to cash being used for investing activities. This is due to the deferral of some capital works and revising the expected proceeds of asset sales. Year to date cash flows from investing activities are tracking close to budget.

Cash flow from financing activities

No budget changes were been made, and year to date the budget is tracking within expectations.

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Non-Discretionary Cash and Council Reserves (Statement D)

Included, as part of this report is a statement of Council's Non-Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust, these are required to be refunded, and an allowance for the provision of employee entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability.

The original budget figure for total unallocated cash was \$13.9 million; the revised budget figure is now \$13 million.

Councillor Expenses (GST Exclusive):

The Local Government (Planning and Reporting) Regulations 2014 Part 4 - Annual Report, Division 1 requires Council to report annually regarding Councillor expenses under prescribed categories.

As agreed in the Councillor Reimbursement Policy that was adopted by Council at its February 2017 Ordinary Meeting, Council reports quarterly on the Councillor related expenses. The following table details Councillor expenses for the second quarter period ending 31 December 2019.

Councillor Expenses for 3 months ended 31 December 2019:

	Allowance s	Travel Expense s	Childcare Expense s	Information & Communication s Expenses	Conferenc e & Training Expenses	Other Expense s
Cr Ashe	\$5,724.48	\$-	\$-	\$388.31	\$-	\$222.60
Cr Bisset	\$5,706.48	\$736.29	\$-	\$428.31	\$92.73	\$185.32
Cr Bowles	\$5,724.48	\$-	\$-	\$388.31	\$46.81	\$185.32
Cr Dunscombe	\$17,101.99	\$2,293.60	\$-	\$428.41	\$92.73	\$135.07
Cr Lording	\$5,724.48	\$270.10	\$-	\$247.09	\$7,209.00	\$125.32
Cr McAulay	\$5,724.48	\$-	\$-	\$428.31	\$841.65	\$185.32
Cr Rae	\$5,724.48	\$-	\$-	\$243.64	\$-	\$195.07

It should be noted that accommodation and travel costs include the reimbursement of the claims, which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions, which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting they may also claim the statutory remote area allowance.

It should also be noted that Councillors can elect for part of their allowance to be deducted for superannuation purposes.

Council Plan/Strategies/Policies

This report, in relation to the Annual Budget and quarterly financial reporting, is consistent with the *Council Plan 2017-2021* Our Promise strategy 'to maintain Council's financial sustainability through sound financial and asset management practices'.

Relevant Legislation

The Local Government Act 1989 (the Act) requires, under Section 126, that a Council must prepare a Strategic Resource Plan for a period of four years.

The Act also sets out in Section 127 that the Council must prepare a budget for each financial year. Then, in Section 138, the Act requires that quarterly financial reports must be presented to Council.

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Financial Implications and Risk

The financial governance of a council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

There was no community consultation required for the preparation of this quarterly budget report.

RESOLUTION:

S McAulay / C Nisbet

That the Audit and Risk Advisory Committee notes financial report for second quarter of 2020/21.

CARRIED

8. MANAGEMENT REPORTING

8.1 POLICY REGISTER REPORT

Attachment(s): *Policy Report February 2020 (refer Attachment 8.1)*

Purpose

The purpose of this report is to update the Audit & Risk Advisory Committee on the status of all Council and Organisational level policies.

Officer Recommendation

That the Audit and Risk Advisory Committee note this report

Background

Murrindindi Shire Council has two levels of policies in place, Council and Organisational.

Council policies are primarily externally focused to meet a statutory or strategic need. They can also be administrative where they relate directly to the Councillors. These policies are presented to Council for adoption and are available to the public via Council's website.

Organisational policies are internally focused; provide direction on operational issues and achieving the goals set by the Council Plan. The Executive Management Team approves organisational policies with CEO sign-off.

Council has a policy register, which is regularly monitored by the Leadership Team (CEO, Directors and Managers).

