



# Council Meeting Minutes

Wednesday 19 February  
2025

Commencing at 7:00 pm

Wycheproof Supper Room  
367 Broadway, Wycheproof

Wayne O'Toole  
Chief Executive Officer



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## **1 COUNCIL WELCOME AND STATEMENT OF ACKNOWLEDGEMENT**

**Minutes of the Meeting held on Wednesday, 19 February 2025 commencing at 7:00pm in the Wycheproof Supper Room, 367 Broadway, Wycheproof**

### **CHAIRPERSON:**

Cr Alan Getley Mallee Ward

### **COUNCILLORS:**

Cr Bernadette Hogan Mallee Ward  
Cr Stephen Barratt Lower Avoca Ward  
Cr Bruce Stafford Lower Avoca Ward  
Cr Graeme Milne Mount Jeffcott Ward  
Cr Charmaine Delaney Mount Jeffcott Ward

### **OFFICERS:**

Wayne O'Toole Chief Executive Officer  
Jenna Allan Director Corporate and Organisational Performance  
Gaynor Atkin Director Community Development  
Daniel McLoughlan Director Infrastructure and Delivery  
Anthony Smith Executive Team Project Officer  
Jennifer Hewett Manager Governance  
Rowan Gronlund Manager Innovation and Technology

### **WELCOME**

The Mayor Cr Alan Getley will welcome all in attendance.

### **STATEMENT OF ACKNOWLEDGEMENT**

The Mayor Cr Alan Getley will acknowledge the traditional owners of the land on which we are meeting and pay our respects to their Elders and to the Elders from other communities who maybe here today.

## **2 RECEIPT OF APOLOGIES**

Nil

### **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING HELD 18 DECEMBER 2024**

**MOTION**

That Council adopt the Minutes of the Council Meeting held on 18 December 2024.

**MOVED: Cr Bernadette Hogan**

**SECONDED: Cr Charmaine Delaney**

**CARRIED.**

**(R/25/001)**

### **4 REQUESTS FOR LEAVE OF ABSENCE**

Nil

### **5 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

In accordance with Section 130 (2) of the Local Government Act 2020 Councillors who have a conflict of interest in respect of a matter being considered at this Meeting, must

- a) Disclose the conflict of interest in the manner required by the Council's Governance Rules 2022; and
- b) Exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Disclosure must occur immediately before the matter is considered or discussed.

Nil

## 6 QUESTIONS FROM THE PUBLIC

### Question:

In May of last year, the Local Government Minister appointed a Municipal Monitor to report into issues affecting the Buloke Shire in terms of Governance, Sustainability and the behaviour of Councillors to name a few.

The Monitor's report has now been uploaded onto the Local Government website.

Within the body of the report, he refers to and I quote:

***An independent review of the financial indicators for the 24/25 budget and the longer term has been completed. The final report from the review, "External review of the Buloke Shire Councils current and future financial position, October 2024" (the independent Financial Report) is enclosed with this report.***

- Can you please advise where a copy of this report can be obtained.
- Who commissioned the report?
- Who authored the report &
- What cost did Council incur to have this report produced?

### Council response:

A Council report will be presented to the March Ordinary Meeting of Council, noting the Municipal Monitor's report and the independent Financial Report that was undertaken in 2024 at the Monitor's request. Both reports will be made available via Council's website.

The Financial report was prepared by MIK2 Consulting, an independent consultancy firm that was approved by the Chief Executive Officer, the Chair of the Audit and Risk Committee at the time and the Municipal Monitor.

The total cost to Council for the production of this report will be included within the total expenditure of the appointment of the Municipal Monitor. An individual costing for the provision of the financial report will remain commercial in confidence.

## **7 PROCEDURAL ITEMS**

### **7.1 REPORT OF COUNCILLOR ASSEMBLIES**

**Author's Title:** Executive Assistant to CEO

**Directorate:** Office of the CEO

**File:** *GO/05/04*

#### **PURPOSE**

To report on the Councillor Briefing held 4 December 2024

#### **MOTION**

That Council note the report of Councillor Briefing held 4 December 2024.

**MOVED:** Cr Graeme Milne

**SECONDED:** Cr Bruce Stafford

**CARRIED.**

**(R/25/002)**

#### **KEY POINTS/ISSUES**

Transparency is a fundamental principle of democratic governance.

