



Minutes

Council Meeting held at 12.30 PM on Monday 1 February 2021 in the Council Chamber, Pleasant Creek Historic Precinct.

Present

Cr Murray Emerson (Mayor)
Cr Lauren Demspey
Cr Tony Driscoll
Cr Kevin Erwin
Cr Trevor Gready
Cr Rob Haswell

Ms Liana Thompson, Chief Executive Officer
Mr Vaughan Williams, Director Corporate Services
Mr Trenton Fithall, Director Infrastructure
Mrs Naomi Goode, Director Communities

Affirmation

We recognise the traditional owners of the land.
We are inspired by the early pioneers and by those who gave their lives for our country.
We now ask God's blessing on our deliberations
and on our commitment to build a better lifestyle and environment.

To be confirmed at the meeting of Council on Monday 1 March 2021.

Table of Contents

1. Apologies	3
2. Confirmation of Minutes	3
3. Matters Arising from the Minutes	3
4. Presentations/Awards.....	3
5. Presentation of Petitions and Joint Letters.....	3
6. Disclosure of a Conflict of Interest at a Council Meeting	4
7. Informal Meetings of Councillors	5
8. Items Brought Forward	5
9. Consideration of Reports of Officers	6
9.1. Enhance Lifestyles and Community.....	6
9.2. Boost Economic Growth	7
9.3. Providing Sustainable Infrastructure.....	8
9.3.1. Local Roads and Community Infrastructure Fund.....	8
9.4. Improve Organisational Effectiveness.....	14
9.4.1. Councillor Code of Conduct	14
9.4.2. Proposed Naming of Maud Street Dams Site.....	41
9.4.3. Quarterly Finance Report	44
10. Notices of Motion or Rescission.....	63
11. Reports from Councillors/Committees.....	63
12. Urgent Business	63
13. Public Question Time.....	63
14. Closure of Meeting Pursuant to Section 66(2)(a) of the Local Government Act 2020.....	64
14.1. C8 2018/19 - Provision of Street Cleaning Services	64
14.2. CEO Performance and Remuneration	64
14.3. Planning Application Request	64
15. Close	65

1. Apologies

Nil

2. Confirmation of Minutes

Council Meeting held on Monday, 7 December 2020

RESOLUTION

That the minutes as listed, copies of which have been circulated, be confirmed and adopted.

Moved: Cr Kevin Erwin

Seconded: Cr Rob Haswell

Carried

3. Matters Arising from the Minutes

Nil

4. Presentations/Awards

Nil

5. Presentation of Petitions and Joint Letters

Nil

6. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she-

(i) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

(ii) intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice-

- advising of the conflict of interest;**
- explaining the nature of the conflict of interest; and**
- detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the-**
 - name of the other person**
 - nature of the relationship with that other person or the date on receipt, value and type of gift received from the other person; and**
 - nature of that other person's interest in the matter;**

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer.

The Councillor must, in either event, exclude themselves from the decision-making process, including any discussion or vote on the matter and any action in relation to the matter and leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

Members of Staff

A member of Council staff must disclose any conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a report for a Council meeting. They must immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining its nature.

The Chief Executive Officer declared a material interest in Item 14.2 due to the matter being considered is her employment contract.

7. Informal Meetings of Councillors

[Liana Thompson, Chief Executive Officer]

Council's Governance Rules require that if there is a meeting of Councillors that-

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, delegated committee meeting or community asset committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- tabled at the next convenient Council meeting; and
- recorded in the minutes of that Council meeting.

The records for the period since the last Council Meeting are listed below.

◆ Date	Meeting Description	◆ Matters Considered At The Informal Meeting:	Conflict Of Interest Disclosures						
30/11/2020	Sustainable Infrastructure Briefing	8.1. Lord Nelson Park Multipurpose Design 8.2. St Arnaud Early Learning Centre Review 8.3. Vendor Managed Recruitment Service 8.4. Sloane Street Update 8.5. Council Action Plan Update 8.6. St Arnaud Community Plan 8.7. Establish New MEMPC 8.8. Planning Delegation Policy 8.9. Appointment of Council Committee Delegates/Representatives 2021 8.10. Council Meeting Schedule 2021	<table border="1"> <thead> <tr> <th colspan="3">Councillor/Officer Item Number Left Meeting?</th> </tr> </thead> <tbody> <tr> <td>Nil</td> <td>Nil</td> <td>Nil</td> </tr> </tbody> </table>	Councillor/Officer Item Number Left Meeting?			Nil	Nil	Nil
Councillor/Officer Item Number Left Meeting?									
Nil	Nil	Nil							

RESOLUTION

That the report on Informal Meetings of Councillors be approved.

Moved: Cr Kevin Erwin
Seconded: Cr Tony Driscoll

Carried

8. Items Brought Forward

Nil

9. Consideration of Reports of Officers
9.1. Enhance Lifestyles and Community
Nil

9.2. Boost Economic Growth

Nil

9.3. Providing Sustainable Infrastructure

9.3.1. Local Roads and Community Infrastructure Fund

Author/Position: Trenton Fithall, Director Infrastructure

Purpose

To designate projects under Round Two of the Local Roads and Community Infrastructure Federal Program.

Summary

The Federal Government announced Round Two of the Local Roads and Community Infrastructure Program. This funding is aimed to stimulate growth and create jobs in local communities following the impacts of COVID-19.

Eligible local road projects are projects that involve the construction or maintenance of roads managed by local governments. Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets that are generally accessible to the public.

Under this program Council is eligible for \$1,538,379 worth of projects to be physically completed by 31 December 2021.

Recommendation

That

- 1. Council withdraws the proposed North Park Precinct Projects, Stage #1 Netball Court Upgrade from the federally funded Local Roads and Community Infrastructure program.**
- 2. Council adopts the proposed projects for the federally funded Local Roads and Community Infrastructure Program:**
 - **Revitalising St Arnaud to increase Public Activity, Streetscape (Round One)**
 - **St Arnaud Tennis Club Building Renewal**
 - **Landsborough Road Bridge Renewal - Kindred Road**
 - **Willaring Road Culvert Upgrade**
 - **Sloane Street Roundabout Rehabilitation**
 - **Newton Street, Stawell Kerb & Channel/Footpath Installation**
 - **Bowen Street, St Arnaud Kerb & Channel/Footpath Installation**
 - **Grampians Road, Halls Gap Pedestrian Crossing**
 - **Clematis Drive, Halls Gap Footpath Installation**
 - **Patrick Street, Stawell Drainage**
 - **McLaughlin Street, Stawell Kerb & Channel/Footpath/Drainage Installation**
 - **Banyena Road, Banyena Final Seal**
 - **Trajul Road, Halls Gap Final Seal**
 - **Woolpack Road, St Arnaud Final Seal**

RESOLUTION

That

- 1. Council withdraws the proposed North Park Precinct Projects, Stage #1 Netball Court Upgrade from the federally funded Local Roads and Community Infrastructure program.**
- 2. Council adopts the proposed projects for the federally funded Local Roads and Community Infrastructure Program:**
 - **Revitalising St Arnaud to increase Public Activity, Streetscape (Round One)**
 - **St Arnaud Tennis Club Building Renewal**
 - **Landsborough Road Bridge Renewal - Kindred Road**
 - **Willaring Road Culvert Upgrade**
 - **Sloane Street Roundabout Rehabilitation**
 - **Newton Street, Stawell Kerb & Channel/Footpath Installation**
 - **Bowen Street, St Arnaud Kerb & Channel/Footpath Installation**

- **Grampians Road, Halls Gap Pedestrian Crossing**
- **Clematis Drive, Halls Gap Footpath Installation**
- **Patrick Street, Stawell Drainage**
- **McLaughlin Street, Stawell Kerb & Channel/Footpath/Drainage Installation**
- **Banyena Road, Banyena Final Seal**
- **Trajul Road, Halls Gap Final Seal**
- **Woolpack Road, St Arnaud Final Seal**

Moved: Cr Kevin Erwin

Seconded: Cr Tony Driscoll

Carried

Background/Rationale

The Federal Government, Department of Infrastructure, Transport, Regional Development and Communications, announced the Round Two of the Local Roads and Community Infrastructure (LRCI) Program on 6 October 2020 as part of the 2020-21 Federal Budget. The program is designed to further support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies. This funding is aimed to stimulate growth and create jobs in local communities following the impacts of COVID-19.

The LRCI Program will run from 14 December 2020 to 30 June 2022, with projects required to be physically completed by 31 December 2021.

The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs. It is expected that councils will use local businesses and workforces to deliver projects under the LRCI Program where possible to ensure stimulus funding flows into local communities.

The Program supports a broad range of eligible projects so councils can fund the infrastructure that they need, support businesses and create employment opportunities across their communities.

The Australian Government has announced a further \$1 billion to extend the LRCI Program.

The formula used to determine the Round Two allocations comprises of two parts with the following weighting, added together: one third of the allocation calculated using the existing LRCI formula (based on the Roads to Recovery Program (R2R)); and two thirds of the allocation based on council population size.

Co-contributions are not required under the LRCI Program, although, council may choose to invest its own funds on eligible projects.

Eligible local road projects are projects that involve the construction or maintenance of roads managed by local governments. This could include projects involving any of the following associated with a road:

- traffic signs
- traffic control equipment
- street lighting equipment
- a bridge or tunnel
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station)
- facilities off the road that support the visitor economy
- road and sidewalk maintenance, where additional to normal capital works schedules

Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

These projects must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV)
- bicycle and walking paths
- painting or improvements to community facilities
- repairing and replacing fencing
- improved accessibility of community facilities and areas
- landscaping improvements, such as tree planting and beautification of roundabouts
- picnic shelters or barbeque facilities at community parks
- playgrounds and skate parks (including all ability playgrounds)
- noise and vibration mitigation measures
- off-road car parks (such as those at sporting grounds or parks)

Projects must be additional to council's existing work plan for 2020-21. Projects that have been brought forward from post 2020-21 work plans will be considered additional.

A list of proposed projects has been developed and Round One presented at a Councillor Briefing on 22 June 2020. The proposed projects were adopted by Council at its August meeting 2020. A further briefing for Round Two proposed projects was held on 27 January 2021. The proposed projects were shortlisted from Council's draft 10 Year Capital Program, considering the eligibility criteria and capacity to deliver within the set timeframes.

The previously adopted projects include:

- North Park Precinct Projects, North Park Stage #1 Netball Court Upgrade
- Lord Nelson Park Multipurpose Sporting Facility Redevelopment, Roadworks
- Stawell Park Precinct Program, Perimeter Fencing
- Stawell Park Precinct Program, Hard Surface Surrounds
- St Arnaud Civic Precinct, Market Square - Junior Play Area
- St Arnaud Civic Precinct, Market Square - Nature Play
- Halls Gap Action Plan, Heath Street Upgrades
- Revitalising St Arnaud to increase Public Activity, Streetscape
- Revitalising St Arnaud to increase Public Activity, Road Rehabilitation

These projects are progressing and are expected to be delivered within the funding requirements. Since the adoption of these projects, further funding opportunities have become available which are better suited to achieve the North Park Precinct Projects, Stage #1 Netball Court Upgrade. It is proposed that Council remove this project from the adopted projects under Round One and replace it with other priority projects.