Discussion

In March 2019 there were:

- 36 Council Policies – 23 were overdue for review
- 33 Organisational Policies – 18 were overdue for review.

The CEO made a commitment to Council that all overdue policies will be reviewed and up to date by the end of June 2020.

Officers have been reviewing the relevance of these policies, reviewing and updating those that are still required and rescinding any policies that no longer meet an operational or legislative requirement.

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At the date of this meeting there are:

- 30 Council Policies – 8 remain under review and anticipated to be completed by 30 June 2020 and one policy requires rescinding by Council
- 40 Organisational policies – 15 remain under review with all scheduled for completion by 30 June 2020.

These policies are detailed in *Attachment 8.1*.

At an organisational policy level there are a substantive amount of Human Resources related policies that are requiring review which has resulted in difficulty in replacing the current vacant HR Co-ordinator role. A dedicated resource has been engaged until 30 June 2020 to coordinate Council's strategic HR approach and this includes the review of the entire suite of HR related policies.

Council Plan/Strategies/Policies

This report supports the Council Plan 2017-2021 Our Promise objective that "we will all work in collaboration with our communities to deliver the best possible outcomes in all that we do".

Relevant Legislation

Council and Organisational Policies are adopted to meet various legislated requirements. These are all clearly indicated within each policy.

Financial Implications and Risk

It is recognised that policies that are overdue for review may contribute to the risk of Council not fulfilling its legislative responsibilities, and the risk that Council's operations may not meet recognised industry best practices. The controls in place to ensure outstanding policy reviews are completed by June 2020 will mitigate this risk.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No community consultation was required in relation to this report.

RESOLUTION:

I McKaskill / M Rae

That the Audit and Risk Advisory Committee notes the Policy Register Report.

CARRIED

8.2 ELECTION PERIOD POLICY

Attachment(s): *Election Period Policy (refer Attachment 8.2)*

Purpose

The purpose of this report is to advise the Risk and Audit Advisory Committee of the adoption of the revised Election Period Policy at Council's November 2019 Ordinary Meeting.

Officer Recommendation

That the Audit and Risk Advisory Committee note the revised Election Period Policy.

Background

Council last reviewed and adopted the Election Period Policy in March 2016. Section 93B of the *Local Government Act 1989* requires the review of the Policy 12 months prior to the next general

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election, which will be held in late October 2020. Council adopted the revised Election Period Policy at its 27 November 2019 Ordinary Meeting.

The Election Period is set by the State Government and is generally for the month prior to the General Election.

Discussion

The Policy, contained in *Attachment 8.2*, ensures that the elections for Murrindindi Shire Council are conducted in a manner that is fair, equitable and transparent way. It draws upon well-established democratic principles and good governance practices to ensure that

- Council decision making immediately preceding an election does not unduly bind an incoming Council to a particular outcome, and
- Council's operations do not unfairly favour or disadvantage candidates in the election.

The Policy governs a wide variety of issues that include:

- major policy decisions,
- public consultations processes,
- use of Council resources,
- access to information,
- communication including the content of media releases,
- content of Council publications, and
- assistance to candidates for the forthcoming election.

The Policy particularly highlights the restrictions on Council's decision making abilities during the caretaker period and the ways that Council should engage and communicate with the community during this period.

A "**major policy**" decision is defined (as per *section 93A (6)* of the Act) as any decision:

- Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- To terminate the appointment of a CEO;
- To enter into a contract the total value of which exceeds circa \$150,000; or
- To exercise any entrepreneurial powers under *section 193* of the Act if the sum of the total investment involved and the total risk exposure assessed in respect of the proposal exceeds circa \$150,000.

Council will avoid making significant decisions that affect the municipality and unreasonably bind the incoming Council. Examples of significant decisions of Council include the adoption of any Council strategies or policies that would bind any incoming Council to the intended outcomes.