The *Local Government Act 2020* (The Act) Section 9 (2) (i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with Section 57 of The Act, Council at its September 2020 Ordinary Meeting, adopted a Public Transparency policy, designed to improve public transparency in Council's decision-making processes and to assist the community in understanding the information that is accessible to them.

As per the Council Meeting Schedules adopted 9 November 2022 and 8 November 2023, Councillor Briefings are held for Councillors to meet to consider matters that are likely to be the subject of a Council decision or for the exercise of delegation.

A record of the Councillor Briefing held on 4 December 2024 is attached for public information.

**Attachments:**

1. Attachment 7.1.1 - Councillor Briefing Record - 4 December 2024

## 7.2 STATUS OF ACTION OF PAST COUNCIL MEETING RESOLUTIONS

**Author's Title:** Executive Assistant to CEO

**Directorate:** Office of the CEO

**File No:**  
Governance

### PURPOSE

To provide Council with a list of the Status of Action (SOA) of Council Resolutions outstanding for completion of action, and the SOA for the 10 October 2024 Council Meeting Resolutions.

### MOTION

That Council note the Status of Actions Report for Council resolutions documented in the report.

**MOVED: Cr Stephen Barratt**

**SECONDED: Cr Charmaine Delaney**

**CARRIED.**

**(R/25/003)**

### KEY POINTS/ISSUES

The *Local Government Act 2020* (The Act) Section 9(2)(i) provides that the transparency of Council decisions, actions and information is to be ensured.

In accordance with the Council's Governance Rules adopted August 2022, Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured and is a fundamental principle of democratic governance.

Attached to this report for public information is a list of the SOA of Council Resolutions outstanding for completion of action and introducing the SOA for the 11 September 2024 Council Meeting Resolutions.

**Attachments:**

1. Attachment 7.2.1 - Action Taken on Council Res - Outstanding Items and items from 18 December 2024 CM

**8 GENERAL BUSINESS**  
**8.1 POLICY REPORTS**  
**8.1.1 CONFIDENTIALITY POLICY**

**Author's Title:** Manager Governance

**Directorate:** Corporate and Organisational Performance

**File No:**  
CM/14/11

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

**PURPOSE**

The purpose of the Confidentiality Policy – Handling of Confidential Information by Councillors (Policy) is to:

- Outline the types of confidential information that Councillors will have access to;
- Establish the processes to be adopted by Council when Councillors are given access to confidential information; and
- State Council's expectations of a Councillor who is given access to confidential information.

By complying with this Policy, it is expected that Councillors will avoid any actual or appearance that they have disclosed or used confidential information without lawful authority.

**SUMMARY**

The Policy applies to all Councillors and operates in conjunction with the Local Government Act 2020 (Act) and the Model Councillor Code of Conduct (Code).

Section 125 Confidential information of the Act applies to a person who is, or has been, a Councillor.

**MOTION**

That Council:

1. Adopts the Confidentiality Policy.

**MOVED: Cr Bernadette Hogan**

**SECONDED: Cr Stephen Barratt**

**CARRIED.**  
**(R/25/004)**

**DISCUSSION**

The Policy is not intended to replicate or replace the obligations imposed on Councillors under the Act and the Code. Rather, it is intended to complement and clarify them.

The term 'confidential information' also includes such terminology as 'In Confidence' and 'Privileged Information' and is used in this Policy to refer to information that is classified as being confidential in accordance with s 125 of the Act.

Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of Council.

This Policy aims to support Councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information.

#### **RELEVANT LAW**

The policy is relevant to the *Local Government Act 2020*, specifically Section 125 for confidentiality matters. Other relevant law referenced in the development of this Policy includes:

- Freedom of Information Act 1982
- Information Privacy Act 2000
- Health Records Act 2001
- Privacy and Data Protection Act 2014

#### **RELATED COUNCIL DECISIONS**

Not applicable – this is a new Council Policy.

#### **OPTIONS**

Council may choose not to adopt the Confidentiality Policy.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

Not applicable, this is an internal policy.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

The Policy strives for continuous improvement in Council governance and integrity.

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

Not applicable.

#### **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

#### **COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable.

**CONFLICT OF INTEREST**

The author and approvers of this report do not have any conflicts of interest in the preparation of the report of the Policy itself.

***Attachments:***            1.     Attachment 8.1.1.1 - Draft Confidentiality Policy 2024

## 8.2 MANAGEMENT REPORTS

### 8.2.1 COMMUNITY GRANTS

**Author's Title:** Manager Community Partnerships

**Directorate:** Community Development

**File No:** GS/09/42

#### **Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** Increased Community Wellbeing

#### **PURPOSE**

To present to Council the applications recommended for funding under the Community Grants Program.