Proposed projects for adoption include:

- Revitalising St Arnaud to increase Public Activity, Streetscape (Round One)
- St Arnaud Tennis Club Building Renewal
- Landsborough Road Bridge Renewal - Kindred Road
- Willaring Road Culvert Upgrade
- Sloane Street Roundabout Rehabilitation
- Newton Street, Stawell Kerb & Channel/Footpath Installation
- Bowen Street, St Arnaud Kerb & Channel/Footpath Installation
- Grampians Road, Halls Gap Pedestrian Crossing
- Clematis Drive, Halls Gap Footpath Installation
- Patrick Street, Stawell Drainage
- McLaughlin Street, Stawell Kerb & Channel/Footpath/Drainage Installation
- Banyena Road, Banyena Final Seal
- Trajul Road, Halls Gap Final Seal
- Woolpack Road, St Arnaud Final Seal

The proposed projects and the delivery of them are in addition to projects already proposed within the 2020-21 Council Budget. Therefore the additional project management requirements unallocated within the Budget have been considered and allowed for within the proposal.

Other projects considered include:

- North Park Precinct Projects
- Stawell Cemetery Improvement Program
- Stawell Airport Upgrade
- Infrastructure Program future projects
- Landsborough Road Bridge - Concongella Creek

It is estimated that the entire LRCI Program and proposed projects will reduce the Rate Subsidy demand on Council's Draft 10 Year Capital Program by approximately \$1.1M.

Adopting the proposed projects will enable council officers to submit a works schedule in accordance with the Grant Agreement and commence project delivery.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017-21

North Park Precinct Master plan 2020

Lord Nelson Park Precinct Plan 2014

Stawell Parks Precinct Plan 2019

St Arnaud Civic Precinct Plan 2014

Market Square Precinct Plan 2019

Halls Gap Action Plan

Halls Gap Master-Plan for Commercial Investment and Public Land Development 2016

Options

Option 1

Withdraw the proposed North Park Precinct Projects, Stage #1 Netball Court Upgrade, and adopt the proposed projects:

- Revitalising St Arnaud to increase Public Activity, Streetscape (Round One)
- St Arnaud Tennis Club Building Renewal
- Landsborough Road Bridge Renewal - Kindred Road
- Willaring Road Culvert Upgrade
- Sloane Street Roundabout Rehabilitation
- Newton Street, Stawell Kerb & Channel/Footpath Installation
- Bowen Street, St Arnaud Kerb & Channel/Footpath Installation
- Grampians Road, Halls Gap Pedestrian Crossing
- Clematis Drive, Halls Gap Footpath Installation
- Patrick Street, Stawell Drainage
- McLaughlin Street, Stawell Kerb & Channel/Footpath/Drainage Installation
- Banyena Road, Banyena Final Seal
- Trajul Road, Halls Gap Final Seal
- Woolpack Road, St Arnaud Final Seal

for the federally funded Local Roads and Community Infrastructure Program. **[recommended]**

Option 2

Do not adopt the proposed projects for the Local Roads and Community Infrastructure Program. **[not recommended]**

Implications

Any identified sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/privacy, risk management, budgetary and asset management implications have been addressed in this report.

Procurement

This report has considered the procurement requirements of the proposed works. No procurement agreements are proposed.

Community Engagement

Projects considered within this report are those already proposed within Council's 2020-21 Draft Budget and are drawn from priorities or actions derived from different strategic planning. This planning undergoes its own form of community engagement at the time of its development.

If projects are adopted for the program, each project will be managed separately and undergo separate community engagement in their delivery.

Innovation and Continuous Improvement

This report has considered the implications of the proposed works and the financial impact it has on future programs. Reducing the Rates Subsidy demand on Council's Draft 10 Year Capital Program was a significant consideration.

Collaboration

Guidance has been sought from the Department of Infrastructure, Transport, Regional Development and Communications in regards to project eligibility.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Trenton Fithall, Director Infrastructure

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

Attachments

Nil

9.4. Improve Organisational Effectiveness

9.4.1. Councillor Code of Conduct

Author/Position: Mary Scully, Manager Governance & Civic Support

Purpose

To adopt the Councillor Code of Conduct.

Summary

The *Local Government Act 2020* requires a Council to adopt its Councillor Code of Conduct within four months of a general election. The Code must be adopted by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council.

Recommendation

That Council adopts the Councillor Code of Conduct.

RESOLUTION

That Council adopts the Councillor Code of Conduct.

Moved: Cr Kevin Erwin
Seconded: Cr Lauren Dempsey

Carried

Background/Rationale

A Council must develop a Councillor Code of Conduct. The purpose of the Code of Conduct is to set out the Standards of Conduct with which Councillors must comply and to describe the principles, values, standards and behaviours that will guide Council collectively and Councillors individually in fulfilling their role and functions. The Code of Conduct sets out the internal arbitration process and provides guidance in the event of any breach of the Code of Conduct and/or Standards of Conduct.

Councillors have prepared the Code of Conduct in compliance with the relevant legislation and have taken the opportunity to include additional obligations, values and expectations as they consider that these will contribute to the good governance, integrity and responsible operation of Council. They are in addition to the Standards of Conduct and are not intended to modify, or derogate from, the Standards of Conduct set out in the Act and the Regulations.

The Code:

- a. must include the Standards of Conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020* and expected to be observed by Councillors;
- b. must include any provisions prescribed by the Regulations;
- c. must include provisions addressing any matters prescribed by the Regulations; and
- d. may include any other matters which the Council considers appropriate, other than any other standards of conduct.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 2020

Local Government (Governance and Transparency) Regulations 2020

Options

Option 1

Council adopts the Code as presented. **[recommended]**

Option 2

Council makes changes to the Code as presented and schedules a Council meeting prior to 24 February at which to adopt the amended Code. **[not recommended]**

Implications

Any identified implications have been addressed in this report.

Procurement

Not applicable.

Community Engagement

Not applicable.

Innovation and Continuous Improvement

Not applicable.

Collaboration

The document has been modelled on the suggested Councillor Code of Conduct structure and topic list developed by Local Government Victoria that has worked collaboratively with all Victorian councils to enable them to meet the requirements of the LGA 2020 transition. This was achieved through co-design engagement and support to the sector and fast-tracking the development of a pathway of documents and materials. Collaboration has also been undertaken with Maddocks Lawyers that has undertaken a review of the draft Code to ensure compliance with relevant legislation.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

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

Attachments

1. Councillor Code of Conduct 2021 [9.4.1.1 - 24 pages]

Councillor Code of Conduct



February 2021



Northern Grampians Shire Council
LIVE | WORK | INVEST | VISIT

CONTACT US

-  ngshire@ngshire.vic.gov.au
-  www.ngshire.vic.gov.au
-  (03) 5358 8700
-  PO Box 580 Stawell VIC 3380

CONNECT WITH US

-  facebook.com/ngshire
-  [@ngshire](https://twitter.com/ngshire)
-  [@northerngrampiansshire](https://www.instagram.com/northerngrampiansshire)
-  #ngshire #liveworkinvestvisit #wandervictoria

INTRODUCTION

1. Nature of Code

This is the Councillor Code of Conduct of the Northern Grampians Shire Council, made in accordance with Section 139 of the *Local Government Act 2020*.

2. Date of Commencement

The Code of Conduct commences on 1 February 2021.

3. Contents and Structure

The *Code of Conduct* is divided into the following Chapters. The structure is based on the headings of the Standards of Conduct set out in the *Local Government (Governance and Integrity) Regulations 2020*.

Chapter 1	Treatment of others
Chapter 2	Performing the role of Councillor
Chapter 3	Compliance with good governance measures
Chapter 4	Councillor must not discredit or mislead Council or public
Chapter 5	Standards do not limit robust political debate
Appendix	Disputes between Councillors

Only those matters that are clearly identified at the beginning of each Chapter constitute Standards of Conduct for the purposes of the Act.

Any additional obligations, values or expectations specified in the Code have been included because Councillors consider that they will contribute to the good governance, integrity and responsible operation of Council.

Councillors acknowledge that these additional matters are expressed as operating in addition to the Standards of Conduct and that they are not intended to modify, or derogate from, the Standards of Conduct set out in the Act and the Regulations.

4. Definitions

In the Code of Conduct, unless the context suggests otherwise, the following words and phrases mean—

<i>Act</i>	<i>means the Local Government Act 2020</i>
<i>Arbiter</i>	<i>means an eligible person on a panel list established by the Secretary selected by the Principal Conduct Registrar to conduct an internal arbitration process</i>
<i>Chief Executive Officer</i>	<i>means the Chief Executive Officer of Council</i>
<i>conflict of interest</i>	<i>means a general conflict of interest as set out in Section 127 of the Act and a material conflict of interest as set out in Section 128 of the Act</i>
<i>Code of Conduct</i>	<i>means the Councillor Code of Conduct</i>

<i>Council</i>	<i>means this Northern Grampians Shire Council</i>
<i>Councillor</i>	<i>means a person who is an elected member of the Council as defined under the Act and includes the Mayor, the Deputy Mayor and all other councillors</i>
<i>Council meeting</i>	<i>means a meeting of Council at which all the Councillors are, subject to the Act, entitled to be present and vote</i>
<i>Mayor</i>	<i>means the Mayor of Council</i>
<i>misconduct</i>	<i>means any breach by a Councillor of the Standards of Conduct</i>
<i>Regulations</i>	<i>means the Local Government (Governance and Integrity) Regulations 2020</i>
<i>senior officer</i>	<i>means a member of the Executive Leadership Team</i>
<i>Standards of Conduct</i>	<i>means the standards of conduct prescribed in the Regulations</i>

Table of Contents

INTRODUCTION

1. Nature of Code
2. Date of Commencement
3. Contents and Structure
4. Definitions
5. Legislation
6. Purpose
7. Scope

CHAPTER 1 - TREATMENT OF OTHERS

Standard 1:

8. Promoting Wellbeing in the Workplace
9. Councillor Relationships with Council Staff
10. Harassment and Discrimination
11. Bullying
12. Gender Equality

CHAPTER 2 - PERFORMING THE ROLE OF THE COUNCILLOR

Standard 2:

13. Role of Council
14. Role of a Councillor
15. Role of the Mayor
16. Functions of the Chief Executive Officer
17. Councillor Misconduct
18. Training

CHAPTER 3 - COMPLIANCE WITH GOOD GOVERNANCE MEASURES

Standard 3:

19. Overarching Governance Principles
20. Council Policy
21. Internet Access/Media Policy
22. Council Recordkeeping
23. Privacy and Data Protection

CHAPTER 4 - COUNCILLOR MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC

Standard 4:

24. Improper conduct
25. Misuse of Position (Section 123)
26. Directing a member of Council staff (Section 124)

27. Confidential Information (Section 125)
28. Conflict of Interest
29. Gifts and Bribery
30. Communication
31. Fraud and Corruption
32. Use of Council Resources
33. Core Values
34. Personal Dealings with Council
35. Land use planning, development assessment and other regulatory functions
36. Review of Code of Conduct

CHAPTER 5 - STANDARDS DO NOT LIMIT ROBUST POLITICAL DEBATE

Standard 5:

APPENDIX - DISPUTES BETWEEN COUNCILLORS

37. Internal resolution (voluntary)
38. Internal Resolution Procedure by Independent Arbiter (mandatory)

5. Legislation

The Act requires a council to develop and maintain a Councillor Code of Conduct. This Code of Conduct has been adopted by the Council to comply with the requirements of the Act.

A Councillor Code of Conduct:

- a. must include the Standards of Conduct prescribed by the Regulations expected to be observed by Councillors; and
- b. must include any provisions prescribed by the Regulations; and
- c. must include provisions addressing any matters prescribed by the Regulations; and
- d. may include any other matters which the Council considers appropriate, other than any other Standards of Conduct.

