

21 November 2023 Council Meeting Attachments

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Southern 80 Water Ski Race Memorandum of Understanding

This Agreement is between:

Campaspe Shire Council
and
Moama Water Sports Club ABN 11002570738
for the 2024, 2025 & 2026 Southern 80 Water Ski Race

Cnr Hare & Heygarth Streets
Echuca VIC 3564

PO Box 35
Echuca VIC 3564

P: 1300 666 535
03 5481 2200

E: shire@campaspe.vic.gov.au
www.campaspe.vic.gov.au

ABN 23 604 881 620

CAMPASPE SHIRE COUNCIL AGREES TO:

1. Provide financial cash support of \$30,000 (GST inclusive) in 2024, and \$25,000 (plus GST) for the 2025 & 2026 events,
2. Provide additional Council support services to the value of \$25,000 (plus GST) in 2024, 2025 & 2026;
3. Create a Purchase Order for the cash contribution, with the amount broken down into two payments. The first instalment will be 80% of the total amount paid prior to the event in January and the second instalment will be remaining 20% post event when the acquittal report is received;
4. Provide use of the Event Site (outlined in red on the map below) which includes Victoria Park entrance and Echuca Boat Ramp area to the Moama Water Sports Club (you) for the Southern 80 Ski Race on the dates below:

FEBRUARY					Event Dates				
Year	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues
2024	5	6	7	8	9	10	11	12	13
2025	3	4	5	6	7	8	9	10	11
2026	2	3	4	5	6	7	8	9	10

Non-Exclusive Use - Echuca Boat Ramp remains open for public use.

Exclusive Use - The event site, as outlined in red on the attached map, become the event site of Moama Water Sports Club.

5. Support the event committee with a single point of contact at Council, the Events Support Officer;
6. Provide a single point of contact for Finish Line Precinct liaison, this being Parks & Gardens Coordinator;
7. Ensure the Finish Line Precinct is presented in a clean and tidy manner suitable for the proposed use for the event;
8. Provide the following support;
 - Creation and implement of the Traffic Management Plan for the Finish Line Precinct, which may include Pedestrian Control staff at Boat Ramp as long as this does not exhaust the Voluntary Contribution allocation;
 - Additional Waste Management at the:

- Finish Line Precinct
 - Briefing Zone - Moama Water Sports Office, 10 Despatch Street, Echuca
 - Start line in Torrumbarry,
- Additional road grading of Victoria Park entry as required;
 - Additional watering of four unsealed roads as required (Fraser Road, O'Dwyer Road, Casey Road, Braund/Latham Road) off Murray Valley Hwy to cater for the increased road traffic and to minimise dust for residents;
 - Temporary Toilets (High Street) as requested by Victoria Police;
 - Hire of the nine (9) Echuca CBD flagpoles. The Southern 80 flags will be erected on the Monday prior to the event and removed on the first Monday after the event has concluded;
9. Assess trees in the Finish Line Precinct as per Council's Tree Management Strategy (Tree Management Plan) and conduct any urgent remedial works identified at least one week prior to event set up;
 10. Assist the Event Committee to identify potential funding/sponsorship opportunities and advocate for increased support;
 11. Provide the Council logo for use on Southern 80 promotional material.

MOAMA WATER SPORTS CLUB AGREES TO:

1. Complete the Campaspe Shire Council Event Application Form including the POPE, relevant TOP's, emergency and risk management plan in a timely manner;
2. Obtain all of the required event permits annually, at least 60 days prior to the event and provide a copy of the Aquatic Licence from NSW Roads & Maritime to the Event Support Officer;
3. Ensure that Council is recognised as a sponsor of the event to the value of \$55,000 in 2024 and \$50,000 in 2025 & 2026. Acknowledgement of this support to be determined on an annual basis;
4. Promote Council's support in all media releases, on social media, within the event precinct and at all of the various official functions;
5. Provide copies of all publicity/marketing materials produced for the event, including media coverage to Council;
6. Where applicable tag Campaspe Shire Council on social media posts and use relevant hashtags such as #campaspehire #echucamoama;
7. All communication regarding Council will be of a positive nature;
8. Provide a single point of contact for Council's Parks & Gardens Coordinator for the Finish Line Precinct;
9. Submit two invoices to Council for the cash contribution annually. The first invoice being 80% of the sponsorship to be paid prior to the event, (subject to the NSW Roads & Maritime Aquatic License being granted) second being for the remaining 20%. This is to be paid post event when the grant acquittal has been received and reviewed;
10. Complete and submit to Council an event report and financial acquittal by 30 June each year, addressing the following Key Performance Indicators;

- A growth in the number of participants in the various ski races
- A growth in the number of spectators at the Finish Line Precinct
- Marketing and publicity of the event in regional VIC/NSW and metro areas,
- Utilisation of the Council logo on marketing material

11. Work with Council on ideas for new events to be held within the municipality;
12. Provide Southern 80 flags (9) to the Event Support Officer to be erected on the Echuca CBD flagpoles two weeks prior to the event;
13. Bear all financial and legal responsibility for the event.