#### **SUMMARY**

Each year, Council allocates funds in the Annual Budget to support community initiatives that align with Council priorities and vision as outlined in the Council Plan. The purpose of these grant programs are:

- **Community Grants** support the strengthening of the capacity and capability of local organisations, assist with the organisation and management of events, or help with the purchase of small capital items.
- **Sustainability Grants** assist projects that contribute to reducing the community's carbon footprint, improve the environment or effectively conserve resource usage.

#### **MOTION**

That Council:

1. Approves the following allocation of funds under the Community Grants Program:
  - \$2,000 – Berriwillock Rodeo (Berriwillock Community Development Group)
  - \$2,000 - F2D Workshop (Fit to Drive Foundation)

**MOVED: Cr Graeme Milne**

**SECONDED: Cr Bernadette Hogan**

**CARRIED.**  
**(R/25/005)**

#### **DISCUSSION**

Three Community Grant applications have been received since the Ordinary Meeting of Council in December 2024.

As per the current Community Grant Guidelines, each application was assessed by an Assessment Panel. The Panel of three assessors consisted of three Council officers from across the Community Development Directorate.

Based on their assessment against the selection criteria, the Panel recommends the following grants for Council's consideration and approval.

<b>Name of Organisation</b>	Berriwillock Community Development Group
<b>Project Title</b>	Berriwillock Rodeo
<b>Grant Type</b>	Project Support Grant - Up to \$2,000
<b>Total Amount Requested</b>	\$2,000
<b>Funding Amount Recommended</b>	\$2,000
<b>Full project cost</b>	\$60,000
<b>Project Description</b>	The Berriwillock Rodeo will be a unique event for the local community and visitors that will feature a rodeo, activities for children, food and drink and a band.
<b>Project Benefit</b>	The Rodeo will be open to community groups to setup their own fundraising event within the event with all proceeds going to that group. Profit from the Rodeo will be used to upgrade the Berriwillock Recreation Reserve and other projects all around town.
<b>Assessment Panel Scoring:</b>	Average score = 15.67 out of 20

<b>Name of Organisation</b>	Fit to Drive Foundation
<b>Project Title</b>	F2D Workshop
<b>Grant Type</b>	Project Support Grant - Up to \$2,000
<b>Total Amount Requested</b>	\$2,000
<b>Funding Amount Recommended</b>	\$2,000
<b>Full project cost</b>	\$4,147.00
<b>Project Description</b>	The F2D Workshop is an interactive incursion for cohorts aged 16 and upwards within mainstream, alternative, and specialist schools. We utilise the expertise of local members of emergency services (e.g., Victoria Police, Fire Rescue Victoria) to equip young people with knowledge about road rules and empower them to think critically about personal responsibility and practical strategies to keep themselves and everyone safe on the road.
<b>Project Benefit</b>	In the F2D Workshop, students will have the opportunity to share their differing experiences with unsafe driving behaviours, critically consider how peers can influence their decision-making and the consequences

	of unsafe driving practices, as well as identify the shared responsibility of young road users in reducing road trauma within their communities.
<b>Assessment Panel Scoring:</b>	Average score = 13.00 out of 20

**RELEVANT LAW**

Not applicable to this report.

**RELATED COUNCIL DECISIONS**

Not applicable to this report.

**OPTIONS**

Council has the option to not to allocate the funds as recommended by the Assessment Panel however, such amendments to the proposed funding recommendations may undermine the integrity and fairness of the assessment process.

**SUSTAINABILITY IMPLICATIONS**

Not applicable to this report.

**COMMUNITY ENGAGEMENT**

Applicants were contacted by a Council officer if their application required additional information or clarification.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Community Grants Program is consistently assessed to identify any opportunities for continuous improvement and to ensure it reflect the needs of the community.

**COLLABORATION**

Not applicable to this report.

**FINANCIAL VIABILITY**

The allocation of funds for the application recommended for funding will come from the Community Grants Program budget (\$20,000) in Council's Annual Budget 2024-25.

There is currently \$14,338 remaining in the adopted Community Grants Program budget for the 2024-25 financial year.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2021-2025 and Long-Term Community Vision  
 Community Grant Guidelines  
 Community Engagement Policy  
 Community Support Policy

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable to this report.

