

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 February 2019 commencing at 7:30pm.

Agenda

Carl Cowie
Chief Executive Officer

Thursday 7 February 2019

Distribution: Public

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Wominje ka

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Future Nillumbik Committee Meeting to be held
Tuesday 12 February 2019 commencing at 7:30pm.**

1. Welcome and apologies

Welcome by the Chair

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Reconciliation statement

The reconciliation statement to be read by the Mayor

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

Apologies

Cr Jane Ashton has requested a leave of absence for this Future Nillumbik Committee Meeting.

Recommendation

That Cr Jane Ashton's leave of absence be granted.

2. Disclosure of conflicts of interest

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

3. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 11 December 2018.

Recommendation

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 11 December 2018 be confirmed.

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4. Officers' reports

FN.001/19 Withdrawal of the Injured Wildlife Euthanisation Service

Portfolio: Community Services

Distribution: Public

Manager: Matt Kelleher, Director Services and Planning

Author: Jonathan McNally, Manager Community Safety and Amenity

Summary

Councillors have previously been briefed on the Injured Wildlife Euthanising Service currently provided by Council, including the nature of the service, the costs of providing this service, and the significant workplace Occupational Health and Safety (OHS) risks associated with the management and use of firearms in the day to day duties of Community Safety Officers (Rangers). This report seeks a decision to support officers in engaging key stakeholders to develop an orderly exit from this service.

Recommendation

That the Committee (acting under delegation from Council):

1. Immediately cease providing the injured wildlife euthanisation service on private property and only focus on risks within the public realm;
2. Direct officers to continue to engage with Victoria Police, Wildlife Victoria and other stakeholder organisations in formulating an exit of this service;
3. Direct officers to negotiate a support package for Wildlife Victoria for a period of 3 years to ensure that they continue to be adequately funded within Nillumbik to provide this service as they do across the rest of Victoria; and
4. Endorse a planned exit from the injured wildlife euthanisation service in its entirety by no later than 30 June 2019.

Attachments

Nil

Background

1. The service attends to the euthanasia of injured wildlife and domestic animals on both public and private land, in accordance with the *Prevention of Cruelty to Animals Act 1968* (POCTA). In accordance with responsibilities established under the POCTA authorisation, wherever possible and when resourced to do so, qualified and accredited officers are obliged to minimise the suffering of injured animals where a recovery from injuries is unlikely. The service is also carried out in order to minimise the chance of injured wildlife from creating a road hazard on public roads.
2. In May 2018, Council engaged Maddocks Lawyers and PPB Advisory (now part of PWC) to undertake an independent audit and review of its past, present and future management of its wildlife euthanising service and related management of firearms.
3. Council has delivered the service since 1994 (Local Government amalgamation) with licensed and accredited staff attending incidents of injured wildlife on both public and private property, humanely euthanising animals with the use of firearms. It is understood that a similar service was provided by the former Diamond Valley and

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Eltham Shires. The service is provided 24 hours a day, seven days a week. Currently, two licensed Rangers attend to incidents within business hours and a contractor delivers the service outside of business hours.

4. An independent audit and review of the service was commissioned due to concerns regarding the significant risk to the workplace health and safety of staff, contractor(s) and the broader community in relation to Council's delivery of the service, and whether it was suitable for Council to continue delivering the service. Further, the audit was also necessary to ensure that Council manages its firearms in a legally compliant, safe and responsible manner to ensure risks and legal requirements are effectively managed.
5. The audit report was presented to Council's Audit Committee on 13 August 2018, due to the Committee's risk management advisory role and expertise. At its meeting, the Audit Committee decided:
 - *The Wildlife euthanising services and related firearms management report was received and noted.*
 - *The Committee advises to Council that, as the risks may not be adequately mitigated it is the advice of the Audit Committee that the Council should consider making alternative arrangements to deliver these services in the future.*
6. Since Councillors were briefed on the audit report in September 2018, officers have continued to seek alternatives for the provision of this service, and have commenced engaging with key stakeholders such as the Victoria Police and Wildlife Victoria as we move toward Council exiting this service.

Policy context

7. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Ensure that Council meets its legal responsibilities and manages its risks.