A council must review and adopt the Code of Conduct within the period of 4 months after a general election.

A council must adopt the Code of Conduct under Section 139(4) by a formal resolution of the council passed at a meeting by at least two-thirds of the total number of Councillors elected to the council.

A breach of the Standards of Conduct will constitute misconduct and may be referred to the internal arbitration process. If an Arbiter makes a finding of misconduct against a Councillor, the Councillor may be subject to sanctioning by the Arbiter in accordance with Section 147(2) of the Act.

Section 30 of the Act requires all Councillors to take the oath or affirmation of office before they are capable of acting as Councillors. The oath and affirmation require Councillors to swear and affirm that they will abide by the Councillor Code of Conduct and uphold the Standards of Conduct.

6. Purpose

The purpose of the Code of Conduct is to set out the Standards of Conduct with which Councillors must comply and to describe the principles, values, standards and behaviours that will guide Council collectively and Councillors individually in fulfilling their role and functions. The Code of Conduct sets out the internal arbitration process and provides guidance in the event of any breach of the Code of Conduct and/or Standards of Conduct.

7. Scope

7.1 The Code of Conduct applies to all councillors.

7.2 The Code of Conduct:

- a. sets out the Standards of Conduct and behaviour expected to be observed by Councillors in the course of performing their duties and functions as Councillors as well as providing a means for dealing with problems or interpersonal disputes that they may encounter;
- b. endeavours to foster good working relationships between Councillors to enable Councillors to work constructively together in the best interests of the local community; and
- c. sets out Councillor conduct designed to build and maintain public confidence in the integrity of local government.

- 7.3 The Code of Conduct should be read in the context of and in conjunction with—
- a. the Regulations and the Standards of Conduct set out in Schedule 1 to the Regulations.
 - b. Council documents, policies, protocols and local laws, as applicable and amended from time to time, including:
 - [Governance Rules](#)
 - [Conflict of Interest Procedure](#)
 - [Code of Conduct for Staff](#)
 - [Council Expenses Policy](#)
 - [Public Transparency Policy](#)
 - [Councillor Gift Policy](#)
 - Community Engagement Policy (under construction)*
 - Media and Communications Policy (under construction)*
 - [Social Media Policy](#)
 - [Occupational Health & Safety Policy](#)
 - [Fraud Prevention Policy](#)
 - [Privacy and Data Protection & Health Records Policy](#); and
 - c. any relevant Ministerial Directions and Guidelines prepared by the Minister for Local Government.

CHAPTER 1 - TREATMENT OF OTHERS

Standard 1:

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- a. takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010;*
- b. supports the Council in fulfilling its obligation to achieve and promote gender equality;*
- c. does not engage in abusive, obscene, offensive or threatening behaviour in their dealings with members of the public, Council staff and Councillors;*
- d. in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.*

8. Promoting Wellbeing in the Workplace

A Councillor, while carrying out their duties as a Councillor, is recognised as a 'worker' by Victorian workers compensation legislation, and Council is, while the Councillor is carrying out duties as a Councillor, deemed to be the Councillor's employer.

Councillors must therefore comply with any policies or procedures adopted by Council to ensure workplace health and safety. Specifically, Councillors must:

- a. take reasonable care for their own health and safety;
- b. take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- c. comply, so far as they are reasonably able, with any reasonable instruction that is given to ensure compliance with the *Occupational Health and Safety Act 2004* and any policies or procedures adopted by the Council to ensure workplace health and safety;
- d. cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to council staff;
- e. report accidents, incidents, near misses, to the Chief Executive Officer and take part in any incident investigations; and
- f. so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the *Occupational Health & Safety Act 2004* in relation to the same matter.

9. Councillor Relationships with Council Staff

Councillors must not:

- a. direct Council staff in any way, other than by giving appropriate direction to the Chief Executive Officer by way of a Council resolution;
- b. in any public or private forum, direct or influence, or attempt to direct or influence, any member of Council staff in the exercise of the functions of the staff member;
- c. contact a member of Council staff on Council-related business unless in accordance with the procedures governing the interaction of Councillors and Council staff that have been authorised by the Chief Executive Officer;

- d. contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Mayor exercising their functions under Section 18 of the Act.

10. Harassment and Discrimination

10.1 Harassment will not be tolerated under any circumstances. Additionally, we will not engage in or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

10.2 For the purposes of the Code of Conduct, "harassment" is a form of behaviour towards a person that:

- a. is not wanted by the person;
- b. offends, humiliates or intimidates the person; and
- c. creates a hostile environment.

11. Bullying

11.1 We commit to maintaining a workplace that is free from bullying, vilification and victimisation, where all people are treated with dignity and respect. We will uphold Council's obligations to support a safe workplace, and will not engage in repeated unreasonable behaviour toward another Councillor or member of Council staff.

11.2 For the purpose of this Code of Conduct, "bullying behaviour" is any behaviour in which:

- a. a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons; and
- b. the behaviour creates a risk to health and safety.

11.3 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a. aggressive, threatening or intimidating conduct;
- b. belittling or humiliating comments;
- c. spreading malicious rumours;
- d. teasing, practical jokes or 'initiation ceremonies';
- e. exclusion from work-related events;
- f. displaying offensive material;
- g. pressure to behave in an inappropriate manner.

12. Gender Equality

We commit to working with management to take positive action towards achieving workplace gender equality and to consider and promote gender equality in the Council's policies, programs and services.

CHAPTER 2 - PERFORMING THE ROLE OF THE COUNCILLOR

Standard 2:

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- a. undertakes any training or professional development activities the Council decides is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor;*
- b. diligently uses Council processes to become informed about matters which are subject to Council decisions;*
- c. is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity;*
- d. represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.*

13. Role of Council

Section 8 of the Act provides that the role of the Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

A Council provides good governance if:

- a. it performs its role in accordance with the overarching governance principles and supporting principles set out in Section 9 of the Act; and
- b. the Councillors perform their roles in accordance with Section 28 of the Act.

In performing its role, the Council may:

- a. perform any duties or functions or exercise any powers conferred on the Council by or under the Act or any other Act; and
- b. perform any other functions that the Council determines are necessary to enable the Council to perform its role.

If it is necessary to do so for the purpose of performing its role, the Council may perform a function outside its municipal district.

14. Role of a Councillor

Section 28 of the Act provides that the role of every Councillor is:

- a. to participate in the decision-making of the Council; and
- b. to represent the interests of the municipal community in that decision-making; and
- c. to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of a Councillor, a Councillor must—

- a. consider the diversity of interests and needs of the municipal community;
- b. support the role of the Council;
- c. acknowledge and support the role of the Mayor;
- d. act lawfully and in accordance with the standards of conduct;
- e. act in accordance with the standards of conduct; and
- f. comply with Council procedures required for good governance.

The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.

15. Role of the Mayor

Section 18 of the Act provides that the role of the Mayor is to:

- a. chair Council meetings;
- b. be the principal spokesperson for the Council;
- c. lead engagement with the municipal community on the development of the Council Plan;
- d. report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- e. promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
- f. assist Councillors to understand their role;
- g. take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer;
- h. provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- i. perform civic and ceremonial duties on behalf of the Council.

16. Functions of the Chief Executive Officer

Section 94A of the *Local Government Act 1989* sets out the functions of the Chief Executive Officer, which include:

- a. establishing and maintaining an appropriate organisational structure for Council;
- b. ensuring Council decisions are implemented without undue delay;
- c. day to day management of Council's operations in accordance with the Council Plan;
- d. developing, adopting and disseminating a Staff Code of Conduct;
- e. providing timely advice to Council;
- f. ensuring that Council receives timely and reliable advice about its legal obligations;
- g. supporting the Mayor in the performance of the Mayor's role; and
- h. carrying out Council's obligations as an employer with respect to Councillors as deemed employees under the workplace health and safety legislation.

From 1 July 2021, Section 94A of the *Local Government Act 1989* will be replaced by Section 46 of the Act. Under Section 46 of the Act, a Chief Executive Officer is responsible for:—

- a. supporting the Mayor and the Councillors in the performance of their roles; and
- b. ensuring the effective and efficient management of the day to day operations of the Council.

This responsibility includes the following:

- a. ensuring that the decisions of the Council are implemented without undue delay;
- b. ensuring that the Council receives timely and reliable advice about its obligations under the Act and any other Act;
- c. supporting the Mayor in the performance of the Mayor's role as Mayor;
- d. setting the agenda for Council meetings after consulting the Mayor;

- e. when requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision;
- f. carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the *Workplace Injury Rehabilitation and Compensation Act 2013*;
- g. establishing and maintaining an organisational structure for the Council;
- h. being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff;
- i. managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented; and
- j. performing any other function or duty of the Chief Executive Officer specified in the Act or any other Act.

17. Councillor Misconduct

Misconduct by a Councillor is any breach of the Standards of Conduct included in the Regulations.

Serious misconduct by a Councillor means any of the following:

- a. Failure to comply with internal arbitration processes/comply with direction given by an arbiter after completing internal arbitration;
- b. Failure to attend a Councillor Conduct Panel hearing/comply with direction given by the Councillor Conduct Panel;
- c. Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor;
- d. Bullying/sexual harassment of another Councillor or member of Council staff;
- e. Disclosure of information the Councillor knows, or should reasonably know, is confidential information;
- f. Contravening the requirement that a Councillor must not direct or seek to direct a member of Council staff; and
- g. Failure to disclose conflict of interest and exclude themselves from decision making when required.

Gross misconduct means behaviour that demonstrates a Councillor:

- a. is not of good character; or
- b. is not a fit and proper person to hold the office of Councillor, including sexual harassment or of egregious nature.

18. Training

- 18.1 We commit to undertaking any training or professional development activities the Council decides is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor.
- 18.2 A Councillor elected to the position of Mayor commits to undertaking any relevant training or development activities the Council decides are necessary for them to effectively perform the role of Mayor.

CHAPTER 3 - COMPLIANCE WITH GOOD GOVERNANCE MEASURES

Standard 3:

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following:

- a. any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with Section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b. the Council Expenses Policy adopted and maintained by the Council under Section 41 of the Act;
- c. the Governance Rules developed, adopted and kept in force by the Council under Section 60 of the Act;
- d. any directions of the Minister issued under Section 175 of the Act.

19. Overarching Governance Principles

In performing our role we will give effect to the overarching governance principles set out in Section 9 of the Act—

- a. Council decisions are to be made and actions taken in accordance with the relevant law;
- b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d. the municipal community is to be engaged in strategic planning and strategic decision making;
- e. innovation and continuous improvement is to be pursued;
- f. collaboration with other Councils and Governments and statutory bodies is to be sought;
- g. the ongoing financial viability of the Council is to be ensured;
- h. regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
- i. the transparency of Council decisions, actions and information is to be ensured.

20. Council Policy

We will comply with all policies adopted by Council that are intended to bind Councillors. Specifically, we will comply with the following:

- a. any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with Section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b. the *Council Expenses Policy* adopted and maintained by the Council under Section 41 of the Act;
- c. the *Governance Rules* adopted and kept in force by the Council under Section 60 of the Act; and
- d. any directions of the Minister issued under Section 175 of the Act.

21. Internet Access/Media Policy

21.1 We will not use the Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

21.2 We acknowledge our responsibilities under the Council's *Media and Communications Policy* and agreed parameters around communication with the media.

21.3 We acknowledge our responsibilities under the Council's *Social Media Policy* and *Social Media Guidelines* and the principles that underpin the Council's social media engagement.