SIGNED by

Pauline Gordon
Chief Executive Officer
Campaspe Shire Council

for and on behalf of
CAMPASPE SHIRE COUNCIL

Signature:

Date:

SIGNED by

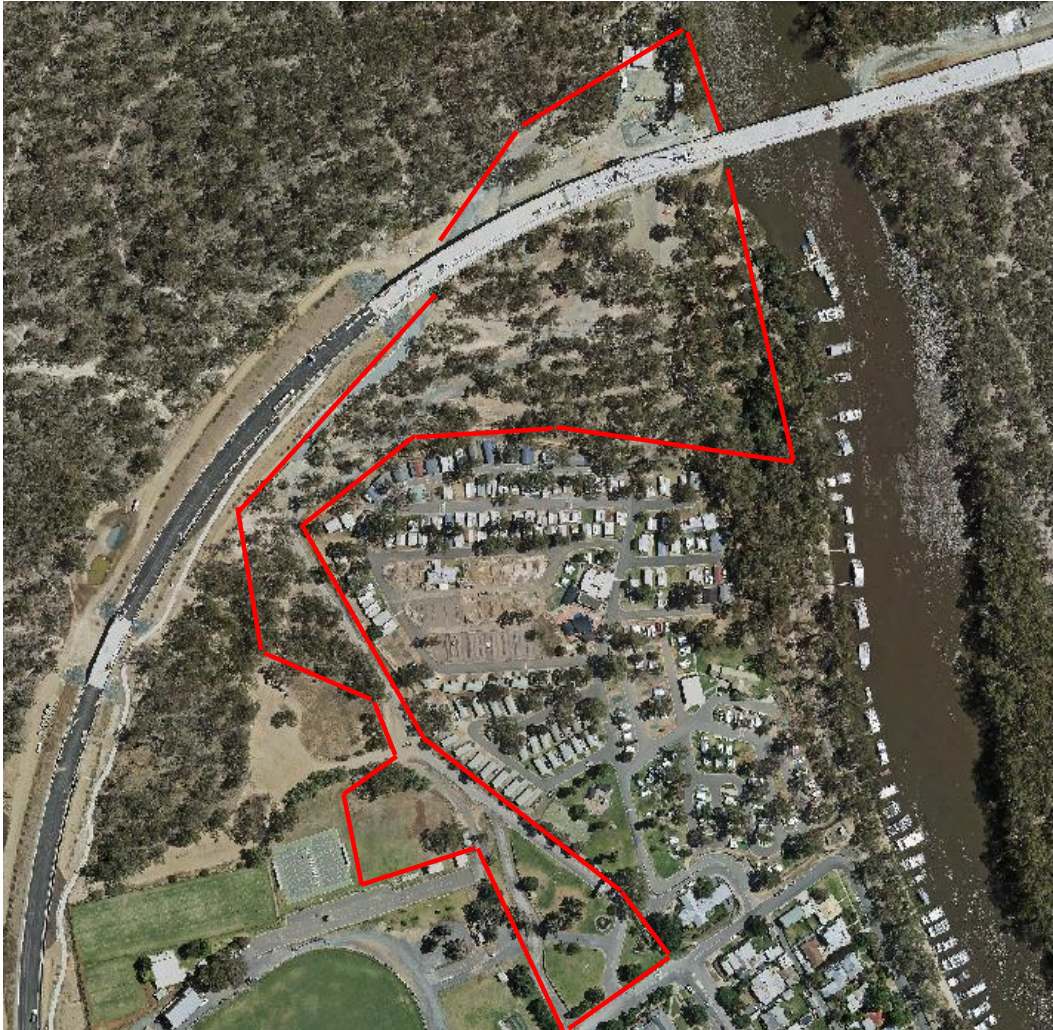
Steve Shipp
President, Moama Water Sports Club

for and on behalf of
MOAMA WATER SPORTS CLUB

Signature:

Date:





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**Campaspe Shire Council
Audit and Risk Committee
Charter**

Adopted: [date to be inserted]

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Campaspe Shire Council – Audit and Risk Committee Charter

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Campaspe Shire Council – Audit and Risk Committee Charter

1. Purpose

The Campaspe Shire Council has established an Audit and Risk Committee (the Committee) pursuant to Section 53 of the *Local Government Act 2020* (the Act) to:

- support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit; and
- Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

The Committee acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter.