**CONFLICT OF INTEREST**

No officer involved in the preparation of this report has declared a conflict of interest.

<b><i>Attachments:</i></b>	Nil
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## 8.3 FINANCIAL REPORTS

### 8.3.1 FINANCE REPORT HALF-YEAR TO 31 DECEMBER 2024

**Author's Title:** Manager Financial Strategy

**Directorate:** Corporate and Organisational Performance

**File No:**  
FM/02/09

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

#### PURPOSE

The purpose of this report is to present Council with financial reports for the half year ended 31 December 2024 in accordance with the requirements of Section 97 of the *Local Government Act 2020 (the Act)*.

#### SUMMARY

Council adopted the 2024/25 budget on 26 June 2024 and this report provides a comparison between budgets and actuals for the first half of the year, forecasts the actual result for the full financial year and compares that to the adopted budget.

The report explains variances to date and explains reforecasts for the full year including the anticipated impact on Council's adopted operating and capital works budgets. A revised budget in accordance with the Act is not required.

#### MOTION

That Council:

1. receives and notes the financial report for the half year to 31 December 2024; and
2. receives and notes the capital works statement for the half year to 31 December 2024.
3. Notes the statement by the Chief Executive Officer that a revised budget will not be required for the 2024-2025 financial year.

**MOVED: Cr Graeme Milne**

**SECONDED: Cr Charmaine Delaney**

**CARRIED.**  
**(R/25/006)**

## DISCUSSION

Under Section 97 of the *Local Government Act 2020* a quarterly budget report must be presented to Council. The attached reports include a comparison of the operating and capital works budgets with actuals for the half year and forecasts for the full year, as well as cashflow statement and balance sheet.

Council's forecast operating result for the year as per the income statement is a surplus of \$512k compared to a budgeted surplus of \$2.033 million, a negative variance of \$1.52 million. Capital works expenditure is forecast to be \$15.175 million compared to the approved budget of \$19.709 million, a positive cash variance of \$4.534 million.

Variances from budget are explained in more detail below.

Overall, while Council's operating surplus is forecast to be reduced, there will also be a reduction in capital expenditure and from a cash perspective, Council's anticipated cash at 30 June 2025 will still exceed \$20 million. This reduction in cash was anticipated as the capital works program in 2024/25 includes \$7.567 million of works carried forward. At 30 June 2024 cash was \$29.3 million.

Council is still awaiting finalisation of flood funding packages that will potentially impact on the capital works program and cash held at 30 June 2025, but the income and expenditure will be matched in this and future financial years.

### Income Statement

Total income is currently \$513k better than budget to date and is forecast to be \$1.581 million better than budget at year end.

The better than anticipated income will however be more than offset by additional expenditure, \$1.740 million more than budget, resulting in a forecast negative variance overall of \$159k

However it is also anticipated that capital income will be \$1.362 million less than budget adding to the negative forecast variance.

These variations are explained in the following tables.

Detail	Commentary
<b>Income</b>	
Rates and charges	Minor adjustments to forecast due to revenue from Wind Farms being greater than budget and waste management charges for the hospital being adjusted.
Statutory fees and fines	Forecast to be \$37k greater than budget as planning fees forecast to increase by \$29k due to a one-off permit fee.
User fees	Income from compliance charges and food premises registrations forecast to be less than budget.
Grants – operating	Additional operating grant income of \$996k is forecast as a result of a flood recovery grant carried over from FY24 (\$548k) and \$504k received for the December 2023 storm event. Neither of these were budgeted. These will be partly offset by the Commonwealth Government Financial Assistance Grant forecast to be \$213k less than budget.
Contributions	Favourable variance of \$96k forecast as Council will receive back payment of the State Revenue Office payment for collection of the Fire Services Levy.