Council will also avoid any public consultation processes during the caretaker period unless it is critical to continue the day-to-day business of Council. This will include the facilitation of any project reference groups or advisory committees during the caretaker period. Any required public consultations will avoid express or implicit links to the election.

In summary, the policy primarily restricts Murrindindi Shire Council to day-to-day normal business activities for the caretaker period.

Council Plan/Strategies/Policies

This Policy is consistent with the Council Plan 2017-2021 Our Promise strategic objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

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Relevant Legislation

Following amendments made to the Local Government Act ("the Act") in late 2015, Council now has a legislative requirement under Section 93B of the Act to prepare, adopt and maintain an election period policy.

Financial Implications and Risk

There are no financial implications associated with this policy. The policy is currently being communicated to all staff in order that plans can be put in place in advance of the election to avoid activities that would contravene this policy.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

There was no external consultation required in the review of this Policy.

RESOLUTION:

I McKaskill / C Nisbet

That the Audit and Risk Advisory Committee note the revised Election Period Policy.

CARRIED

9. GENERAL BUSINESS AND FUTURE PLANNING

9.1 ANNUAL ASSESSMENT OF COMMITTEE'S PERFORMANCE

Attachment(s): *Audit and Risk Advisory Committee – 2019/20 Self-Assessment (refer Attachment 9.1)*

Purpose

The purpose of this report is to provide a summary of the outcome of the Audit and Risk Advisory Committee Self-Assessment Questionnaire conducted with members in December 2019.

Officer Recommendation

That the Audit and Risk Advisory Committee note the results of the Committee's annual performance self-assessment.

Discussion

Attachment 9.1 contains the results of the annual self-assessment of the Audit and Risk Advisory Committee performance. As agreed with the Committee, a new questionnaire was used this time to better reflect the functions and processes of the Committee as contained in the Committee's Charter. A numeric rating scale was used with 1 = poor performance to 6 = excellent performance.

The survey was open to all current Committee members and Council's Executive to complete.

Seven responses were received in total (5 Committee members, 2 Executive representatives).

The attachment provides the results of the performance scoring for each question. It shows the average rating across all responses for a question, and the number of responses for each rating. In addition the questions have been listed in order from the highest performing to the lowest performing.

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Amongst the higher performing items (average rating of 5 or above) were:

- Committee member attendance at meetings
- Open lines of communication between management and the Committee
- Appropriateness of advice and recommendations given to Council
- Meeting the Committee's annual reporting obligations to Council

Those items with the lowest performing items (average rating less than 4) were:

- Being able to liaise with internal and external auditors to promote compatibility between the two audit programs
- Being able to assess the organisation's business continuity arrangements
- Being able to review issues relating to national competition policy compliance
- Receiving adequate feedback from Council on the Committee's performance against the Charter
- Adequate training opportunities for members of the Audit Committee

A further analysis of these results was provided by Director Corporate and Shared Services at the meeting, where the following result themes were discussed

1. The fundamentals of good / open communication, meeting procedures and attendance, member participation, quality of advice given etc. is relatively strong
2. In general, the Committee is meeting its Charter obligations on core aspects of its role
3. The Committee is playing a stronger role in oversight of internal audits and management responses, compared with the external audit
4. The Committee's ability to adequately monitor and assess Council's risk management arrangements still has room to improve
5. Management could improve its timely presentation of agenda reports and ensuring items raised are actioned promptly
6. There has been limited opportunity to review council's procurement policy and practices
7. The Committee is lacking some certainty with respect to Council's Business Continuity preparedness and arrangements
8. (Committee Professional Development) Whilst not provided for in the Charter, there are currently no training opportunities offered or processes for Council giving feedback on Committee's performance

RESOLUTION:

S McAulay / C Nisbet

That the Audit and Risk Advisory Committee:

1. **note the updated results of the Committee's annual performance self-assessment tabled by the Director Corporate & Shared Services at the meeting**
2. **request that training opportunities be explored and circulated to the Committee**
3. **implement an opportunity for the Council to provide feedback to the Committee on its performance**
4. **request that the self-assessment questionnaire is reviewed in line with the revised Charter in accordance with the new *Local Government Act*.**

CARRIED

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10. OTHER REPORTS

10.1 Appointment of Observer of Committee Meetings

Purpose

The purpose of this report is to advise Audit and Risk Advisory Committee of a Council resolution to create an opportunity for a young professional to expand their understanding and experience in the Local Government through observing Committee meetings.