This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee, as outlined in this Charter, enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case, and in so doing, bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities.

2. Authority

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority will be temporary and may only relate to specific matters as directed by Council.

The Committee has the authority to:

- Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;
- Approve internal audit plans including internal audit plans with an outlook of greater than one year, and provide feedback on external audit plans;
- Provide advice and make recommendations to Council on matters within its areas of responsibility;
- Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer **or via Council resolution**;
- Seek any relevant information it requires from Council, Chief Executive Officer and external parties;
- Meet with Council officers as required to discharge its responsibilities, subject to prior agreement with the Chief Executive Officer.
- **Meet with internal or external auditors and other parties as required to discharge its responsibilities, subject to prior agreement with the Chief Executive Officer or via resolution of Council.**

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Campaspe Shire Council – Audit and Risk Committee Charter

- **Undertake any other matter referred to the committee by Council resolution.**

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

3. Membership and Tenure

The Committee will consist of five members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee. Council may appoint an independent affiliate member.

Details of membership and tenure are set out below:

Independent Members

- 3.1 Will be appointed for four year terms;
- 3.2 May be reappointed for one additional four-year term subject to satisfactory performance, that is, a maximum of eight consecutive years;
- 3.3 Must collectively have expertise in financial management and reporting and risk management and also experience in public sector management;
- 3.4 Terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership;
- 3.5 Have full voting rights when they are in attendance in person or virtually;**
- 3.6 Receive remuneration for their work in preparing for and attending meetings as approved by Council. The remuneration will be set as follows:
 - 3.6.1 Remuneration will be paid to independent members and the Chairperson based on a fee per meeting attended, with a higher amount being paid to the Chairperson in recognition of their additional involvement in the leadership of the Committee.**
 - 3.6.2 Amounts shall be payable in accordance with the Victorian Government Board Appointment and Remuneration Guidelines – Group B Organisation. The applicable amount payable will be based on the maximum amount in accordance with Band 1 as follows:**
 - 3.6.2.1 Independent members shall receive 1 x the maximum amount per meeting.**
 - 3.6.2.2 The Chairperson shall receive 1.25 x the maximum amount per meeting.**
 - 3.6.3 Remuneration payments will be made no later than 30 days after each Audit and Risk Committee meeting.**
 - 3.6.4 Annual increase shall be in accordance with revised amounts published annually in July. The guidelines at the date of publication of this Charter are available at: <https://www.vic.gov.au/guidelines-appointment-remuneration>.**

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Campaspe Shire Council – Audit and Risk Committee Charter

- 3.6.5** Where current remuneration is higher than the Victorian Government Board Appointment and Remuneration Guidelines, the remuneration will remain fixed until such time as an increase is required.
- 3.7** Will be entitled to receive a travel allowance as determined by Council for each Audit and Risk Committee meeting that they attend in person.
- 3.8 Absent for two consecutive meetings, without submitting an apology or been granted a leave of absence, will create a casual vacancy.
- 3.9** Cannot be employees of Campaspe Shire Council (Section 53(3)(c) of the Act), or former employees who have left Campaspe Shire Council within the past two years.

Independent Affiliate Member

- 3.10 Will be appointed for a single two year term;
- 3.11 May be appointed to an Independent Member role for two additional four-year terms subject to satisfactory performance, that is, a maximum of ten consecutive years;
- 3.12 Must have expertise in either financial management and reporting or risk management or experience in public sector management, demonstrate an interest in the committee and live and work within the municipality of Campaspe Shire Council;
- 3.13 Does not have voting rights, however, will be entitled to receive all information, attend all meetings and participate in the deliberations of the Committee.
- 3.14** Will not be entitled to receive any remuneration while an Independent Affiliate Member.
- 3.15 Absent for two consecutive meetings, without submitting an apology or been granted a leave of absence, will create a casual vacancy.

Councillor Members

- 3.16 Councillor members will be appointed to the Committee by Council annually;
- 3.17 Councillors who are not appointed as members of the Committee, may attend any meeting of the Committee as an observer. For clarity, only Councillors appointed by Council to the Committee have voting rights.