Budget implications

8. It is expected that in exiting this service, there will be a direct cost saving in contracting the after-hour's euthanisation service of \$56,000 annually. Further, during business hours there will be significant resourcing savings as officers time, which equates to approximately 0.4 EFT per week will be redirected to core community safety duties, leading to improved service levels and efficiencies within the Community Safety Service.

Consultation/communication

9. Council officers have recently met with the CEO and Operations Supervisor for Wildlife Victoria (a not for profit organisation) in order to discuss Council's intention to cease providing this service within Nillumbik. In addition to significant advocacy work, Wildlife Victoria run a call centre servicing all of Victoria whereby injured wildlife are reported, and Wildlife Victoria volunteers are dispatched wherever possible, to either care for, or euthanise injured wildlife. Within Nillumbik, the vast majority of calls for injured wildlife are forwarded directly to Council to manage, representing in excess of 90% of calls received for this service by Nillumbik.

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10. Although there was some disappointment expressed by Wildlife Victoria staff, they understood the reasons as to why Council would move away from such a service. Further, Wildlife Victoria expressed a desire to continue to work with Council and strengthen its relationship in other areas such as cat management, and supporting wildlife carers. Although the topic of a financial contribution to support the work of this organisation was discussed, no figure was specified by Wildlife Victoria.
11. Victoria Police is a key organisation in the provision of this service due to officers being POCTA authorised, and having access to firearms with which to carry out the service. However, it is generally considered a secondary service for Police Officers. If Council exits this service, there would be a heightened demand for Police Officers to attend to injured wildlife. Victoria Police is also responsible for ensuring that organisations such as Nillumbik manage firearms appropriately, and manage risks associated with the use of firearms. Council will continue to liaise with Victoria Police as it exits the service.

Issues/options

12. As identified above, in May 2018 Maddocks Lawyers and PPB Advisory undertook an independent audit of its past, present and future management of its wildlife euthanising service and related management of firearms. PPB Advisory also carried out benchmarking and a review of the service to determine whether it was appropriate for Council to continue providing this service.
13. The findings and recommendations are being presented in reverse order to what they were considered in the review, due to the compelling nature of the report's conclusion, recommending that Council ultimately exit the service.
14. The review identified a number of options Council has to address the service, being:
 - a) Broadly continuing to provide the service as-is
 - b) Pursuing a full outsourced model
 - c) Materially truncating the scope of the service provided
 - d) Totally exiting the service.
15. It is important to note that injured wildlife euthanisation remains a discretionary service, as there is no statutory requirement for Council to be providing a euthanisation service (as opposed to the broader animal management service under the Domestic Animals Management Act 1994) and this is a non-core service offering.
16. Benchmarking research was undertaken with similar councils to understand sector trends regarding service provision and management of firearms. Nillumbik was an outlier amongst this group in continuing to provide the service in the manner that it does, with all councils surveyed having ceased using firearms, while two have moved to using bolt guns. The remaining councils either ceased providing the service, or had never provided the service. Concerns relating to the overall risk of handling of firearms; whether councils really should be in the business of handling firearms; and points of decreasing demand, or access to other agencies (such as the police) being better suited to providing the service were all points put forward by these councils.

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17. The following addresses the options for the service:

a) Broadly continuing to provide the service as-is

Significant obstacles exist in continuing the service as is in order to ensure a safe and effective service is provided. The existing after hour's contractor has significantly increased fees and charges for the service, which has had an impact on the current year's budget. Further, in order to provide a service that ensures the safety of staff and contractors, callouts should be attended two-up which would lead to a doubling of staff resources for this service alone, leading to significant decreases in service levels for Council's core animal management responsibilities. The detailed costings of implementing such changes, in addition to the increase in staffing numbers necessary to effectively deliver the service, without disadvantaging or prejudicing the performance of Council's broader animal management service responsibilities have not yet been prepared. With the extent of residual risk to Council presented by this option, it is not recommended to continue to deliver the service as-is.