Other income	Forecast to be greater than budget by \$492k as interest on investments is expected to exceed the full year budget by \$450k. Other unbudgeted income includes sales of scrap metal (\$62k) from Council transfer stations and workcover reimbursements (\$30k). These will be partly offset by an anticipated reduction in compliance income of \$50k.
Grants - capital	No capital grants were received in the first quarter and a negative adjustment was made to an unpaid grant that was adjusted at acquittal. Capital grants at year end are forecast to be \$1.026 million less than budget mainly due to the reduction in the regional worker accommodation cabins (\$1.429 million) which will carry over to 2025/26.
Contributions monetary	These are forecast to be \$401k less than budget as insurance contributions of \$650k for the Birchip netball courts remediation (\$500k) and Wooroonook septic replacement (\$150k) are unlikely to be received this year. Unbudgeted capital contributions of \$249k from various sporting organisations across the shire for their contributions to the lighting up Buloke project and \$64k of insurance claims on various smaller projects will partly offset this.
<b>Expenditure</b>	
Employee costs	Favourable forecast variance of \$391k because of numerous vacancies across the organisation.
Materials and services	Unfavourable variance of \$1.976 million due to unbudgeted expenditure across various departments where contractors are filling vacant positions, backfilling for leave or completing various projects. These include in governance, office of the CEO, finance, corporate governance and risk, human resources, assets and works. Council has also incurred additional unbudgeted expenditure for legal and consultant costs on various matters.  Additional unbudgeted costs of \$752k have been incurred in emergency management and flood response in relation to the recent flood and storm events and these will be offset by additional operating grants.  Some other variances are due to timing differences, including for swimming pool systems work and landfill and transfer stations cleanup and green waste shredding.
Depreciation	Depreciation for the quarter is over budget due to the capitalisation at year end of road assets.
Finance costs - leases	Projected to be \$9k over budget at year end due to additional vehicles.

## Capital Works

Total capital expenditure for the half year to date is \$4.870 million against a budget to date of \$2.987 million. Many projects have not yet incurred expenditure or are in their early stages. Unbudgeted costs of \$2 million associated with the 2022 flood event are forecast by year end and will be acquitted against the grant advance received in 2022/23.

Detail	Commentary
Land and land improvements	Expenditure on the Sea Lake residential development was not budgeted and is forecast to be \$210,000 and the night art activation project carried over from 2023/24 is anticipated to be \$70,000 more budget.
Plant and equipment	On budget to date but this program is not anticipated to be completed this year and has been adjusted accordingly.
<b>Infrastructure</b>	
Roads	Some projects have been adjusted for various reasons. The second temporary levee at Donald will incur design only costs, safer local roads funding has been deferred and \$3.3 million is forecast to be spent on works associated with the 2022 flood event and will be acquitted against the grant advance received in 2022/23. This spending was originally included under rehabilitation and flood works, the forecast for which has been reduced by the same amount.  Further flood rehabilitation works will be carried out dependent upon approval and receipt of funding this year. Until funding is certain, neither income nor expenditure forecast adjustments have been made. These adjustments can be made at the March quarterly review as required.
Footpaths and cycleways	Projects progressing within budget.
Drainage	Forecast for the Nullawil drainage works has been reduced pending flood study work.
Recreational, leisure and community facilities	Birchip Netball Court remediation has been reduced in the absence of insurance reimbursement and Aquatic facilities renewal works reduced pending design work. Tiny towns work at Nullawil, Culgoa and Watchem is forecast to be completed this year.
Parks, open space and streetscapes	Ongoing expenditure on projects including play spaces and Wycheproof wetlands with some projects forecast to increase within budget allocations. Regional worker accommodation expenditure is forecast to be \$1.429 million less than budget as this is a multi-year project that will carry over into 2025/26. Capital income for this project has been reforecast down by the same amount so overall there will be no change from a cash perspective.
Aerodromes	No variations anticipated.

**Balance sheet**

<b>Detail</b>	<b>Commentary</b>
<b>Assets</b>	
Cash and cash equivalents	Cash and cash equivalents total \$25.9 million compared to \$29.3 million at 30 June 2024 as works have been completed. Rate income and capital grant income over the next few months will ensure that cash at year end will still exceed \$20 million.
Trade and other receivables	These have increased from 30 June 2024 due to the issue of Council's rate notices in August. Prepayments have been costed as required.
Property, infrastructure, plant and equipment	Adjusted for depreciation, and capital expenditure to date is included as work in progress.
Right-of-use assets	No change.
<b>Liabilities</b>	
Trade and other payables	These include trade creditors and have decreased since 30 June 2024 when they included accrued payroll and expenses.
Trust funds and deposits	Includes the fire services levy billed with rates that will be payable to the State government. Unearned grant income has increased as some operating grants have been received. These will be brought to account as funding requirements are met.
Contract and other liabilities	Minor changes since year end.
Provisions	Minor changes since year end.
Lease liabilities	No change.
<b>Equity</b>	
Accumulated surplus	Adjusted for last year's deficit and current "earnings" for the half year are shown here.
Reserves	No change.
<b>Statement by the Chief Executive Officer</b>	<p><b>CEO Statement</b></p> <p>Section 97 of the <i>Local Government Act 2020</i></p> <p>Based on the analysis and review of the budget, actual year to date result and other known financial factors as at the 31 December 2024, it is considered that a revised budget for the purposes of s97 of the Local Government Act 2020 is not required.</p>

**RELEVANT LAW**

The reports are consistent with the requirements of the *Local Government Act 2020*.