Chairperson

- 3.18** The Chairperson of the Committee must be an independent member (**Section 53(4) of the Act**);
- 3.19 The Committee will appoint the Chairperson of the Committee on an annual basis;
- 3.20** If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending independent members. **An independent member who is appointed Chairperson for a full meeting will receive remuneration for that meeting as if they were the Chairperson. Where an independent member is appointed Chairperson for only part of a meeting, they shall receive remuneration as an Independent Member;**
- 3.21 The Chairperson must not exceed any two-year continuous period without Council resolution;

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Campaspe Shire Council – Audit and Risk Committee Charter

3.22 In the event of a tied vote, the presiding Chairperson will hold a casting vote.

Role of the Chairperson

The Chairperson of the Committee will:

- In consultation with the Chief Executive Officer (or delegate), set the matters to be included on the agenda for each Committee Meeting;
- Chair all meetings of the Committee;
- Be responsible for ensuring that meetings are conducted in an appropriate manner.
- Participate in the appointment of Council's internal audit service provider;
- Provide clearance for Committee Meeting Minutes to be provided to the Council.
- Lead the annual evaluation of the Committee's performance and report on the outcomes to the Council through the Chief Executive Officer.

Induction

3.23 All Committee members will receive an induction to the purpose and responsibilities of the Committee and on Campaspe Shire Council's objectives.

Removal of a Member

3.24 If Council proposes to remove a member of the Committee prior to the conclusion of their term, it must give written notice of its intention to do so and afford the member an opportunity to respond and be heard at a Council meeting if the affected member so chooses. The Council meeting to hear the response will be open to the public.

Recruitment

- 3.25 At the completion of each term of an independent member or independent affiliate member, the position will be made vacant. An outgoing independent member or independent affiliate member will be eligible to re-nominate for the position, subject to the maximum allowable term.
- 3.26 If a casual vacancy exists, the vacancy will be filled as if the appointment term of the vacating member had been fulfilled.
- 3.27 All vacancies of independent members and the independent affiliate member will be advertised sufficiently to attract the required skills but as a minimum within the Shire of Campaspe.
- 3.28 A selection panel, comprising one independent member and one Councillor member of the Committee and the Chief Executive Officer, will conduct a selection process to identify candidates suitable to recommend to Council for appointment.
- 3.29 The criteria for the appointment of independent members will be experience and qualifications to meet the collective skills mix of the Committee.
- 3.30 The criteria for the appointment of an independent affiliate member will be the same relevant skills, qualifications and experience as independent members, but must reside or work within the Shire of Campaspe.
- 3.31 If there are more applications than positions vacant, the selection panel should consider and give weight to the following points when recommending appointments to Council;

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- a. Individuals who have already served on the Committee and not reached the maximum term, who have demonstrated a valuable and consistent contribution to the Committee;
 - b. Individuals who demonstrate skills, qualifications and experience in more than 2 of the identified fields of expertise; and
 - c. Individuals who live and/or work within the Shire of Campaspe.
- 3.32 The selection panel, when recommending a preferred applicant for appointment to the Committee will also have regard to the skill mix of the currently appointed independent members and when possible, ensure at least one independent member has a sound knowledge and understanding of the local government sector and its roles and responsibilities.

Insurance

- 3.33 Members of the committee are covered by Council's insurance policies.

4. Meetings

Unless there are exceptional circumstances, such as a natural disaster that may prohibit a meeting from occurring, the Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require:

- 4.1 A schedule of meetings will be developed annually and agreed by members;
- 4.2 All Committee members are expected to attend each meeting in person, although in special circumstances members can attend through electronic means;
- 4.3 A quorum will comprise at least one Councillor member and two independent members;**
- 4.4 The Committee will invite members of Council's management team, the internal and external auditors and other personnel as appropriate to attend meetings. The Chief Executive Officer, the Director Corporate and Manager Finance will attend all meetings.
- 4.5 The Committee may ask staff members, other than the Chief Executive Officer to leave the meeting to discuss a confidential item. If the Committee wishes to discuss a confidential item without the Chief Executive Officer, the Committee must resolve to close the meeting to all Council employees.
- 4.6 Committee members and the internal and external auditors can request the Chairperson to convene additional meetings if they feel that is justified to address unexpected matters that may have arisen;
- 4.7 Meeting agendas and appropriate briefing materials will be provided prior to distribution to the Chairperson for approval 1.5 weeks prior to the scheduled meeting and final agenda and attachments will be provided to members at least one week before each meeting;
- 4.8 Minutes will be prepared for all meetings, provided to the Chairperson for review and approval and then distributed to all members and Councillors;
- 4.9 A report on the status of actions generated during the meetings will be presented to each Committee Meeting.**

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- 4.10 If a matter is required to be dealt with by the Committee between meetings, it may be undertaken by a circulating motion. The report outlining the matter and a request to vote on the item will be sent via email. The outcome of this matter will be recorded in the minutes of the next meeting held by the Committee.