22. Council Recordkeeping

22.1 Councillors should ensure all records (including email) received privately from the community asking for the Council to take some action are passed to the Governance team for recording and, where appropriate, referral for action.

22.2 Councillors should manage their records with great care, and be aware of issues of access, privacy, and security.

23. Privacy and Data Protection

23.1 We will maintain the integrity and security of personal and confidential information in our possession for which we have access.

23.2 In addition to our general obligations relating to the use of council information we will:

- a. only access confidential information that we have been authorised to access and only do so for the purposes of exercising our official functions;
- b. protect confidential information;
- c. be careful how we use and share personal information provided to us; and
- d. take reasonable steps to protect personal information from misuse, loss, unauthorised access and disclosure.

23.3 Councillors are bound by the Council's *Privacy and Data Protection and Health Records Policy*.

CHAPTER 4 - COUNCILLOR MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC

Standard 4:

- a. *In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.*
- b. *In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.*

24. Improper conduct

Part 6 of the Act creates offences relating to improper conduct by a Councillor including:

- a. Section 123 - Misuse of position;
- b. Section 124 - Directing a member of Council staff; and
- c. Section 125 - Confidential information

These matters are set out below in order to provide a complete picture of the obligations on Councillors and we undertake to comply with the prohibitions on Councillor conduct set out below.

25. Misuse of Position (Section 123)

A Councillor must not intentionally misuse their position:

- a. to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- b. to cause, or attempt to cause, a detriment to the Council or another person.

Circumstances involving the misuse of position by a Councillor include:

- a. making improper use of information acquired as a result of the position they held or hold; 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 they are 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 they have a conflict of interest.

26. Directing a member of Council staff (Section 124)

A Councillor must not intentionally direct, or seek to direct, a member of Council staff:

- a. in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- b. in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- c. in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
- d. in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

27. Confidential Information (Section 125)

A Councillor must not intentionally or recklessly disclose information that they know, or should reasonably know, is confidential information.

A Councillor may disclose information that would be considered 'confidential information' if the information that is disclosed is information that Council has determined should be publicly available.

Otherwise, a Councillor may disclose information that they know or should reasonably know is confidential information in the following circumstances:

- a. for the purposes of any legal proceedings arising out of the Act;
- b. to a court or tribunal in the course of legal proceedings;
- c. pursuant to an order of a court or tribunal;
- d. to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- e. to a Councillor Conduct Panel in the course of a hearing and for the purposes of the hearing;
- f. to a municipal monitor to the extent reasonably required by the municipal monitor;
- g. to the extent reasonably required for any other law enforcement purposes.

For the purposes of the Act 'confidential information' means the following information:

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- b. security information, being information that if released is likely to endanger the security of Council property or the safety of any person;
- c. land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- d. law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;
- e. legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- f. personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g. private commercial information, being information provided by a business, commercial or financial undertaking that:
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h. confidential meeting information, being the records of meetings closed to the public under the Act;
- i. internal arbitration information, being information specified in Section 145 of the Act;
- j. Councillor Conduct Panel confidential information, being information specified in Section 169 of the Act;
- k. information prescribed by regulations to be confidential information for the purposes of the Act; and
- l. information that was confidential information for the purposes of Section 77 of the *Local Government Act 1989*.

28. Conflict of Interest

If a Councillor has a general or material conflict of interest in a matter which is to be considered or discussed at a meeting of the Council, a delegated committee, a community asset committee or a meeting held under the auspices of the Council, they must disclose the conflict of interest in accordance with the provisions of the Act and the Council's Governance Rules (unless any of the exemptions apply).

We agree to abide by the procedures for the disclosure of a conflict of interest by a Councillor in accordance with Sections 130 and 131 of the Act as set out in the Council's *Governance Rules*.

29. Gifts and Bribery

Councillors may be offered gifts, benefits and hospitality during the course of their duties ranging from token offers which are generally considered a basic courtesy to non-token offers that risk impartiality and integrity if accepted.

We have a duty to place the public interest above our private interests when carrying out our official functions and will not accept offers from those about whom we are likely to be called on to make business decisions.

We will comply with the *Councillor Gift Policy* and any other policies and procedures adopted by Council from time to time relevant to the acceptance of gifts.

We will:

1. **not seek or solicit** gifts, personal benefits or hospitality for ourselves or others by virtue of our position or in appreciation of services rendered;
2. **refuse** all gifts, benefits and hospitality that—
 - are money (of any amount), items used in a similar way to money or items easily converted to money, eg tokens, gift cards, vouchers;
 - give rise to an actual, perceived or potential conflict of interest;
 - if accepted is likely to influence them, or be perceived to influence them, in the course of their duties;
 - may adversely affect their standing as a public official or which may bring the Council into disrepute;
 - do not have a legitimate business benefit; or
 - extend to their relatives or friends;
3. **declare all** offers of gifts, benefits and hospitality, regardless of their value, and regardless of whether or not they have been accepted or refused; and
4. **transfer** all ceremonial and official gifts, including any gift of cultural significance or significant value accepted on behalf of the Council, irrespective of value, to the Manager Governance & Civic Support to declare in the register. All official, ceremonial and other significant gifts belong to Council.

We acknowledge that all offers of gifts are registered in the Council's Gift Register which will be published on the Council's website.

Anonymous Gifts

We acknowledge that it is an offence for a Councillor to accept, directly or indirectly, an anonymous gift that has a value of or more than the gift disclosure threshold (currently \$500).

A Councillor is not in breach of this clause if they receive an anonymous gift that exceeds the gift disclosure threshold, provided the gift is disposed of to the Council within 30 days of receipt.

Bribery

We will refuse attempted bribery or suspected inducements and report the bribery offer to the Director Corporate Services who will report any potential criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC). Where the circumstances fall within the parameters of the *Public Interest Disclosures Act 2012* a disclosure may be made in the appropriate manner.

Annual Returns

We will declare particulars of any gift of or above the amount or value of \$500 in our biannual personal interests returns.

Campaign Donation Returns

We will declare details of any gifts received during the donation period to be used for or in connection with an election campaign the amount or value of which is equal to or exceeds the gift disclosure threshold.

30. Communication

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

We undertake to comply with the Council's media policies and respect the functions of the Mayor and *Chief Executive Officer* to be the spokespersons for the *Council* in accordance with our policy.

We acknowledge that individual Councillors are entitled to express their personal opinions through the media. Where we choose to do so, we will make it clear that such comment is a personal view and does not represent the position of the Council. We undertake to ensure that any such comment is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person.

31. Fraud and Corruption

31.1 We undertake to meet our responsibilities outlined in the *Council's Fraud Prevention Policy*. The Council is responsible for the good governance of the municipality and for the protection of public money and assets and the Council's reputation. It is responsible for setting the highest standards of honesty and integrity in the provision of services to the community and the management of the organisation.

31.2 The Council will ensure that the administration has appropriate resources and measures in place to detect and prevent fraud and or corruption.

32. Use of Council Resources

We commit to using Council resources effectively and economically. We will—

- a. maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role and will comply with any Council policies applying to their use;
- b. ensure any expense claims that we submit are in compliance with the relevant legislative provisions and Council policy;
- c. not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate; and
- d. not use public funds or resources in a manner that is improper or unauthorised.

33. Core Values

We are committed to providing a seamless citizen engagement experience. We undertake to give effect to the Council's core values, which are:

Responsive: we will engage with all stakeholders and listen and respond appropriately to your needs.

Innovative: we will be positive and endeavour to find solutions and choice in our service delivery.

Continuous Improvement: we will continually strive, within our means, for best possible practice and improvement in service delivery.

Prompt: we will respond promptly, within agreed timeframes, to all requests.

Respectful: we will be respectful and conscious of diversity and make available information and services in an accessible and inclusive manner.

It is the personal responsibility of Councillors to comply with the Standards of Conduct and the other provisions of the Code of Conduct and to regularly review their personal circumstances and conduct with this in mind.

34. Personal Dealings with Council

When we deal with our Council in our private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit) we do not expect nor will we request preferential treatment in relation to any such private matter. We will avoid any action that could lead Council staff or members of the public to believe that we are seeking preferential treatment.

35. Land use planning, development assessment and other regulatory functions

We will ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly, with the absence of bias. We will avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions, comply with relevant policies and not meet with applicants and objectors unless accompanied by Planning staff.

36. Review of Code of Conduct

36.1 Council may review or amend the Code of Conduct at any time.

36.2 Council must review the Code of Conduct within 4 (four) months after a general election.

36.3 A council can only amend the Councillor Code of Conduct by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council.

CHAPTER 5 - STANDARDS DO NOT LIMIT ROBUST POLITICAL DEBATE

Standard 5:

Nothing in the Standards of Conduct is intended to limit, restrict or detract from robust political debate in a democracy.

APPENDIX - DISPUTES BETWEEN COUNCILLORS

When an allegation of a breach of the Standards of Conduct is alleged, we agree that the Councillors who are party to the allegation are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. If, after these endeavours have been exhausted, the matter still remains unresolved, the Councillors may have recourse to any or all of the internal resolution processes set out in this Code.

We recognise that participation in direct negotiation or mediation is voluntary and we are not obliged to agree to either of them, but will endeavour to resolve allegations without resorting to the mandatory internal arbitration process.

37. Internal resolution (voluntary)

Where Councillors who are in dispute have not been able to resolve the dispute between them, either (or both) party (parties) may—

- request a “direct negotiation” where the Mayor is to convene a meeting of the parties to facilitate a discussion and provide guidance; or
- make an application to the Councillor Conduct Officer for “external mediation” where the dispute will be referred to mediation, whether or not the dispute has been the subject of an application for direct negotiation.

A dispute referred for “direct negotiation” or “external mediation” may relate to—

- an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council; or
- an alleged breach of the Code of Conduct, including a breach of the prescribed Standards of Conduct noting that a council may allow alleged breaches of the Standards of Conduct to be resolved by informal processes.

The Councillor requesting the “direct negotiation” meeting or “external mediation” is to provide the name of the other Councillor and the details of the dispute in writing. The written request is to indicate that it is for a “direct negotiation” or “external mediation” dispute resolution process and must:

- specify the name of the Councillor the subject of the request;
- In the case of an alleged contravention of the Code of Conduct, specify the provision(s) of the Code of Conduct that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the request is made by a group of Councillors; and
- be signed and dated by the requestor or the representative of the requestor.

The requestor is to notify the other party of the request and provide him or her with a copy of the written request either at the same time as it is provided to the Mayor, in the case of a request for “direct negotiation”, or Councillor Conduct Officer, in the case of a request for “external mediation”, or as soon as practicable thereafter.

Direct negotiation

Where a request for “direct negotiation” is made, the Mayor is to ascertain whether or not the other party is prepared to attend a “direct negotiation” meeting.

Direct negotiation is a voluntary process. If the other party is not prepared to attend a meeting, the Mayor is to advise the requestor forthwith. No further action is required of the Mayor. The requestor can then decide whether to escalate the matter either to "external mediation" or, in the case of an alleged breach of the Standards of Conduct, the internal arbitration process.

If the other party consents to a meeting, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within five working days of receiving the consent of the other party.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of them, including in relation to the role of a Councillor under Section 28 of the Act, and the observation of the Code of Conduct.

The Mayor is to document any agreement reached at the "direct negotiation" meeting. Copies of the agreement are to be provided to both parties.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the requestor can decide whether to escalate the matter either to "external mediation" or, in the case of an alleged breach of the Standards of Conduct, the internal arbitration process.