**RELATED COUNCIL DECISIONS**

Council adopted its Annual Budget 2024/25 on 26 June 2024.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

The attached reports and comments have been prepared in collaboration with various Council officers.

**FINANCIAL VIABILITY**

The reports provide a snapshot of Council's financial performance for the first half of the year and reforecasts for the year, noting the impact on the adopted budget.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

The report is an opportunity for Council to compare its financial performance against its annual budget and is in accordance with its Council Plan 2021-2025 commitment to manage its budgets responsibly to achieve long term financial sustainability.

**TRANSPARENCY OF COUNCIL DECISIONS**

Quarterly financial reporting ensures Council and the Buloke community are aware of financial implications of decisions and actions. Reporting Council's financial position allows Council to monitor and respond to financial risk.

**CONFLICTS OF INTEREST**

No officer involved in the preparation of this report has a conflict of interest.

<b><i>Attachments:</i></b>	1. Attachment 8.3.1.1 - Finance Report Half Year to 31 December 2024
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## 8.4 ORGANISATIONAL REPORTS

### 8.4.1 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER - S5

**Author's Title:** Manager Governance

**Directorate:** Corporate and Organisational Performance

**File No:** PE/02/01

#### **Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

#### **PURPOSE**

The Instrument of Delegation to the Chief Executive Officer (CEO) is required to be reviewed, amended and adopted regularly to ensure its relevancy with current legislation within which Council operates.

#### **SUMMARY**

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date.

#### **MOTION**

That Council in exercise of the power conferred by section 11(1) of the Local Government Act 2020 (The Act) and all other powers enabling it, 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 the delegation:

1. comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
2. Is subject to any conditions and limitations set out in the schedule;
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;
4. Remains in force until Council resolves to vary or revoke it; and
5. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**MOVED: Cr Bernadette Hogan**

**SECONDED: Cr Bruce Stafford**

**CARRIED.**  
**(R/25/007)**

## DISCUSSION

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government it would not be possible for the sector to function effectively if this was the case. Instead, decision-making power can be delegated to special committees or to members of Council staff. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

Delegations are different from authorisations. The decision of a delegate of Council is deemed to be a decision by Council. The decision by a person appointed by Council to a statutory position, for example, an Authorised Officer, is not. That person's powers and responsibilities are quite distinct from those of Council.

Most statutes impose limitations on the powers which may be delegated. Usually, one of the powers which may not be delegated is the delegation power itself. However, this limitation does not apply in respect of delegation to the CEO. Under Section 11 of the *Local Government Act 2020*:

*“(1)(b) The instrument of delegation to the chief executive officer may empower the chief executive officer to delegate any power of the Council other than the power, duty or function specified in subsection (2).”*

The Instrument of Delegation to the CEO may therefore empower the CEO to exercise various powers of the Council, subject to limitations and exceptions specified in the instrument and includes the power to sub-delegate powers to Council officers where legislation permits.

There has been no changes to this instrument of Delegation from the Instrument adopted by Council on 12 July 2023 other than those implied that result from changes to legislation, as applies to Council, that has occurred since the instrument was last adopted.

Best practice governance procedures suggest delegations and should be reviewed and adopted on at least an annual basis.

This report sets out the following proposed document Instrument of Delegation to the Chief Executive Officer (S5).

## RELEVANT LAW

Section 11 of the *Local Government Act 2020* provide the Power for Council to delegate a power, duty or function to the CEO, subject to specific limitations specified in this section of the Act.

## RELATED COUNCIL DECISIONS

The Instrument of Delegation was adopted by Council on 12 July 2023.

## OPTIONS

Council may decide not to adopt the instrument of delegation in which case the instrument adopted on 12 July 2023 will continue unless Council also resolves to revoke it. In which case, every decision, will require adoption by Council, other than the powers and duties vested directly to the CEO by the *Local Government Act 2020* and other legislation

## SUSTAINABILITY IMPLICATIONS

There are no sustainability implications to this report.