5. Responsibilities

The Committee's responsibilities are documented in the Audit and Risk Committee Annual Work Plan. This plan includes the frequency and timing of reports to the Committee.

The Committee will carry out the following responsibilities:

Financial and Performance Reporting

- 5.1 At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- 5.2 At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
- 5.3 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position;
- 5.4 Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;
- 5.5 Recommend the adoption of the annual financial report and annual performance statement to Council; and
- 5.6 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.
- 5.7 Review all reimbursements provided to Councillors **(in accordance with Section 40(2) of the Act)** or members of any delegated committees to ensure that they are paid in accordance with existing policies and legislation.

Internal Control Environment

- 5.8 Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment. This should be done on a rotational basis over a four year period and in accordance with approved review dates;
- 5.9 Determine whether systems and controls are reviewed regularly and updated where required;
- 5.10 Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile;
- 5.11 Ensure that a programme is in place to test compliance with systems and controls;

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- 5.12 Assess whether the control environment is consistent with the Governance Principles defined within the *Local Government Act 2020*.

Risk Management

- 5.12 Review annually the effectiveness of Council's risk management framework;
- 5.13 Review Council's risk appetite statement and the degree of alignment with Council's risk profile;
- 5.14 Review Council's risk profile and the changes occurring in the profile from meeting to meeting;
- 5.15 Review and endorse Council's strategic risks to Council's operations, including their likelihood and consequence of occurring and risk mitigation strategies;**
- 5.16 Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans;
- ~~5.17 Review the insurance programme annually prior to renewal; and~~
- 5.18 Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.
- 5.19 Review Council's cyber security environment to ensure risks are being managed effectively.**

Fraud Prevention Systems and Controls

- 5.20 Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programmes at least every two years;
- 5.21 Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
- 5.22 Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

Internal Audit

- 5.23 Review the Internal Audit Charter regularly to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations;
- 5.24 Review and approve the three year strategic internal audit plan, the annual internal audit plan and any significant changes to them;
- 5.25 Review progress on delivery of the annual internal audit plan;
- 5.26 Review and approve proposed scopes for each review in the annual internal audit plan;
- 5.27 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;
- 5.28 Meet with the leader of the internal audit function at least annually in the absence of management;
- 5.29 Monitor action by management on internal audit findings and recommendations;

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- 5.30 Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work;
- 5.31 Recommend to Council the appointment of an internal audit service provider, noting a decision to re-appoint the current internal audit provider or recruit a new internal audit provider will be determined by the term of engagement and performance of the current internal audit provider.**
- 5.32 Recommend to Council, if necessary, the termination of the internal audit contractor.

External Audit

- 5.33 Annually review and provide feedback on the external audit scope and plan proposed by the external auditor for their consideration;
- 5.34 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;
- 5.35 Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner;
- 5.36 Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views through Council;
- 5.37 Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them; and
- 5.38 Meet with the external auditor at least annually in the absence of management.

Compliance Management

- 5.39 Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance;
- 5.40 Obtain briefings on any significant compliance matters; and
- 5.41 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.
- ~~5.42 Review processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code.~~**
- 5.43 Review the Gifts, Benefits and Hospitality Register.**

6. Reporting to Council

- 6.1 Minutes of Committee meetings will be provided to Councillors at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting;
- 6.2 The Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating

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how the Committee has discharged its responsibilities as set out in this Charter for the previous year.

7. Performance Evaluation

The Committee must undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131).

Details about these obligations are included in **Appendix A** to this Charter.

9. Conduct of Members

Members of the Committee are expected to understand and observe the requirements of the governing legislation. Members are also expected to:

- **Contribute the time needed to review and understand the papers provided.**
- **Apply good analytical skills, objectivity and judgement.**
- **Express opinions, frankly ask questions that go to the fundamental core of the issue, and pursue further follow up where appropriate.**
- **At all times treat other members and attendees of the Committee with the appropriate level of respect and professional courtesy.**

10. Review of Charter

The Committee will review and assess the adequacy of the Charter every two years or earlier if necessary and submit requests to Council through the Chief Executive Officer for revisions and improvements for approval.

Mayor: **Date:**
Cr Rob Amos

Chair: **Date:**
Linda MacRae

Chief Executive Officer: **Date:**
Pauline Gordon

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Campaspe Shire Council – Audit and Risk Committee Charter

Appendix A

Committee Member Regulatory Obligations

Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ol style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ol style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ol style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p style="text-align: center;">Please Note</p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	

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Appendix B

Terms of Appointment

1. Chairperson

The current Chairperson is Linda MacRae

The term of the current Chairperson is until the December 2023 Audit and Risk Committee meeting.