Where the Mayor is a party to the dispute, the request is to be made to the Deputy Mayor (if any) or the immediate past Mayor. The Deputy Mayor or the immediate past Mayor will perform the functions ascribed to the Mayor.

External mediation

Where a request for "external mediation" is made, the Councillor Conduct Officer is to ascertain whether or not the other party is prepared to attend "external mediation". If the other party agrees to participate in "external mediation", the Councillor Conduct Officer is to advise the requestor, the Mayor and the Chief Executive Officer forthwith.

The Chief Executive Officer is to engage the services of an "external mediator" to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the mediation. Copies of the agreement are to be provided to both parties.

If the parties cannot resolve the dispute at the mediation and the dispute remains unresolved, the requestor can decide whether to escalate the matter, in the case of an alleged breach of the Standards of Conduct, to the internal arbitration process

"Direct negotiation" and "external mediation" are optional dispute resolution processes. Accordingly, Councillors may decline to participate or withdraw from participating at any time. Declining to participate in, or withdrawing from, "direct negotiation" or "external mediation" does not constitute a contravention of the Code of Conduct.

38. Internal Resolution Procedure by Independent Arbiter (mandatory)

A breach of the Standards of Conduct constitutes 'misconduct' for the purposes of the Act and may be referred to an arbiter for determination. The process for internal arbitration is prescribed by Part 6 of the Act and r 11 of the Regulations.

An application for internal arbitration may be made by:

- The Council following a resolution of the Council; or
- A Councillor or a group of Councillors.

An application must be made within three months of the alleged misconduct occurring.

Internal arbitration may be commenced either after the voluntary processes described above proves unsuccessful in resolving the allegation, or as the first step in an application.

Councillors agree to follow the process specified in this Code when applying for internal arbitration.

The application

An application for internal arbitration must be submitted to the Councillor Conduct Officer and specify the:

- name of the Councillor alleged to have breached the Standards of Conduct;
- clause(s) of the Standards of Conduct that the Councillor is alleged to have breached; and
- particular misconduct, or behaviour, that the Councillor is alleged to have engaged in that resulted in the breach.

If an application received by the Councillor Conduct Officer does not meet the above requirements, the Councillor Conduct Officer will return it to the Councillor submitting it with a brief statement of the ways in which the application is deficient.

A Councillor may revise and resubmit to the Councillor Conduct Officer a deficient application, provided that the Councillor submits the revised application no later than 3 months after the alleged breach of the Standards of Conduct occurred (see Section 143(3) of the Act).

Process on receiving an application

On receiving an application from a Councillor which meets the requirements specified above, the Councillor Conduct Officer will:

- provide a copy of the application to the Councillor who is the subject of the allegations;
- refer the application to the Principal Councillor Conduct Registrar;
- notify the Councillors involved in the application of the referral;
- notify the CEO of the referral (for the CEO's information only);
- await advice from the Principal Councillor Conduct Registrar about the application; and
- take such steps as are necessary to give effect to the Principal Councillor Conduct Registrar's advice, in accordance with any instructions received.

Councillors recognise that an application for internal arbitration for an allegation of a breach of the Standards of Conduct will only be accepted by the Principal Councillor Conduct Registrar, and an arbiter will only be appointed, if the Principal Councillor Conduct Registrar is satisfied that:

- the application is not frivolous, vexatious, misconceived or lacking in substance; and
- there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct.

It is for the Councillor or Councillors submitting an application to ensure that the application meets these requirements.

If the Principal Councillor Conduct Registrar is satisfied that an application for internal arbitration should be accepted, the Principal Councillor Conduct Registrar will appoint an arbiter from a panel list compiled by the Secretary to the Department of Jobs, Precincts and Regions.

In conducting an arbitration the arbiter must:

- ensure that the parties involved are given an opportunity to be heard;
- ensure that a Councillor who is a party does not have a right to representation, unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly;
- conduct the hearing with as little formality and technicality as the proper consideration of the matter permits; and
- ensure that the hearing is not open to the public.

Additionally, in conducting an arbitration the arbiter:

- may hear each party to the matter in person or solely by written or electronic means of communication;
- is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit;
- may at any time discontinue the hearing if the arbiter considers that the:
 - o application is vexatious, misconceived, frivolous or lacking in substance; or
 - o Councillor making the application, or representing the group of Councillors making the application, has not responded, or has responded inadequately, to a request for further information.

If, at the completion of the internal arbitration process, the arbiter determines that a Councillor has breached the Standards of Conduct, the arbiter may make a finding of misconduct against the Councillor and impose any one or more of the following sanctions:

- direct the Councillor to make an apology;
- suspend the Councillor from the office of Councillor for a period specified by the arbiter (not exceeding one month);
- direct that the Councillor be removed from any position where the Councillor represents Council for the period determined by the arbiter;
- direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter; and/or
- direct a Councillor to attend or undergo training or counselling specified by the arbiter.

The arbiter must provide a written copy of the arbiter's findings and statement of reasons to:

- Council;
- the applicant(s) and the respondent; and
- the Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the arbiter's findings and statement of reasons are provided. If the arbiter's decision and statement of reasons contain any confidential information, the confidential information must be redacted before it is tabled.

Councillors recognise that a failure to participate in and comply with the internal arbitration process or a direction given to the Councillor by an arbiter is 'serious misconduct' for the purposes of the Act. Allegations of 'serious misconduct' are heard by a Councillor Conduct Panel.

9.4.2. Proposed Naming of Maud Street Dams Site

Author/Position: Mary Scully, Manager Governance & Civic Support

Purpose

To consider the naming of the reserve at the rear of the Stawell Hospital, formerly known as the Maud Street Dams site at 9-29 Maud Street, Stawell.

Summary

Council is asked to consider the naming of the Maud Street Dams site and to commence the formal naming process in accordance with geographic place names legislation.

Recommendation

A Council decision is required.

RESOLUTION

That Council gives public notice of its intention to name the former Maud Street Dams as Norman Castle Reserve to recognise the contribution of Dr Norman Castle to the Stawell and district community.

Moved: Cr Kevin Erwin
Seconded: Cr Rob Haswell

Carried

Background/Rationale

Council is in the process of developing the former Maud Street Dams site into a community space.

Council can develop a naming proposal for community spaces which are features considered to be of public interest and is required to submit any proposal to the Registrar of Geographic Place Names to determine whether or not to gazette and register or record the names in VICNAMES. Council has to determine that the proposed name/s conform with naming principles and statutory requirements applied to features, must follow set processes for naming features and consult with the community.

Councillors considered a number of suggested names for this space, including suggestions from the Stawell Historical Society and other stakeholders, before deciding to pursue the naming of the reserve at the rear of Stawell Hospital in honour of Dr Norman Castle.

Council officers sought an exemption from *Principle (H) Using commemorative names* in the *Naming rules for places in Victoria 2016*, from the Registrar of Geographic Names to name the site after Dr Norman Castle. Under the naming rule *the names of living persons must be avoided*.

The Registrar has granted an exemption due to Dr Norman Castle's achievements and contribution to the community through his profession that are worthy of commemoration. The location of the reserve situated at the rear of the hospital is also a consideration and in accordance with *Principle (C) Linking the name to place*.

Where a personal name is used in a place name, a first name and given name can be applied to a feature. Abbreviations must not be used, therefore Council cannot use the abbreviated title "Dr" in any proposed naming.

Council is asked to consider the suggestions of **Castle Reserve** and **Norman Castle Reserve** and to invite comment from the community on an appropriate name for the reserve.

Legislation, Council Plan, Strategy and Policy Implications

Council is empowered under the *Geographic Place Names Act 1998 (the Act)* to develop naming proposals for features within its jurisdiction. Any feature naming must be in accordance with the *Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016* which are the guidelines provided for under the Act.

Options

Option 1

Council has the option of agreeing to give public notice of any naming proposal. **[recommended]**

Option 2

To take no further action. **[not recommended]**

Implications

This report has considered Social, Heritage/Cultural, Amenity, Human Rights/Privacy, Environmental, Economic & Marketing, Risk Management, Financial and Asset Management implications where applicable. Any identified implications have been addressed within this report.

Finance - The naming of features incurs administration, advertising and signage costs.

Risk Management - By adhering to the Principles and statutory requirements in the naming rules ensures that the feature is clearly and unambiguously named for emergency and other service reasons.

Procurement

Nil

Community Engagement

Community consultation is an important part of the naming process and the giving of public notice will allow interested persons an opportunity to comment prior to the feature/s being formally named.

As part of the required community consultation officers sought comment on appropriate names from the Stawell Historical Society, Stawell Recreation Advisory Group, Stawell Parks Precinct Community Reference Group and Barengi Gadjin Land Council. A selection of names were considered by Councillors at a recent briefing.

Council officers also sought and received the support of Dr Castle and the Castle family for the proposal.

Innovation and Continuous Improvement

Nil

Collaboration

Nil

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

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

Attachments

Nil

9.4.3. Quarterly Finance Report

Author/Position: **Malcolm Lewis, Acting Manager Financial Services**

Purpose

To advise Council of the Financial Report for the second quarter ended 31 December 2020 that includes projects carried forward from the 2019-20 financial year.

Summary

This report discloses the Financial Report for the second quarter ended 31 December 2020.

Recommendation

That Council notes the Financial Report for the second quarter ended 31 December 2020.

RESOLUTION

That Council notes the Financial Report for the second quarter ended 31 December 2020.

Moved: Cr Tony Driscoll
Seconded: Cr Lauren Dempsey

Carried

Background/Rationale

Every three months, the Chief Executive Officer is required to provide Council with a financial report comparing budgeted revenue and expenditure to actual revenue and expenditure. This report is the second financial report for 2020-21 that will track Council's performance against the adopted budget.

The report shows the forecasted end of year result for the current financial year based on actual results to 31 December 2020 together with major variations to the adopted budget that have arisen between July 2020 and December 2020.

It should be noted that the opening cash balance includes \$6.87 million to fund services and projects that are carried forward from the prior 2019-20 financial year. The carry forward projects are now included in the Financial Report for the second quarter ended 31 December 2020 within the forecast column.

The quarterly financial report includes the following key highlights:

- \$6.87 million additional opening cash balance to fund projects carried forward from the prior 2019-20 year;
- \$22.95 million forecast capital works that is a significant increase compared to the adopted budget of \$13.41 million. The increase is mainly due to projects carried forward from the prior 2019-20 financial year as well as additional grant funding not available at the time of budget adoption;
- \$24.59 million total cash balance at the end of December 2020 mainly to fund capital works and other scheduled projects;
- \$10.50 million debtors (rates and sundry) balance outstanding at the end of September 2020. This balance is comparable to the prior 2019-20 year with minimal impact due to COVID-19;
- \$2.41 million loan balance with \$0.22 million of scheduled repayments during the 2020/21 financial year.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 1989

Council Plan 2017-21 - Improve Organisational Effectiveness

Options

Option 1

That Council notes the Financial Report for the second quarter ended 31 December 2020 without amendment. **[recommended]**

Option 2

That Council notes the Financial Report for the second quarter ended 31 December 2020 with amendments. **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/privacy, risk management, budgetary and asset management implications.

Procurement

The report does not raise any procurement agreement matters.

Community Engagement

No community engagement was required.

Innovation and Continuous Improvement

This report incorporates the impact of new accounting standards and better practice reporting.