b) Pursuing a full outsourced model

As highlighted in option A, the current contractor has recently increased the fees and charges associated with the after-hours provision of this service. As such, the costs of delivering the after-hours euthanasia service have increased by 186 per cent (from \$19,500 in 17/18 FY to approximately \$56,000 per annum for the afterhours service only, based on current service requests). Extrapolated to doubling the contract coverage for business hours and after-hours service, the service cost has the potential to be in the vicinity of \$100,000 per annum. Further, the review highlights the challenges in securing suitable and reputable contractors to deliver the full service. Further, Council would have an ongoing responsibility and liability in relation to its Occupational Health and Safety responsibilities to contractors, meaning that contractors would need to operate two up, as would Council employees. This coupled with the reputational risks and decreased level of control continues to present a high level of residual risk to Council in contracting out the full service.

c) Materially truncating the scope of the service provided

There is merit in Council considering this option, as it is feasible and goes part way of reducing the residual risk in maintaining the service. For example, there is an opportunity to attend incidents in conjunction with the Police, reduce the service hours, or, limiting the service to public land incidents only and immediately ceasing attending private land incidents. Unless an alternative method of euthanising animals is selected, such as bolt guns, this option continues to see Council with a role in managing firearms. While bolt guns remove some degree of risk as they are not a firearm, their use still presents a significant OHS risk to staff conducting the service. As a Ranger will need to stand over the animal to discharge the bolt, they are at increased risk of injury caused by a distressed animal. Appropriate risk assessment training, with the Ranger exiting an incident and not carrying out the service could address the immediate risk. However it is likely that a greater of number of incidents would go unattended. Council would also be facing existing obstacles, such as the significant investment needed to improve firearms management and compliance

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and increased staff resourcing. This option would however, be more palatable for some stakeholders such as the police, or community members who may expect Council to deliver this service.

d) Totally exiting the service

On the balance of considerations, of both the audit and the review, the advice put forward is for Council to ultimately exit the service. Exiting the service would eliminate significant risks and liabilities currently faced by Council in delivering the service, particularly in relation to the ongoing management of firearms and the related risks to staff and the broader community. The risk presented to Council in exiting the service is predominantly in the form of reputational risk, particularly the community response to Council not providing the service, and the willingness, ability and capacity of the alternate providers/stakeholders to deliver the service (Victoria Police, DELWP, RSPCA, Wildlife Victoria and Wildlife rescue agencies, etc). Beyond that, the community may express concerns regarding road safety (addressing injured wildlife and risks to the safety of road users) and the desire for the humane treatment of injured animals. There are alternate providers that are qualified and able to provide this service. Considering Council has delivered the service for a significant period and these providers are unlikely to be prepared, an appropriate transitional arrangement should be developed, communicated and deployed and financial support should be offered to the peak authority, Wildlife Victoria.

18. In light of the compelling nature of the risks and liabilities faced by Council in both continuing to deliver the service and the management of firearms, it is recommended that Council exit the wildlife euthanasia service, with the exit implemented via a transitional process to be completed no later than 30 June 2019.

Conclusion

19. Council officers have already commenced engaging with key stakeholders for this service, including the Victoria Police and Wildlife Victoria. It is recommended that Council resolve to exit the service, it is recommended that a transitional process, of approximately 3 months be developed and deployed to enable the effective and smooth departure from delivering this service by 30 June 2019. Considering other agencies have not provided like services within Nillumbik (as they do elsewhere), sufficient time is needed to engage these stakeholders and enable their preparation. Further, a comprehensive communications plan is needed to support Council in engaging and educating the community in its decision, the reasons why and the available alternatives.
20. As part of the transition, Council should immediately cease providing the service on private property and only focus on risks within the public realm. While not specifically addressed in the audit/review, it is considered beyond the scope of the existing public service to be carrying out euthanising services on private property for residents and this action would immediately reduce the risk to Council.

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FN.002/19 Electoral Representation Review

Portfolio: Finance and Governance

Distribution: Public

Manager: Blaga Naumoski, Executive Manager Governance

Author: Katia Croce, Governance Lead

Summary

In 2019 and 2020, the VEC will be conducting electoral representation reviews for 31 councils across Victoria. A review of Nillumbik Shire Council's structure will begin from Wednesday 13 February 2019. This report provides the community with information about the review, outlines key dates and explains how the community can be involved.