2. Committee Members

Details of membership and tenure are set out below:

Member	Appointment date	End of current term	Eligible for reappointment
Simone Knight	December 2019	31 December 2023	Yes
Linda MacRae	December 2021	31 December 2025	No
Chris Gillard	25 October 2021	24 October 2025	Yes

3. Council Representatives

The current Councillor representatives are:

1. Cr Paul Jarman – Appointed December 2022 for 2 years
2. Cr Tony Marwood – Appointed December 2022 for 2 years.

4. Review

Appendix B is updated annually, or as required following:

- Appointment of a new Chairperson
- Appointment of a new Independent Member
- Appointment of Councillor representatives.

Instrument of Appointment and Authorisation

In this instrument “officer” means:

James Maw

by this instrument of appointment and authorisation Campaspe Shire Council (Council):

PART A

1. under section 224 of the *Local Government Act 1989* – appoints the officer to be an authorised officer for the administration and enforcement of:
 - the *Environment Protection Act 2017*
 - the *Residential Tenancies Act 1997*
 - the *Local Government Act 1989*
 - the *Local Government Act 2020*
 - the *Summary Offences Act 1966*
 - the *Planning and Environment Act 1987*
 - the regulations made under each of those Acts
 - the local laws made under the *Local Government Act 1989* or the *Local Government Act 2020*
 - and any other Act, regulation or local law which relates to the functions and powers of the Council.

PART B

2. under section 114(2) of the *Environment Protection Act 2017* – appoints the officer to be a litter enforcement officer for the purposes of the *Environment Protection Act 2017*.
3. under section 242(2) of the *Environment Protection Act 2017*– appoints the officer to be an authorised officer for the purposes of the *Environment Protection Act 2017*.
4. under section 525(2) of the *Residential Tenancies Act 1997* – appoints the officer to exercise the powers set out in section 526 of that Act.
5. under s 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under s 71 of the *Housing Act 1983*.
6. under s 3 of the *Infringements Act 2006* – appoints the officer to be an issuing officer for the purposes of the *Infringements Act 2006*.

PART C

7. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.
8. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument:

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied; or
- (c) remains in force until this appointment and authorisation is revoked on cessation of the officer’s employment with Council.

This instrument is authorised by a resolution of the Campaspe Shire Council on 21 November 2023

Councillor _____

Councillor _____

Chief Executive Officer _____



Community Leasing Policy



Council Policy

Council Policy

Council Policy

Council Policy

1. Purpose

The purpose of this policy is to provide transparent, consistent, and impartial processes when leasing and licensing Council owned and managed land and buildings with community members and to ensure compliance with legislative requirements.

Council recognises the role that the community provides by their activation of Council owned and managed facilities. This policy provides a framework for Officers to negotiate sustainable arrangements between Council and community members for use of its facilities.

2. Scope

This policy is applicable to Council owned and occupied land and buildings and where Council acts as the Committee of Management on Crown Land.

This policy applies to the Community, Councillors and employees (including full time, part time, casual employees, agency staff and students), and Community Asset Committees created under Section 65 of the Act. The policy is also applied in the management of contractors, volunteer groups, and consultants of Campaspe Shire Council.

3. Policy Statement

Council is committed to ensure each occupant of a Council owned facility has a formal agreement in place, enabling the Community capacity to occupy Council buildings at an appropriate level of access at a cost point that is sustainable for both Council and the occupant.

To support this commitment community members that meet the eligibility criteria of the policy may be offered a "peppercorn" lease or licence agreement or a casual hire agreement for a nominal fee in accordance with Council annual fees and charges on applicable properties. This supports Council's vision by achieving maximum benefit from its community property portfolio.

4. Principles

The principles supporting this policy are:

1. Equity and Community Activation
2. Health and Wellbeing
3. Connected Communities
4. Opportunity for Access and Inclusion
5. Creative and Cultural Heritage Development
6. Sustainable Environment

5. Eligibility

Community Groups and Organisations must demonstrate they meet the definition provided in the policy and may enter into a formal agreement with a maximum term of up to nine years.

Kindergarten providers, where the provider is solely delivering State-funded three-and four-year-old kindergarten programs (ie. no additional fee for service for early years' service is offered) from Council owned or managed sites for the benefit of the community, regardless of the commercial status and entity type may enter a formal agreement with a maximum term of up to nine years.

New Starter/Entrepreneurs or Creative Practitioners must demonstrate they meet the definition provided in the policy and may enter into a formal agreement, with a maximum term of up to three years.

Where multiple parties may be interested in the same property, and a shared arrangement cannot be reached, officers will conduct an expression of interest, for exclusive or shared use of the property.