**COMMUNITY ENGAGEMENT**

Community engagement is not required on this matter.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensure that the Instrument remains contemporary with all relevant legislation incorporating amendments, and new legislation that has occurred since the last Instrument of Delegation to the CEO was made.

**COLLABORATION**

Matters relating to the Instrument of Delegation were discussed internally.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The register of delegations will be made publicly available on Councils website.

**CONFLICT OF INTEREST**

No officer involved with writing this report has a conflict of interest.

- Attachments:**
1. Attachment 8.4.1.1 - 20250219 S5 Instrument of Delegation to Chief Executive Officer

## 8.4.2 S6 - INSTRUMENT OF DELEGATION TO COUNCIL STAFF

**Author's Title:** Manager Governance

**Directorate:** Corporate and Organisational Performance

**File No:** PE/02/01

**Relevance to Council Plan 2021 - 2025**

**Strategic Objective:** A Well Governed and Healthy Organisation

### PURPOSE

To update the Instrument of Delegation from Council to Members of Council Staff to reflect changes to legislation and organisational structure.

### SUMMARY

An effective and current system of delegations is crucial to the operations and functions of Council. It is possible that the decisions taken under delegation will be reviewed in other spheres, including the judicial system. Therefore, a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date. This report is in accordance with the *Local Government Act 2020*.

### MOTION

That Council resolves that in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Members of Council staff:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council Staff (Instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
3. On the coming into force of the Instrument all previous delegations from S6 Instrument of Delegation by Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may adopt.

**MOVED: Cr Graeme Milne**

**SECONDED: Cr Stephen Barratt**

**CARRIED.**

**(R/25/008)**

**DISCUSSION**

Many Council decisions are not made at Council meetings. In view of the range of legislative and regulatory responsibilities of Local Government, it would not be possible for the sector to function effectively if all decisions had to be made by Council.

Council is conferred with the power to delegate certain powers, duties and functions to Council Staff through legislation, other than the *Local Government Act 2020*. This enables decisions to be made outside of Council Meetings to ensure Council continues to function effectively, efficiently, and to meet a range of legislative and regulatory responsibilities in a timely manner. The nature and extent of these delegations are controlled through formal Instruments of Delegation. A decision made by a member of staff under delegation is a decision of Council.

The legislation referred to in the attached S6 Instrument of Delegation does not provide for the ability of the Chief Executive Officer to sub-delegate to Council staff, and therefore requires the Council to delegate to staff directly.

**RELEVANT LAW**

The legislation relating to the powers of Council to delegate are listed in the attached Instrument.

**RELATED COUNCIL DECISIONS**

The Instrument of Delegation to Council Staff was last adopted at the Council Meeting held on 13 December 2023.

**OPTIONS**

Should Council decide not to adopt the Instrument of Sub-Delegation the Instrument previously adopted on 13 December 2023 will prevail, this instrument however, does not take into account the legislative and organisational changes that have occurred since its adoption, which could have legislative and legal ramifications.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Undertaking regular reviews of the Delegations ensures that the Instrument remains current with the inclusion of provisions from new and changed legislation and the removal of provisions relating to changed or revoked legislation.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

**CONFLICT OF INTEREST**

No officer involved with writing this report has a conflict of interest.

**Attachments:** 1. Attachment 8.4.2.1 - S6 Instrument of Delegation 19 Feb 2025

## **8.5 REPORTS FROM COUNCILLORS**

### **8.5.1 Councillor Reports**

#### **Cr Delaney**

18.12.24 Council meeting Wycheproof  
19.12.24 Closed over Christmas  
23.01.25 Buloke Australia Day Event Wycheproof  
26.01.25 Donald Australia Day Memorial Park  
03.02.25 Donald Cemetery Trust in Donald  
05.02.25 Donald Men's Shed  
05.02.25 Councillor Briefing Sea Lake

#### **Cr Milne**

18.12.4 Ordinary meeting  
Councillors meeting in Birchip with West Wind Host.  
Buloke Shire Australia Day evening at Wycheproof  
Jan 2025 Aust Day Birchip 8am, Donald 10-30am and Watchem 6-30pm  
Briefing at Sea Lake  
WMEAP meeting in Warracknabeal.  
Watchem Progress Association first meeting for 2025  
Discussions with Staffer (Ricky )from Dr Anne Webster office re housing, priority projects heading for election Etc.  
Rail Freight Alliance AGM and General Meeting. Docklands Melb.  
Birchip Forum first 2025 meeting.  
3 x CEO / Mayors meetings.  
Cr Milne also commented on all the good work of staff involved in the Australia Day Event in Wycheproof.