Collaboration

No collaboration was required in completing this report.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Malcolm Lewis, Acting Manager Financial Services

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

Attachments

1. Finance Report to December 2020 v 1 [9.4.3.1 - 16 pages]

Financial Report

31 DECEMBER, 2020



Contents

Executive Summary.....	3
Cash Flow Statement.....	3
Operating Statement.....	4
Operating Progress Graphs.....	7
Capital and Project Summary.....	8
Capital and Project Expenditure Progress Graph.....	9
Summary of Major Variations.....	10
Capital and Project Expenditure Summary.....	11
Capital and Project Revenue Summary.....	12
Cash and Investments.....	13
Debtors Report.....	15
Loan Report.....	16

Executive Summary as at 31 December, 2020

It should be noted that this report only reflects spending to 31 December, 2020.

The forecast shows a favourable movement of \$0.7M in expected closing cash held at the end of the financial year compared to budget.

It is projected that the Council will end the year with \$10.7M cash.

Cash Flow Statement as at 31 December, 2020

	Actuals to December, 2020 \$`000	Total Forecast \$`000	Budget 2020-21 \$`000	Variations to Budget Fav (Unfav) \$`000
Operating Activities				
Revenue				
Rates & Charges	(10,013)	(18,558)	(18,262)	296
Operating Grants	(4,518)	(7,615)	(6,822)	793
Statutory Fees & Fines	(147)	(312)	(318)	(6)
User Fees	(22)	(1,130)	(1,258)	(128)
Contributions	(252)	(422)	(48)	374
Other Revenue	(398)	(327)	(703)	(376)
Total Revenue	(15,350)	(28,364)	(27,411)	953
Expenses				
Employee Costs	8,310	17,331	16,169	(1,162)
Materials & Services	5,451	14,726	10,064	(4,662)
Borrowing Costs	43	102	102	-
Other Expenses	85	1,003	1,455	452
Total Expenses	13,889	33,162	27,790	(5,372)
Major Emergency Operations				
Expenses				
Materials & Services	-	200	-	(200)
Major Emergency Expenses	0	200	0	(200)
	Net Operating	(1,461)	4,998	379
				(4,619)
Investing Activities				
Capital Expenditure	8,346	20,255	13,392	(6,863)
Capital Grants	(3,801)	(8,131)	(3,452)	4,679
Capital Contributions	-	(279)	(85)	194
Proceeds from investment in associates	-	-	(190)	(190)
Repayment of Loans & Advances	(125)	(63)	(63)	-
Net Investing Activities	4,420	11,782	9,602	(2,180)
Major Emergency Restoration Investment Activities				
Capital Grants	(449)	(449)	-	449
Net Major Emergency Restoration	(449)	(449)	0	449
Financing Activities				
Principal Repayments	108	218	218	-
Interest Paid - Lease Liability	-	3	3	-
Repayment of Lease Liability	-	(83)	108	191
Net Trust Movement	(2)	-	-	-
Net Financing Activities	106	138	329	191
Net Movements for Year	2,616	16,469	10,310	(6,159)
Opening Cash	27,208	27,208	20,338	6,870
Closing Cash	24,592	10,739	10,028	711

Operating Statement as at 31 December, 2020

50% through the year

	YTD Committed Actuals \$000's	Forecast \$000's	Adopted Budget \$000's	% Actuals to Forecast %
Revenue				
Rates & Charges				
Residential	(8,027)	(8,033)	(7,858)	100%
Farm/Rural	(5,020)	(5,017)	(5,025)	100%
Commercial	(783)	(783)	(848)	100%
Industrial	(291)	(291)	(291)	100%
Cultural & Recreational	(11)	(11)	(11)	100%
Municipal Charge	(1,312)	(1,312)	(1,308)	100%
Garbage Charge	(2,818)	(2,815)	(2,810)	100%
Rates in Lieu	(24)	(112)	(112)	21%
Rates & Charges	(18,286)	(18,374)	(18,262)	100%
Grants Capital				
Capital Grants	(4,150)	(8,580)	(5,592)	48%
Grants Capital	(4,150)	(8,580)	(5,592)	48%
Grants Operating				
Aged & Disability Services Grants	(534)	(725)	(714)	74%
Child Care Grants	(516)	(857)	(641)	60%
Economic Development Grants	(574)	(766)	(1,149)	75%
Environmental Grants	-	(75)	(75)	0%
Untied Grants	(1,892)	(3,903)	(3,903)	48%
Operating Grants	(922)	(1,166)	(217)	79%
Public Safety Grants	(121)	(123)	(123)	98%
Grants Operating	(4,559)	(7,615)	(6,822)	60%
User Fees				
Aged and Disability Service Fees	(203)	(412)	(412)	49%
Child Care Fees	(140)	(276)	(276)	51%
Leisure Fees	(112)	(297)	(297)	38%
Local Law Fees	(37)	(115)	(115)	33%
Other Fees	(37)	(125)	(125)	29%
Public Health Fees	(7)	(7)	-	101%
Rental Income	(36)	(36)	-	100%
Private Works Infrastructure	(7)	(17)	(17)	43%
Waste Management Fees	(17)	(27)	(27)	62%
User Fees	(596)	(1,313)	(1,270)	45%
Statutory Fees and Fines				
Building Fees	(139)	(178)	(178)	78%
Local Law Fees	(8)	(4)	(4)	207%
Other Fees	(8)	(16)	(16)	47%
Planning Fees	(71)	(114)	(114)	62%
Statutory Fees and Fines	(226)	(312)	(312)	72%
Contributions				
Contributions Child Care	(307)	(340)	(340)	90%
Contributions to Capital	-	(279)	(75)	0%
Contributions Debt Collectors	(2)	(30)	(30)	7%
Contributions Other	(52)	(52)	(48)	100%
Contributions	(362)	(701)	(493)	52%
Other Revenue				
Interest Income	(2)	(175)	(175)	1%
Other Revenue	(223)	(152)	(152)	147%
Other Revenue	(225)	(327)	(327)	69%
Revenue	(28,405)	(37,222)	(33,077)	76%
Revenue (excl Rates & Charges)	(10,118)	(18,848)	(14,815)	54%

Operating Statement as at 31 December, 2020

50% through the year

	YTD Committed Actuals \$000's	Forecast \$000's	Adopted Budget \$000's	% Actuals to Forecast %
Expenses				
Employee Benefits				
Salary & Wages	7,225	14,867	14,005	49%
Superannuation	700	1,438	1,410	49%
LSL Provision Movement	-	402	402	0%
Fringe Benefit Tax	1	33	33	3%
Workcover	266	319	319	84%
Training	70	272	246	26%
Employee Benefits	8,261	17,331	16,415	48%
Materials & Services				
Advertising	40	95	94	42%
Audit Fees	14	56	56	25%
Bank Fees	27	66	66	40%
Catering	4	53	45	8%
Communications	32	154	154	21%
Professional Advice	193	369	301	52%
Contractors	1,205	4,147	3,509	29%
Contributions - Reciprocal	64	105	105	61%
Cost of Goods Sold	78	142	142	55%
Equipment Mtc & Repair	408	678	678	60%
Fuel	208	556	556	38%
Insurance	292	579	579	50%
Leases	172	469	293	37%
Legal Expenses	58	95	95	62%
Memberships & Subscriptions	114	221	221	52%
Minor Equipment	230	293	229	79%
Office Supplies	4	10	10	35%
Other Materials and Services	820	2,642	1,125	31%
Postage & Freight	17	37	37	46%
Printing	19	80	80	23%
Recruitment & Retention Expenses	12	21	21	56%
Security Expenses	18	57	57	32%
Software Costs	359	904	904	40%
Uniforms & Protective Clothing	98	119	115	82%
Utilities	184	439	435	42%
Contract Employees	222	374	374	59%
Materials & Services	4,891	12,760	10,281	38%
Depreciation				
Depreciation	2	11,378	11,378	0%
Depreciation	2	11,378	11,378	0%
Amortisation				
Amortisation	-	99	99	0%
Amortisation	-	99	99	0%
Finance Costs				
Finance Costs	43	102	102	42%
Lease Costs	-	3	3	0%
Finance Costs	43	105	105	41%
Other Expenses				
Contributions - Non Reciprocal	(50)	763	973	-7%
Councillor Allowances	114	214	214	53%
Other Expenses	21	26	26	79%
Other Expenses	85	1,003	1,213	9%
Expenses	13,283	42,677	39,492	31%
Expenses (excl Depreciation)	13,281	31,200	28,015	43%

Operating Statement as at 31 December, 2020

50% through the year

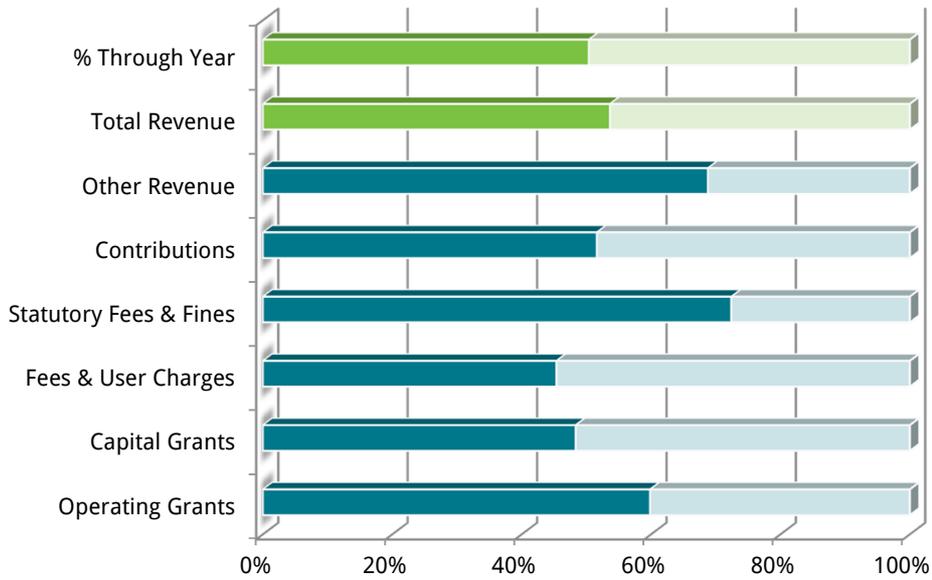
	YTD Committed Actuals \$000's	Forecast \$000's	Adopted Budget \$000's	% Actuals to Forecast %
Other Income Statement Items				
Proceeds of Asset Sales	(168)	(35)	-	479%
Written Down Value of Assets Sold	246	35	35	0%
Net (Increment) Revalued Assets	(106)	-	-	0%
Other Income Statement Items	(28)	0	35	0%
Operating Statement	(15,150)	5,454	6,449	

Discussion:

The depreciation expense is calculated and charged to the general ledger at the end of the financial year. Based on the budgeted depreciation the Adjusted Operating Statement result as at December 2020 is a surplus of \$9.4m.