6. Exclusions

This policy does not apply to:

- Council owned or managed properties where operation of electronic gaming machines is proposed
- A site-specific resolution of Council.

7. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

8. Definitions

Terms and definitions used in this policy include:

Term	Details
Annual Turnover	Community Groups/Organisations total revenue received inclusive of GST for services and activities undertaken by the organisations within a financial year. New Starters/Entrepreneurs and Creative Practitioners total revenue received inclusive of GST for the derived services and activities undertaken by the practitioner, within a financial year.
Casual Hire Agreement	A user agreement to hire property (or part thereof) for a period of up to one (1) day to three (3) months. A hire agreement does not permit exclusive occupancy of the property. Is a short-term arrangement.
Community Group	A local Community club or group, incorporated under the Associations Incorporation Reform Act 2012 and operating for the benefit of the local community as a not-for-profit entity.
Community Organisation	means a body or organisation that: is defined in the Local Government Act 2020 as a Not for Profit Organisation a) operates exclusively for charitable, civil or other social purposes; b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation;
Creative Practitioner	Is a creative, craftsperson, artist, musician, cinematographer, demonstrator, artisan, performer, photographer or presenter.
Crown Land	As defined in the Crown Land (Reserves) Act 1978
Lease	A lease is a right granted by the owner of the property (Landlord) to another person (Tenant) to have exclusive possession of that property, or part thereof, for a fixed duration in return for rental payment.
Licence	A licence permits a person (Licensee) to occupy property (or part thereof) under particular conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the property. Generally for a short term.
New Starter/Entrepreneur	Is an individual or legal entity, that can demonstrate they are an entrepreneur or new start up commencing in business, (no more than 12 months old) or have recently moved to the Shire (in last 6 months), or are looking to move to the Shire (in the next 6 months), and committed to build and grow the business within the Shire.
Peppercorn	An amount that is insignificant. Minimum charge per annum is set in accordance with Council annual fees and charges and where Crown Land the peppercorn minimum fee will be determined by the Department of Environment, Energy and Climate Action (DEECA).
Service Manager	The relevant Council officer who manages the relationship with the existing or prospective tenants or landlords. The Service Manager is responsible for the management and delivery of the Council service offered or connected to the property.
Site Specific	A specific location of Council owned or managed property, identified by street address, title or lot and plan details.

9. Acknowledgements

9.1. Traditional Owners

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples. We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this country. We acknowledge their living culture and their unique role in the life of this region.

Policy Information

Document Number:	ECM Number when finalised		
Document Type:	Council Policy		
Document Status:	Under Review		
Policy Owner (by position):	Property Manager		
Internal Endorsement Required:	Not applicable		
Final Approval By:	Council		
Date Approved:	Click or tap to enter a date.		
Evidence of Approval:	Minutes dated: Click or tap to enter a date.		
Version	1	Frequency of Review	4 Years
Review Date:	21/11/2027		
Related Legislation:	Local Government Act 2020 Victorian Charter of Human Rights and Responsibilities Act 2006 Gender Equality Act 2020 Victorian Disability Act 2020 Crown Land (Reserves) Act 1978 Local Government Act 2020 Land Act 1958 Retail Leases Act 2003		
Related Strategic Documents, Policies, or Procedures	Council Plan 2021-2025 Council Policy Commercial Leasing Council Policy Rates and Charges Council Policy Contribution to Recreation Reserve Maintenance Council Policy Recreation Fees and Charges Council Policy Competitive Neutrality Internal Policy Council Building and Contents Insurance Community Leasing Guideline		
Attachments:	Nil		
Date Rescinded:	Not Applicable <input checked="" type="checkbox"/>		

Approval History: Date:	Reason for review
08/08/2018	Adopted Executive Management Group
20/08/2019	Revised Minute Book Reference No 3048 (Item 7.2)
01/03/2021	Revised Administrative update to apply consistent reference to Campaspe Shire Council ('Council')
20/04/2022	Revised Minute Book Reference No (Item 9.2)
TBC/2023	Review of current policy is driven by user feedback, providing affordability and access to community when leasing Council properties.

Currency: Documents are amended from time to time; therefore, you should not rely on a printed copy being the current version. Please consult the Campaspe Shire Council website to ensure that the version you are using is up to date. This document is available in alternative formats (e.g. larger font) if requested.