#### **Cr Stafford**

19.12.24 Central Victorian Greenhouse Alliance Board Meeting.  
07.01.25 Meeting with Craig Henderson re: Wind Farms  
23.01.25 Buloke Awards Celebration  
26.01.25 Charlton Australia Day Celebration  
02.02.25 Meeting with Charlton Campdraft re: Facility Master Plan. Meeting also attended by Jade Benham, State Member for Mildura  
03.02.25 Charlton Park Management Committee Meeting  
05.02.25 Councillor Briefing  
08.02.25 Art Exhibition preview at Wycheproof Railway Station  
10.02.25 Meeting with Annika Kearton, CEO, Central Victorian Greenhouse Alliance  
18.02.25 Charlton Forum Meeting  
19.02.25 Council Meeting

## Cr Hogan

20.12.24 Silo Illumination Preview– Sea Lake  
23.01.25 Council Australia Day Awards - Wycheproof  
26.01.25 Australia Day Breakfast – Nandaly  
04.02.25 NCLLeN Board Induction – Charlton  
05.02.25 Council Briefing – Sea Lake  
10.02.25 Tyrrell College Leaders Induction – Sea Lake  
11.02.25 Pathways to Politics 10<sup>th</sup> Anniversary, Govt House - Melbourne  
12.02.25 Audit & Risk Committee Meeting – Wycheproof  
18.02.25 NCLLeN Board Meeting – Charlton

## 9 OTHER BUSINESS

### 9.1 NOTICES OF MOTION

Nil.

### 9.2 QUESTIONS FROM COUNCILLORS

**Cr Milne – Question on behalf of a ratepayer in regards to Governance Rules 2022.** Noted in December and February Meeting the Agendas have changed to not include some aspects of the rules. Noting new rules are out for public comment. Why have they been taken out and are we in breach?

**Response – Director Corporate and Operational Performance** – Council has been recently informed that under the relevant legislation the Building & Planning permits information is required to be brought to council in a confidential format by Councillor Briefings in accordance with the privacy act. Updates will be regularly brought through Councillor briefings moving forward in line with that advice. In relation to another point that has been changed within the Agenda more recently Letters of Awards and Congratulations, which you would have seen as part of the agenda, as its own agenda item, it has been strongly suggested that as a matter of improved Governance that any Awards and Letters of Congratulations be raised as part of the Councillor reports moving forward to ensure that these are submitted formally by a Councillor for the purposes of transparency for the nomination that is made within the process itself. As a standing agenda item the process raises significant concerns for a lack of inclusion and inconsistency over time.

**Cr Barrett** – for the purposes of for eg building a house and getting a planning/ building permit can an outside consultant be engaged to get a building or planning permit?

**Response – CEO** – if there are triggers for a planning permit then that is a planning application that would come to council for consideration, if there was a need for a building permit then the applicant would have the option to go to a private building surveyor anywhere in the community that may be available, or use our municipal building surveyor.

### 9.3 URGENT BUSINESS

Nil.

### 9.4 ANY OTHER BUSINESS

Nil

## 9.5 MATTERS WHICH MAY EXCLUDE THE PUBLIC

### 9.5.1 Sales of Properties for Recovery of Rates and Charges

The Meeting may be closed to members of the public to consider confidential matters.

#### MOTION

That pursuant to section 66(1) and (2)(a) of the Local Government Act 2020 the meeting be closed to the public to consider the following reports that are considered to contain confidential information on the grounds provided in section 3(1) of the Local Government Act 2020 as indicated below:

No.	Title	Confidential Reason
9.5.1	Sale of Properties for Recovery of Rates and Charges	Relates to (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs as described in s 3(1) of the Local Government Act 2020.

**MOVER:** Cr Stephen Barrat

**SECONDER:** Cr Bruce Stafford

**CARRIED**  
**(R/25/009)**

#### MOTION

That Council reopens the meeting to the public pursuant to section 66(1) and (2)(a) of the Local Government Act 2020.

**MOVER:** Cr Charmaine Delaney

**SECONDER:** Cr Stephen Barrat

**CARRIED**  
**(R/25/011)**

## 10 MEETING CLOSE

Meeting closed at 7.48 pm.

#### NEXT MEETING

The next Council Meeting will be held in Wycheproof Hall Supper Room on 19 March, 2025 at 7:00pm.