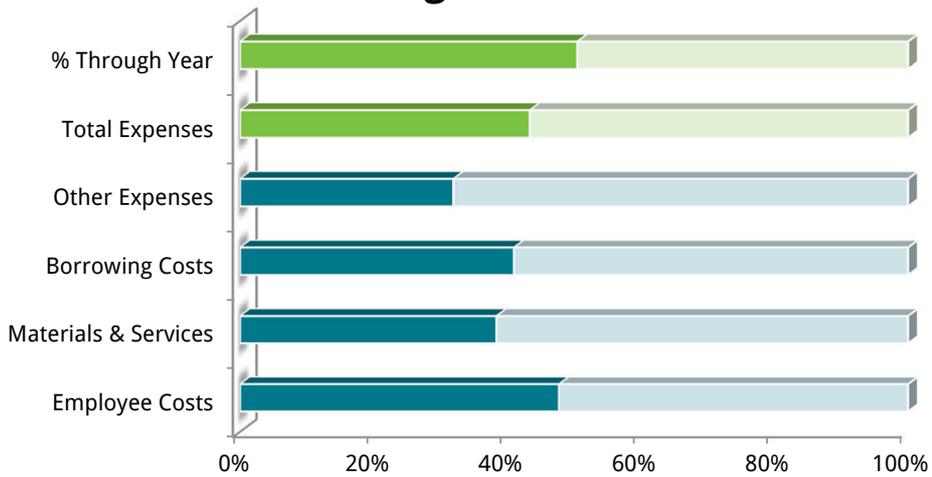
Operating Result	(15,150)
Less Depreciation	5,739
Adjusted Operating Result	(9,411)

Ordinary Operating Revenue Progress



This graph excludes rates & charges, with the details for this area shown in the Debtors Report.

Ordinary Operating Expenditure Progress



Capital & Project Expenditure Summary

Programs	Actuals \$000's	Forecast \$000's	% Complete	Remaning
Major Emergency Restoration	20	200	0%	100%
Roads	4,205	8,396	50%	50%
Bridges	1,017	1,606	63%	37%
Building	139	2,439	6%	94%
Drainage	0	65	0%	100%
Open Spaces	2,753	7,243	38%	62%
Land & Land Improvements	188	605	31%	69%
IT	17	17	100%	0%
Plant, Vehicles & Equipment	196	874	22%	78%
Projects	202	1,507	13%	87%
Total Capital & Projects	8,737	22,953	38%	62%

2019/20 Capital Program

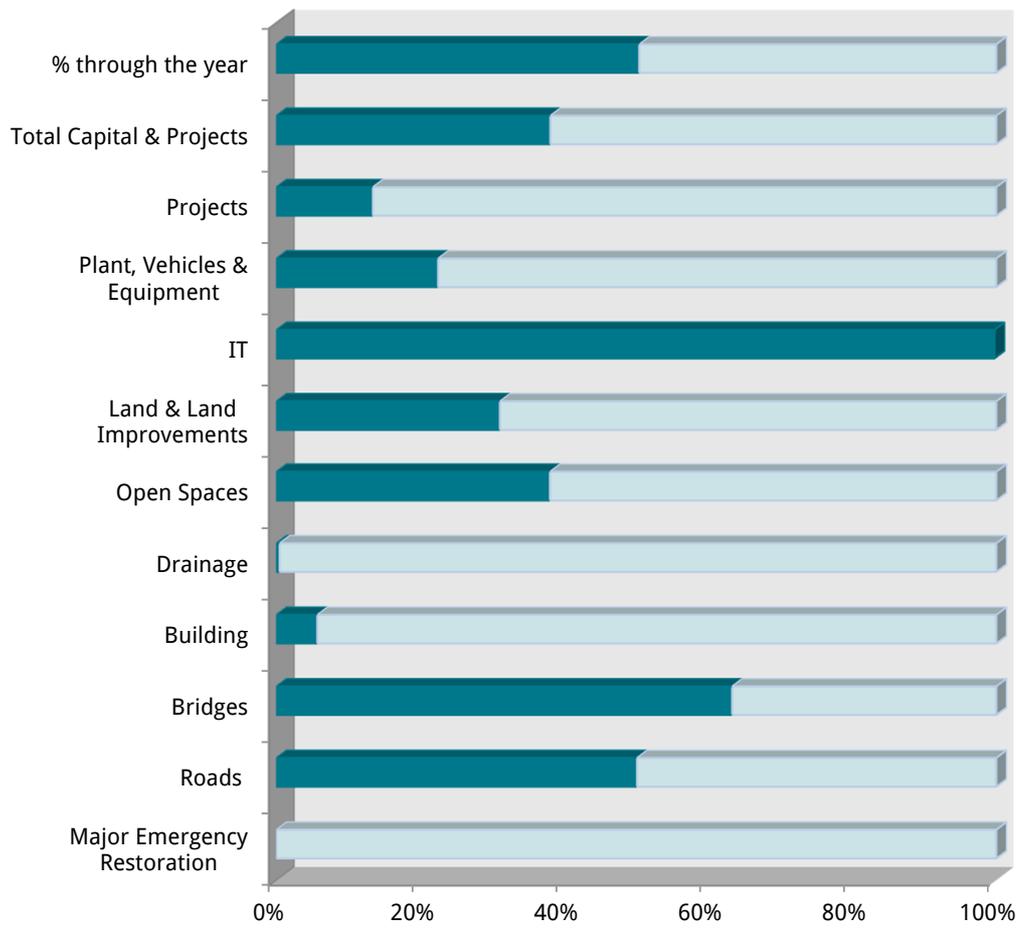
Capital Projects	8,460	20,325
Expensed Projects	257	2,428

2019/20 Major Emergency Restoration

Capital Projects	0	-
Expensed Projects	20	200

Total Capital & Projects	8,737	22,953
-------------------------------------	--------------	---------------

Capital & Project Expenditure Progress



Summary of Major Variations for December 2020

	Forecast Variation Fav/(Unfav)
	\$
Funded Capital and Projects included in variations (no net impact on cash)	
Successful Funding	
LRCI Extension - 2nd Instalment	1,538,400
CASI - Community Activation & Social Isolation	25,000
Libraries - Digital Grant	2,500
	<u>1,565,900</u>

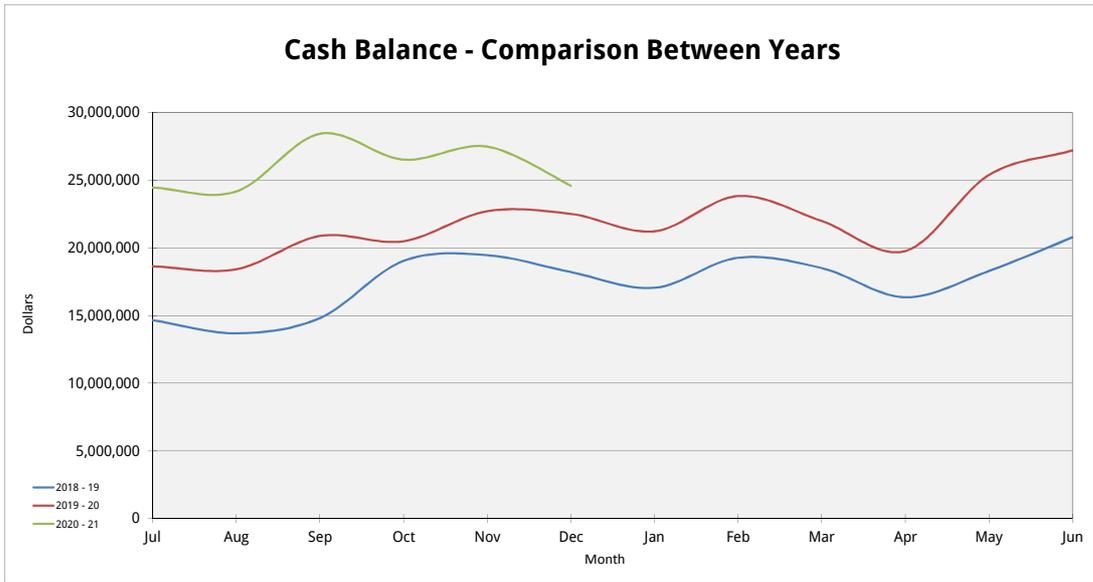
Capital & Project Expenditure Summary as at 31 December, 2020

	YTD Actuals (incl Commitments)	Forecast	Adopted Budget	% Committed to Forecast
02 - Capital				
1112 - B - Roads - Aerodrome Program	16,660	439,710	500,000	4
1101 - B - Roads - Final Seal Program	380,895	509,421	321,000	75
1110 - B - Roads - Footpaths Program	41,499	130,113	130,000	32
1100 - B - Roads - Kerb & Channel Program	96,338	410,000	325,000	23
1102 - B - Roads - Major Rural Roads Program	1,089,513	1,629,230	390,000	67
1104 - B - Roads - Resealing Program	1,021,021	1,232,391	1,330,000	83
1105 - B - Roads - Resheeting Program	774,215	1,014,000	1,120,000	76
1106 - B - Roads - Rural & Residential Program	291,354	462,750	285,000	63
1111 - B - Roads - Streetscapes	50,473	1,202,455	0	4
1107 - B - Roads - Town Street Sealing Program	31,948	113,200	85,000	28
1108 - B - Roads - Transport Dev Program	294,629	774,345	460,000	38
1109 - B - Roads - Urban Rd Improvement Program	0	106,000	70,000	0
1103 - B - Roads - Rehabilitation Program	116,490	372,440	250,000	31
1113 - C - Bridge & Major Culverts Program	1,016,773	1,606,045	1,090,000	63
1114 - C - Floodway Program	0	35,000	35,000	0
1115 - D - Building Program	138,965	2,439,385	1,800,000	6
1116 - E - Drainage Program	295	65,000	65,000	0
1122 - F - Open Spaces Program	2,752,826	7,243,193	3,850,500	38
1120 - G - Land & Land Improvement Program	188,046	605,465	600,000	31
1119 - H - IT Program	16,743	16,700	0	0
1118 - H - Plant, Vehicles & Equipment Program	196,268	839,035	685,000	23
1121 - J - Projects	202,096	1,507,389	20,000	13
Total 02 - Capital	8,717,046	22,753,267	13,411,500	38
04 - Emergency Capital				
0223 - 01/11 Natural Disaster Funding - Bridges	0	0	0	0
0251 - 09/16 Flood Event	0	0	0	0
0254 - 09/16 Natural Disaster - Bridges	0	0	0	0
0253 - 09/16 Natural Disaster - Drainage	0	0	0	0
0257 - 11/19 Bushfire Recovery	19,780	200,000	0	10
Total 04 - Emergency Capital	19,780	200,000	0	10
Grand Total	8,736,826	22,953,267	13,411,500	38

Capital & Project Revenue Summary as at 31 December, 2020

Level 2	YTD Actuals (incl Commitments)	Forecast	Adopted Budget	% Committed to Forecast
02 - Capital				
1112 - B - Roads - Aerodrome Program	(60,000)	(120,000)	(300,000)	50
1101 - B - Roads - Final Seal Program	(100,000)	(128,000)	(100,000)	78
1110 - B - Roads - Footpaths Program	0	(10,000)	(10,000)	0
1100 - B - Roads - Kerb & Channel Program	0	0	0	0
1102 - B - Roads - Major Rural Roads Program	(564,935)	(940,935)	(300,000)	60
1104 - B - Roads - Resealing Program	0	0	0	0
1105 - B - Roads - Resheeting Program	(621,639)	(1,857,000)	(1,682,000)	33
1106 - B - Roads - Rural & Residential Program	(82,600)	(82,600)	(63,000)	100
1111 - B - Roads - Streetscapes	0	0	0	0
1107 - B - Roads - Town Street Sealing Program	0	0	0	0
1108 - B - Roads - Transport Dev Program	0	(245,000)	(335,000)	0
1109 - B - Roads - Urban Rd Improvement Program	0	(36,000)	0	0
1103 - B - Roads - Rehabilitation Program	0	0	0	0
1113 - C - Bridge & Major Culverts Program	(184,000)	(184,000)	(1,009,000)	100
1114 - C - Floodway Program	0	(25,000)	(25,000)	0
1115 - D - Building Program	(780,000)	(700,000)	(700,000)	111
1116 - E - Drainage Program	0	0	0	0
1122 - F - Open Spaces Program	(1,107,657)	(3,781,013)	(643,000)	29
1120 - G - Land & Land Improvement Program	(258,384)	(300,000)	(300,000)	86
1119 - H - IT Program	0	0	0	0
1118 - H - Plant, Vehicles & Equipment Program	(109,440)	(35,000)	0	313
1121 - J - Projects	(539,750)	(617,750)	0	87
Total 02 - Capital	(4,408,405)	(9,062,298)	(5,467,000)	49
04 - Emergency Capital				
0256 - 09/16 Natural Disaster Funding Income	(449,461)	(449,461)	0	100
0257 - 11/19 Bushfire Recovery	0	0	(200,000)	0
Total 04 - Emergency Capital	(449,461)	(449,461)	(200,000)	100
Grand Total	(4,857,866)	(9,511,759)	(5,667,000)	51