Officer Recommendation:

That the Audit and Risk Advisory Committee undertake to support the learning opportunity offered to a young professional to be an observer of Committee meetings commencing with the meeting in May 2020, in accordance with the resolution by Council at its February 2020 Ordinary Meeting.

Discussion

The following is an excerpt from a report to Council on the Appointment of Committee Members, which formed part of the Agenda of the Ordinary Council Meeting held on 26 February 2020:

The selection panel was impressed by the calibre of applicants, which included young professionals seeking to gain local government experience. Given Council's commitment to supporting training opportunities for young people the panel recommends that Council support the opportunity for a young professional to be appointed as an observer of Audit and Risk Committee meetings as a learning opportunity, for an initial twelve month period. Continuation beyond this period would be subject to review and evaluation of the initiative by the Committee and Council. If successful, the Committee Charter could be subsequently amended to enable this opportunity to be offered on an ongoing basis.

Subject to Council endorsing this initiative at this meeting the selection panel members will discuss this initiative with the Committee at its March 2019 meeting with the aim of inviting a young professional from the list of applicants to attend future meetings in an observer capacity.

The Council then resolved the following:

That, In recognition of the calibre of applicants, Council appoint an observer to the Committee as an extension of Council's commitment to supporting training opportunities for young professionals for an initial period of one year, with continuation subject to review and evaluation.

The potential appointment of a young professional as an observer of Committee meetings, commencing with the May 2020 meeting, and the arrangements to support this, will be discussed with the Committee at this meeting.

RESOLUTION:

I McKaskill / C Nisbet

That the Audit and Risk Advisory Committee undertake to support the learning opportunity offered to a young professional to be an observer of Committee meetings commencing with the meeting in May 2020 as per the February 2020 Council resolution, subject to refinement of the duration, confidentiality, conflict of interest and appointment processes.

CARRIED

11. NEXT MEETING

Tuesday 5 May 2020 3.00pm at Murrindindi Shire Council - Council Chamber, Perkins Street
Alexandra.

S5. Instrument of Delegation to Chief Executive Officer

Murrindindi Shire Council

Instrument of Delegation

to

The Chief Executive Officer

(State of Emergency COVID-19 – Declared 15 March 2020)



Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 (**the Act**) and all other powers enabling it, Murrindindi Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 25 March 2020;
- 2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

DATED this day of 2020

THE COMMON SEAL OF THE MURRINDINDI)
SHIRE COUNCIL was hereunto affixed in the)
presence of:)

Mayor

Councillor

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

- A. Only if there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* and the delegate forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum may the delegate:
1. award a contract exceeding the value of \$150,000 for operating and \$200,000 for capital;
 2. make a local law under Part 5 of the Act;
 3. approve the Council Plan under s.125 of the Act;
 4. adopt the Strategic Resource Plan under s.126 of the Act;
 5. prepare or adopt the Budget or a Revised Budget under Part 6 of the Act;
 6. adopt the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 7. determine pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 8. exempt a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 9. appoint Councillor or community delegates or representatives to external organisations;
 10. return the general valuation and any supplementary valuations; and
 11. determine an issue, take action or do an act or thing which would or would be likely to involve a decision which is inconsistent with a:
 - 11.1 policy; or
 - 11.2 strategyadopted by Council.



- B. The delegate must not determine the issue, take the action or do the act or thing:
1. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
 2. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 3. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 4. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.