Assessment form Community Leasing



Section 1 Applicant Details	
Name of Organisation / Individual	
ABN/ACN/Inc. Association No. if applicable:	
Applicant registered address:	
Does the applicant hold a public liability insurance policy to the value of \$10,000,000	<input type="checkbox"/> Yes <input type="checkbox"/> No, will require the purchase of Council public liability insurance. Please attach evidence
Please provide a summary of the proposal of activities and or services (max 500 words) to be conducted in a Council property	
Section 2: Proposed Location and agreement type	
Name of Building	
Building address	
What is the desired occupancy timeframe sought?	Short term Hire (0-3 months) Short term (3-12 months) Longer term (12 months +)
Is the applicant requesting exclusive use of the site? If not, what part of the building is required?	

Section 3 Use of the site and Community benefit				
What is the proposed use of the building/location?				
Does the proposed activity meet one or more of the following policy principles of the Community Leasing Policy? (Please tick multiple if applicable)		<input type="checkbox"/> Equity and Community Activation <input type="checkbox"/> Health and Wellbeing <input type="checkbox"/> Connected Communities <input type="checkbox"/> Opportunity for Access and Inclusion <input type="checkbox"/> Creative and Cultural Heritage Development <input type="checkbox"/> Sustainable Environment <input type="checkbox"/> New Starter / Entrepreneur <input type="checkbox"/> Delivery of kindergarten programs in accordance with Council policy		
Please clearly explain how the proposed activity/ies meet the ticked principles.				
Does the proposed activity include or support any of the following? (Please tick multiple if applicable)		<input type="checkbox"/> People with a Disability <input type="checkbox"/> Youth <input type="checkbox"/> LGBTIQ+ Community <input type="checkbox"/> Women <input type="checkbox"/> Aboriginal and or Torres Strait Islanders <input type="checkbox"/> Socially Disadvantaged <input type="checkbox"/> Culturally Diverse community <input type="checkbox"/> Older people <input type="checkbox"/> People with Mental Illness <input checked="" type="checkbox"/> New Starter / Entrepreneur <input type="checkbox"/> Delivery of kindergarten programs in accordance with Council policy		
Please clearly explain how the proposed activity/ies supports the ticked groups of priority.				
Section 4. Risk				
Are there multiple parties interested in occupying the property?		<input type="checkbox"/> Yes, a shared arrangement will be facilitated. <input type="checkbox"/> Yes, an Expression of Interest to Lease will be conducted. <input type="checkbox"/> No		
Risk	Likelihood	Consequence	Rating	Mitigation Action

Assessment form Community Leasing

Section 5. Approval			
Date request received			
Approved Tenancy Agreement	<input type="checkbox"/> Hire Agreement <input type="checkbox"/> Lease <input type="checkbox"/> Licence Agreement <input type="checkbox"/> Management Agreement		
Assessed by Officer/s Name	Position	Score	Date
1.			
2.			
3.			
Director approval			
Date			
Recorded in ECM (Doc set ID)			

Scoring Rationale	Score
High Standard: The submission exceeds the intention of the policy principles in some or all respects and reflects alignment with Council, State or Federal strategies. The supporting information is comprehensive and complete.	5
Good Standard: The submission satisfies the policy principles in some respects and shows some alignment with Local, State or Federal strategies. The supporting information is reasonable and complete.	4
Acceptable Standard: The submission is of an acceptable standard, with only minor deficiencies and shortcomings in the detail of the supporting information and alignment with the policy principles and Local, State or Federal Strategies.	3
Sub Standard: The submission does not meet the policy principles does not clearly demonstrate alignment with Local, State or Federal Strategies.	2
Poor Standard: The submission does not meet the policy principles and does not demonstrate alignment with Local, State or Federal Strategies.	1
Non-conforming: Ineligible. Does not comply with the guiding principles.	0

Current Annual Fees and Charges 2023/24 Budget

Community Lease/ Cultural Practitioner Agreements for Council Properties				
Lease cost will be determined on application by the relevant Manager.				

Erratum

Proposed Annual Fees and Charges 2023/2024

Community Lease of Council Properties					
Minimum rental (Peppercorn) charge per annum from	Taxable	\$100.00	\$100.00	\$100.00	0.00%
Casual Hire Fees					
Facility hire 1 to 3 days (per period)	Taxable	\$5.00	\$5.00	\$10.00	100.00%
Facility hire 4 to 7 days	Taxable	\$10.00	\$10.00	\$15.00	50.00%
Facility hire 7 to 14 day	Taxable	\$15.00	\$15.00	\$20.00	33.33%
Facility hire 14 to 21 days	Taxable	\$20.00	\$20.00	\$25.00	25.00%
Facility hire up to 3 months	Taxable	\$25.00	\$25.00	\$50.00	100.00%
Facility hire 3 months and over - licence agreement to be negotiated with Council	Taxable	to be negotiated with Council	to be negotiated with Council	to be negotiated with Council	