Recommendation

That the Committee (acting under delegation from Council) notes this report.

Attachments

Nil

Background

1. The *Local Government Act 1989* requires the VEC to review each council before every third general election. In line with the notice given by the Minister of Local Government, an electoral representation review is underway of 31 councils across Victoria. This review must be completed by 24 April 2020.
2. A representation review ensures that the electoral structure of a local council provides fair and equitable representation for all voters. Representation reviews occur approximately every 12 years, and unscheduled reviews may also take place.
3. A review considers:
 - Whether a local council has the appropriate number of councillors.
 - Whether the local council should be unsubdivided, with councillors elected from the whole local council, or subdivided into wards.
 - If subdivided, the number of wards, ward boundaries and the number of councillors per ward.
 - When the review is complete, the VEC makes a final recommendation to the Minister for Local Government. Any changes to the electoral structure of the council then apply at the next general election.
4. Nillumbik Shire Council is one of the first 12 Council's to undergo this review. The last review conducted in Nillumbik was in 2008.
5. At the last electoral representation review of the Shire, there was a change from nine single-councillor wards to seven single-councillor wards.
6. Some of the reasons for the change as outlined in the VEC final report released in May 2018 were:

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- Low population growth - a seven-councillor structure would not affect the councillor-voter ratio.
- Little cultural ethnic diversity across the shire, suggests single-wards representing geographic communities of interest are appropriate for Council.
- Nillumbik had 46,373 voters on the roll at the 2012 Council election therefore; the number of people each councillor would represent would be adequate.

7. The VEC has identified the following key dates in the review process:

| Key Dates | |
|--|---|
| 11 February 2019 at 7:30pm 18 February 2019 at 7:30pm | Public Information Session - Council Chambers Public Information Session - St Andrews Community Centre |
| 13 February 2019 | Publication of notice of review and preliminary submissions open - the Submission Guide will be available |
| 13 March 2019 at 5:00pm | Preliminary submissions close |
| 10 April 2019 to 8 May 2019 at 5:00pm | Preliminary report released and open for public submissions for a period of 28 days |
| 13 May 2019 at 7.30pm | Public hearing (should there be requirement to hold a public hearing) |
| 5 June 2019 | Schedule release of final report |

Policy context

8. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Maintain good governance and effective leadership.

Budget implications

9. The VEC provided a cost estimate of \$42,000 for conducting the electoral representation review of Council. This is a statutory review whereby Council is required to fund a portion of the cost of the review.
10. The recovery of the VEC's expenses for conducting an electoral representation review is directed through section 219P of the *Local Government Act 1989*.

Consultation/communication

11. The VEC has published the Nillumbik Shire Council representation review webpage.
12. Advertisements were placed in the Herald Sun on Thursday 17 January 2019 and the Diamond Valley Leader on Wednesday 6 February 2019.
13. The VEC issued a media release to local media outlets on Tuesday 5 February 2019.

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14. The VEC will be issuing emails to local community groups and encouraging local Facebook pages to post about the review.

Issues/options

15. The VEC is required under the legislation to make recommendation to the Minister for Local Government as to the number of councillors and the electoral structure that provides fair and equitable representation for the voters of the Shire.
16. Council is considering if the existing representation levels are sufficient and will make a submission in the review prior to the preliminary submissions closing on the 13 March 2019. As part of the assessment, Council will take into consideration which electoral structure provides the best fit for the Shire and provides for fair and equitable representation of the voters of the Council.
17. A formal view on Council's position will be resolved at Council's Ordinary Meeting on 26 February 2019.

Limitations of a representative review

18. A representation review cannot:
- Change the external boundaries of the local council
 - Divide local councils
 - Combine local councils

Conclusion

19. This report is prepared to assist with the promotion of the VEC electoral representation review and inform the community about how to get involved in the process.
20. Council's formal position will be resolved at its Ordinary Meeting of Council on 26 February 2019.

Future Nillumbik Committee Agenda

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- 5. Supplementary and urgent business**
- 6. Confidential reports**