Cash and Investments as at 31 December, 2020



Total Cash Balance at Month End

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2017 - 18	12,943,095	11,722,616	12,402,540	10,045,586	11,871,466	10,298,760	8,070,124	10,076,254	10,520,858	9,157,008	11,843,662	16,202,519
2018 - 19	14,662,878	13,696,212	14,814,349	19,043,239	19,466,664	18,213,979	17,049,983	19,275,427	18,514,123	16,357,309	18,298,119	20,785,979
2019 - 20	18,642,143	18,424,373	20,885,437	20,496,673	22,711,437	22,520,759	21,226,659	23,831,676	21,993,073	19,771,946	25,394,596	27,206,212
2020 - 21	24,458,405	24,173,971	28,436,358	26,525,969	27,490,366	24,592,324						

Restricted Cash required as at 31 December 2020

\$ 5,148,000

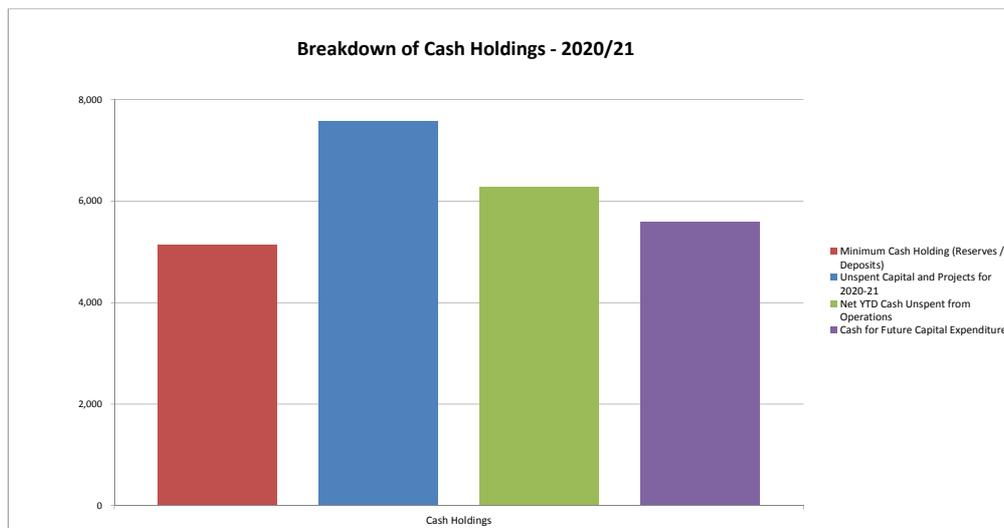
Available Cash as at 31 December, 2020

\$ 19,444,324

\$ 24,592,324

[1] Breakdown of Cash Holdings

	\$000's
Minimum Cash Holding (Reserves / Deposits)	5,148
Cash for Future Capital Expenditure	5,591
Unspent Capital and Projects for 2020-21	7,579
	<u>18,318</u>
Net YTD Cash Unspent from Operations	6,274
Total Cash held as at 31 December 2020	24,592



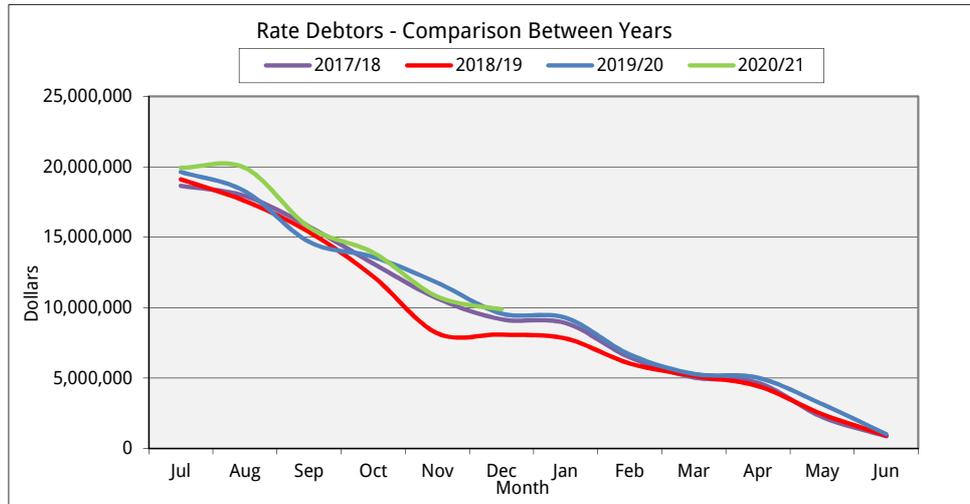
Reserves - Restricted Assets:

	\$000's
Development Fund	392
Community / Heritage Loan	113
Waste Program	3,530
Defined Benefits Additional Call	300
Loan Repayment	625
	<u>4,960</u>

Discussion:

Council should see a slight increase in the cash held into the future. Council will be holding more cash as it builds up it's funds to pay off the long term interest only loans entered into together with future capital program expenditure. By 30 June 2021 it is anticipated that the cash balance will be down at \$10.7m.

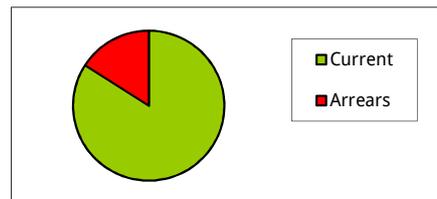
Debtors Reports as at 31 December, 2020



Rates Debtors YTD

Current
Arrears
Total

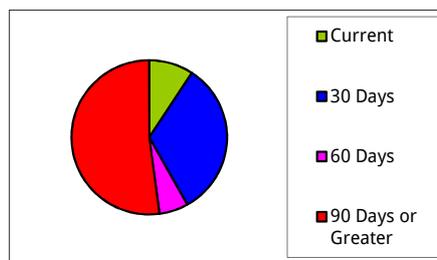
\$	%
8,311,431	84%
1,575,130	16%
9,886,562	100%



Sundry Debtors YTD

Current
30 Days
60 Days
90 Days or Greater
Total

\$	%
56,255	9.2%
199,125	32.7%
36,543	6.0%
317,792	52.1%
609,716	100%



Details:

Current	The majority of the current balance of sundry debtors is made up of income to be recovered from Stawell Athletic Club \$31k together with numerous small balances outstanding for HACC and GCH being \$8.3k and \$7.9k respectively.
30 days	Recovery of income related to capital projects via grant funding from Department of Jobs for Stawell Housing Development (\$100k) and Central Park Power Upgrade (\$83k).
60 days	Balances due on 2 sundry debtors of \$31k and \$3.3k that have been deferred to a later date.
90 Days or Greater	Balances outstanding on 4 sundry debtors relating to Working For Victoria (\$210k); Stawell Cemeteries (\$61k); Wheelie Waste - Community Education Program (\$15k); Ararat Wind Farm (\$12k) and St Arnaud Sports BSL (\$7k).

Loan Report - Budget 2020/2021

Borrowing Principles:

Indebtedness

Our level of debt will not exceed 60% or \$11.1 Million of Rates and Charges Revenue.

Indebtness Calculation Check 12% ✓

Debt Servicing Costs

Our level of annual debt servicing costs (principal plus Interest) will not exceed 5% or \$1.8 Million of our Total Operating Revenue.

Debt Servicing Calculation Check 1% ✓

Loans Budgeted 2020/2021:

Principal

	\$000's
Loans Outstanding as at 30 June, 2020	2,408
Add proposed new loans 2020/2021	-
Less Scheduled Repayments 2020/2021	(218)
Loans Outstanding as at 30 June, 2021	2,190

Expiry of Existing Loans

	Expiry	Current Balance \$000's
Loan 15	Jun-21	0
Loan 16	Jun-23	190
Loan 18	Nov-21	1,000
Loan 20	Jun-26	1,000
		2,190

10. Notices of Motion or Rescission

Nil

11. Reports from Councillors/Committees

Councillors provided brief reports on their activities on behalf of Council since the last Council meeting.

Cr Erwin congratulated all Australia Day 2021 winners.

Cr Emerson reported he had been busy in the Mayoral role attending decisional and directional meetings with other Councillors. He reported he attended the St Arnaud Secondary College Graduation ceremony with Cr Driscoll.

12. Urgent Business

Cr Driscoll asked that the matter of a letter under seal for Greg Fithall who was awarded the Ambulance Service Medal in the Australia Day Honours List 2021 be considered as Urgent Business.

RESOLUTION

That the item be considered as Urgent Business.

Moved: Cr Tony Driscoll

Seconded: Cr Kevin Erwin

Carried

RESOLUTION

That Council sends a letter under seal to Greg Fithall to acknowledge the awarding of the Ambulance Service Medal in the Australia Day Honours List 2021.

Moved: Cr Tony Driscoll

Seconded: Cr Kevin Erwin

13. Public Question Time

Nil

14. Closure of Meeting Pursuant to Section 66(2)(a) of the Local Government Act 2020

A Council or delegated committee may resolve that the meeting be closed to members of the public if it considers it necessary because a circumstance specified below apply:

The circumstances are-

- (a) the meeting is to consider confidential information; or
- (b) security reasons; or
- (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

If the circumstances specified in subsection (b) or (c) apply, the meeting can only be closed to the public if the Council has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

14.1. C8 2018/19 - Provision of Street Cleaning Services

14.2. CEO Performance and Remuneration

14.3. Planning Application Request

RESOLUTION

That item 14.1, 14.2, and 14.3 be considered in Closed Council as they deal with confidential information as detailed in section 3(1) of the *Local Government Act 2020*.

Moved: Cr Rob Haswell
Seconded: Cr Lauren Dempsey Carried

RESOLUTION

That the meeting be closed to consider the item listed pursuant to section 66 of the *Local Government Act 2020*.

Moved: Cr Rob Haswell
Seconded: Cr Lauren Dempsey Carried

OPEN COUNCIL

The Director of Corporate Services reported on the decisions made in Closed Council.

14.1 Council agreed to extend Contract C8 2018/19 - Provision of Street Cleaning Services with the current contractor - Above All Cleaning Vic Pty Ltd for a second and final one year.

14.2 Council determined the remuneration to be paid to the Chief Executive Officer under the CEO Contract and noted the Chief Executive Officer's agreement to a reviewed set of Key Performance Indicators.

14.3 Council made a determination to waive the fee for the planning application request.

15. Close

There being no further business the Mayor declared the meeting closed at 1.08pm.

CR MURRAY EMERSON
MAYOR